CHAPTER xxiii.

An Act to confer further Powers on the Corporation of Leeds with reference to Hunslet Moor; and for other purposes. [23d May 1879.]

A.D. 1879.

WHEREAS within the borough of Leeds (in this Act called "the borough") the local and special Acts following, or parts of those Acts, are in force, which Acts are in this Act referred to generally as "the recited Acts," and severally by the short references herein-after mentioned:

The Leeds Improvement Act, 1842, in this Act called "the Act of 1842"; 5 & 6 Vict. c. civ.

The Leeds Improvement Amendment Act, 1856, in this Act called "the Act of 1856"; 19 & 20 Vict. c. xv.

The Leeds Improvement of Becks Act, 1866, in this Act called "the Becks Act of 1866"; 29 & 30 Vict. c. cli.

The Leeds Improvement Act, 1866, in this Act called "the Act of 1866"; 29 & 30 Vict. c. clvii.

The Leeds Improvement Act, 1869, in this Act called "the Act of 1869"; 32 & 33 Vict. c. xi.

The Leeds Corporation Gas Act, 1870, in this Act called "the Gas Act of 1870"; 33 & 34 Vict. c. lvi.

The Leeds Corporation Gas and Improvements, &c. Act, 1870, in this Act called "the Act of 1870"; 33 & 34 Vict. c. xciii.

The Leeds Improvement Act, 1872, in this Act called "the Act of 1872"; 35 & 36 Vict. c. xcvii.

The Leeds Improvement Act, 1877, in this Act called "the Act of 1877": 40 & 41 Vict. c. clxxviii.

And whereas by the Act of 1866 the mayor, aldermen, and burgesses of the borough of Leeds (in this Act called "the Corporation") were authorised to purchase the piece of land called Woodhouse Moor for the purposes of public recreation, and by that Act all public rights and privileges (including rights of way and

A.D. 1879.

rights of playing at games and of riding), and all commonable rights and rights of common in, over, or affecting the said piece of land, were, on the purchase thereof by the Corporation, extinguished; and by the same Act the Corporation were authorised from time to time to purchase by agreement any lands adjoining or near Woodhouse Moor for the enlargement, extension, and improvement of the same, and any other lands in the borough or in the neighbourhood thereof, for the purpose of providing additional places for public use or recreation:

And whereas there are within the borough certain waste lands known respectively as Hunslet Moor and Woodhouse Ridge, and it is desirable that the same should be preserved as open spaces for public use or recreation:

And whereas questions have arisen with regard to the rights in such waste lands or portions thereof; and it is expedient, in the interests of the locality and with a view to the speedy determination of such questions and the avoidance of litigation, that provision should be made for ascertaining and declaring what (if any) commonable or other rights exist in and over such waste lands, and by whom such rights respectively may be exercised, and if any such rights should be found to exist, then for ascertaining the value of such rights, and for their purchase by the Corporation:

And whereas certain waggon-ways for the carriage of coal have been laid down upon and across Hunslet Moor, and the same are maintained and worked by the Middleton Estate and Colliery Company (Limited):

And whereas for the safety and convenience of persons using or enjoying Hunslet Moor it is expedient that such waggon-ways should be securely fenced, and that further powers as to the construction of new or substituted roads and highways, and of stopping up existing roads and highways where the same approach or cross the waggon-ways, should be conferred upon the Corporation:

And whereas it is expedient that the recited Acts relating to the Corporation should be in divers respects amended:

And whereas plans and sections of the several works by this Act authorised, showing the lines and levels thereof and the lands which are required therefor and for the purposes of this Act, with a book of reference to those plans containing the names of the owners or reputed owners, lessees or reputed lessees, and of the occupiers of such lands, have been deposited with the clerk of the peace for the west riding of the county of York, which plans, sections, and book of reference are in this Act referred to as "the deposited plans, sections, and book of reference" respectively:

And whereas the objects aforesaid cannot be attained without the authority of Parliament:

A.D. 1879.

And whereas a majority of the members of the council (the whole number being sixty-four), at a meeting held on the thirtieth day of October one thousand eight hundred and seventy-eight, after ten clear days notice by public advertisement of such meeting and of the purpose thereof in the "Leeds Mercury" (a local newspaper published and circulating in the borough), such notice being in addition to the ordinary notices required for summoning such meeting, resolved that the expenses in relation to promoting the Bill for this Act should be paid out of the borough fund and borough rate:

And whereas such resolution was published twice in the "Leeds Express" newspaper (a newspaper circulating in the borough), and has received the approval of the Local Government Board:

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the council at a further special meeting held in pursuance of a similar notice on the first day of January one thousand eight hundred and seventy-nine, being not less than fourteen days after the deposit of the Bill for this Act in Parliament:

And whereas at a meeting of the owners and ratepayers of the borough convened and held in manner provided in the third schedule of the Public Health Act, 1875, in relation to the promotion of the Bill for this Act, a poll having been demanded, the same was duly taken on the sixth day of December one thousand eight hundred and seventy-eight, when the resolution consenting to the promotion of the Bill for this Act was duly passed and adopted:

38 & 39 Vict. c. 55.

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, as follows; (that is to say,)

Short title.

1. This Act may be cited as the Leeds Corporation Act, 1879.

Corporation by council to execute Act.

2. The Corporation by the council are hereby empowered to carry this Act and the several powers thereof into execution.

Incorporation of general Acts. 8 & 9 Vict. c. 18. 23 & 24 Vict. c. 106. 32 & 33 Vict. c. 18. 8 & 9 Vict. c. 20.

3. The Lands Clauses Consolidation Acts, 1845, 1860, and 1869, and the provisions of the Railways Clauses Consolidation Act, 1845, with respect to roads and to the temporary use and occupation of lands near the railway during the construction thereof, are incorporated with this Act; and in construing those Acts for the purposes of this Act the expressions "the company," "the undertakers," and "the promoters of the undertaking," shall mean the Corporation; and the expression "the railway" shall mean any of the works by this Act authorised.

A.D. 1879.

Provisions of various Acts incorporated.

4. The following sections of the Act of 1866; viz.,

Section 8 (minutes of proceedings of council, &c. to be evidence);

Section 17 (errors and omissions in plans may be corrected by justices);

Section 18 (clerk of peace to receive, &c.);

Section 19 (copies of plans, &c. to be evidence);

Section 20 (lateral and vertical deviation), so far as relates to roads by this Act authorised;

Section 30 (new streets, &c. to be paved, &c. by Corporation, and to be public highways);

Section 107 (differential rating in respect of canals or railways);

Section 123 (proceedings not to be quashed for want of form or removed by certiorari);

Section 126 (justices may act although inhabitants of borough);

Section 127 (damages and charges may be settled by justices);

Section 128 (appeal to quarter sessions);

And the following sections of the Act of 1870; viz.,

Section 5 (appointment of committees by Corporation);

Section 30 (lands acquired by Corporation to be part of corporate estates);

Section 31 (Corporation may dedicate land to public);

And the following sections of the Act of 1872—

Section 31 (compensation may be in land, &c.);

Section 34 (any park, &c. within borough for police purposes);

Section 36 (byelaws as to parks, &c.);

Section 48 (persons under disability may exchange or lease);

Section 49 (land acquired to form part of corporate estates);

Section 55 (power to sell, &c. lands not wanted);

Section 63 (protection of lenders from inquiry);

Section 64 (regulations as to byelaws);

Section 65 (saving existing byelaws);

Section 66 (power to make byelaws for any purpose to be additional);

Section 67 (recovery and application of penalties);

Section 68 (penalties on repetition of offences);

Section 69 (proceedings when offender refuses to state his name);

Section 70 (warrant of commitment not to be void from defect, &c.);

Section 71 (evidence of previous conviction);

Section 72 (saving for indictments, &c.);

Section 73 (regulations as to distress);

Section 74 (contents of summons);
Section 75 (accounts, &c.);
Section 76 (saving from repeal of Acts);

so far as the provisions of those Acts respectively are applicable to the purposes and not inconsistent with the provisions of this Act, are hereby incorporated in this Act, and made applicable to the purposes of this Act, as if those sections were specially enacted herein.

Same meanings to words in incorporated Acts as in this Act.

5. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith or rendered applicable hereto shall have the same respective meanings, unless the same be varied by this Act, or unless there be something in the subject or context repugnant to such construction.

Interpretation of terms.

6. In this Act, and for the purposes of this Act in any Act wholly or partially incorporated with this Act, and for the purposes of the recited Acts, the following words and expressions shall have the several meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction:

The word "borough" shall mean the borough of Leeds:

The expression "town clerk" shall mean the town clerk of the borough:

The expressions "borough fund" and "borough rate" shall respectively mean the borough fund and borough rate mentioned and referred to in the Act to provide for the regulation of municipal corporations in England and Wales (five and six William IV., chapter 76.), and all Acts amending or extending the same:

The expression "the improvement rate" shall mean the improvement rate authorised by the Acts of 1842, 1856, and 1866:

The word "street" shall mean and include roads:

The expression "superior court," "High Court of Justice," or "court of competent jurisdiction," or any other like expression, shall be read and have effect as if the debt or demand with respect to which the expression is used were a common simple contract debt, and not a debt or demand created by statute.

Power to purchase Hunslet Moor.

7. Subject to the provisions of this Act, the Corporation may enter upon and take the several lands delineated on the deposited plans and described in the deposited book of reference, and marked on the said plans as "Hunslet Moor and Waste Lands," in the parish of Leeds and west riding of the county of York (containing in the whole seventy-eight acres, three roods, and four perches, or

A.D. 1879.

thereabouts), and any rights of pasture, rights of common, commonable or other rights whatsoever, in, over, or affecting the said lands, whether directly or indirectly, and whether in right of the said lands themselves or of any adjoining or other lands of the same or different tenure, shall, equally with the lands so delineated on the deposited plans, be deemed "lands" within the meaning and for the purposes of the Lands Clauses Consolidation Acts, 1845, 1860, and 1869 (and the said lands so delineated on the deposited plans, and all the said rights, are herein-after together described and referred to in this Act as "Hunslet Moor").

Provisions as to rights over Hunslet Moor.

8. Whereas the provisions of the Lands Clauses Consolidation Act, 1845, are not in all respects applicable to the purposes of this Act for ascertaining, declaring, and settling what commonable and other rights exist, and by whom such rights respectively may be exercised with respect to Hunslet Moor, therefore the following provisions shall be observed and have effect:

(1.) The Local Government Board shall, upon and within two months after the application of the Corporation for that purpose, appoint a fit and proper person (in this Act called "the Commissioner") to perform the several duties in this section mentioned:

(2.) It shall be the duty of the Commissioner to inquire and ascertain, with all reasonable despatch, and in any event within six months from the date of his appointment, the persons who are entitled to commonable or other rights within the meaning of sections 99 to 107 (inclusive) of the Lands Clauses Consolidation Act, 1845, in, over, or affecting Hunslet Moor, and the nature and extent of such rights in each and every case, and to report the same in manner herein-after mentioned:

(3.) For the purposes of such inquiry the Commissioner shall have and may exercise the following powers; (that is to say,)

He shall, as to all proceedings under this section, have full power, jurisdiction, and authority to require discovery from any party; to summon any person before him to give evidence, or to bring and produce and give inspection of documents; to administer or direct the administration of oaths, and to take or direct the taking of affidavits and declarations; and generally he may exercise all such powers, jurisdictions, and authorities as might be exercised by any court of law or equity, or any Division of Her

Majesty's High Court of Justice, if the matter coming before him had come before such courts respectively:

A note under the hand of the Commissioner shall for the purposes of this Act have the force and effect of a subpœna or process issued by any court of law or equity, or any Division of the High Court of Justice, and he shall also have in addition like powers to those conferred on commissioners or assistant commissioners by section seventeen of the Act of the seventeenth and eighteenth Victoria, chapter ninety-seven, intituled "An Act to amend and extend the Acts "for the inclosure, exchange, and improvement of "land," as far as the same may in the circumstances be applicable, and with any necessary modifications thereof:

(4.) When and as soon as the Commissioner shall have concluded the said inquiry, and shall have reported under his hand to the Corporation the names of the persons (if any) entitled to commonable or other rights as aforesaid, and the nature and extent of such rights in each and every case, such report shall, as to the contents thereof, be final and conclusive, and shall be binding upon the Corporation and upon all other parties, whether included in or excluded from such report:

(5.) The several persons (if any) mentioned in the report of the Commissioner, and no others, shall be the persons entitled to commonable or other rights within the meaning of sections 99 to 107 (inclusive), or other sections of the Lands Clauses Consolidation Act, 1845, and a committee appointed by them shall accordingly be effectual for all the purposes of that Act:

(6.) If upon being duly convened by the Corporation no effectual meeting of the persons (if any) named in the report of the Commissioner takes place, or if taking place such meeting fails to appoint a committee, the amount of the compensation to be paid in respect of such commonable or other rights as aforesaid shall be determined and paid in manner provided by sections 106 and 107 of the Lands Clauses Consolidation Act, 1845:

(7.) If the Commissioner shall as the result of the said inquiry find that no person is entitled to commonable or other rights in, over, or affecting Hunslet Moor, he shall report such finding under his hand to the Corporation; and such report and finding shall be final and conclusive, and shall

A.D. 1879.

be as binding upon all persons and for all purposes, and shall have the same force and effect, as if rights had been ascertained to exist, and had by virtue of this Act and the Lands Clauses Consolidation Act, 1845, been taken, purchased, and extinguished:

(8.) All the costs, charges, and expenses of the Commissioner, and of attending or incident to the said inquiry by or before the Commissioner, shall be paid by the Corporation.

Fund for compensation moneys.

9. All compensation moneys payable by the Corporation for or in respect of the lands acquired by them under the powers of this Act, or any part or parts thereof, shall be paid by and out of the improvement rate.

Power to exclude mines, &c. from purchase of Hunslet Moor.

10. The Corporation, instead of purchasing and holding Hunslet Moor in its entirety, may, if they think fit, exclude from such purchase the mines and minerals underlying the surface of Hunslet Moor, and any portion or portions of the said moor which, having regard to all the circumstances, they may be of opinion cannot conveniently or advantageously be held and managed by the Corporation for the purposes and under the provisions of this Act: Provided always, that the Corporation shall be bound in any such event or arrangement to insure that the surface of Hunslet Moor shall not be broken up by any person or persons mining or working or seeking for the mines and minerals underlying the same, and shall also have regard to the provisions herein-after contained as to the preservation of open spaces for the public use and recreation.

Agreements with lords of the manor of Hunslet.

11. The Corporation and the lords of the manor of Hunslet for the time being respectively are hereby authorised to enter into, make, and carry out all agreements, and to do all other acts which shall be necessary or desirable for giving effect to the purposes of this Act with respect to the acquisition by the Corporation of Hunslet Moor, or any part thereof, and generally in relation thereto, including the acquisition of the rights of the said lords.

Agreements with persons possessing commonable rights.

12. The Corporation and any person or persons (if any) who may be ascertained to have or possess and be capable of exercising any commonable or other rights in, over, or affecting Hunslet Moor, or any part thereof, may similarly enter into, make, and carry out all agreements, and do all other acts (if any) which shall be necessary or desirable for giving complete effect to the purposes of this Act in relation to the acquisition by the Corporation of Hunslet Moor, or any part thereof, and generally in relation thereto, including the acquisition by the Corporation of any rights of such persons.

A.D. 1879.

Terms of agreement.

13. Every such agreement with the lords of the manor of Hunslet or, as the case may be, with the owners of any commonable or other rights (if any) may be in consideration of such sums in gross or of such yearly or other rents, and upon such terms and conditions, as may be agreed upon between the Corporation and such lords of the manor, or between the Corporation and such owners respectively; and the expenses from time to time incurred by the Corporation in and with respect to the making and execution of any such agreement, and in and with respect to the fulfilment of the same, shall be charged upon and paid out of the improvement rate; and the provisions of the Lands Clauses Consolidation Acts, 1845, 1860, and 1869, so far as the same are applicable to the purchase of lands by agreement, shall apply to any agreement so made and entered into.

Fencing of waggon-ways for public security.

14. After the purchase of Hunslet Moor by the Corporation it shall be lawful for the Corporation, for the avoidance of accidents, and for the more safe and convenient use of the moor, to make and erect a good and substantial fence, with any necessary posts, ditches, or drains, along and on either side of the several waggon-ways crossing Hunslet Moor, and belonging or reputed to belong to the Middleton Estate and Colliery Company (Limited), together with any necessary gates or stiles at suitable points for giving access through or across the same: Provided always, that any such gates shall be so constructed as to open outwards.

For protection of Middleton Estate and Colliery Company's waggon-ways.

15. In the construction of the roads and works by this Act authorised the Corporation shall, as far as may be reasonably practicable, avoid all interference with the waggon-ways of the Middleton Estate and Colliery Company (Limited), and with the traffic thereon.

Saving rights of Middleton Estate and Colliery Company.

16. Save as in this Act expressly provided, nothing in this Act contained shall take away, lessen, prejudice, alter, or affect any of the estates, rights, privileges, property, powers, liabilities, obligations, or authorities of the Middleton Estate and Colliery Company (Limited).

Power to purchase Woodhouse Ridge.

17. Subject to the provisions of this Act, the Corporation may enter upon and take (so far as the same may not at the time of the passing of this Act have been acquired by the Corporation) the several lands delineated on the deposited plans and described in the deposited book of reference, and marked on the said plans as "Woodhouse Ridge," in the township of Leeds and west riding of the county of York (containing in the whole sixteen acres, one rood, and thirty-five perches, or thereabouts); and any rights of pasture, rights of common, commonable or other rights

A.D. 1879.

whatsoever, in, over, or affecting the said lands, whether directly or indirectly, and whether in right of the said lands themselves or of any adjoining or other lands of the same or different tenure, shall, equally with the lands so delineated on the deposited plans, be deemed "lands" within the meaning and for the purposes of the Lands Clauses Consolidation Acts, 1845, 1860, and 1869; and the said lands so delineated on the deposited plans, and all the said rights, are herein-after together described and referred to in this Act as "Woodhouse Ridge."

Similar provisions with respect to Woodhouse Ridge as to Hunslet Moor.

18. The provisions contained in the section of this Act of which the marginal note is "Provisions as to rights over Hunslet Moor" shall apply, mutatis mutandis, to "Woodhouse Ridge."

Compulsory purchase of lands.

19. The powers of the Corporation for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of three years from the passing of this Act.

Certain lands to be held as open spaces.

20. From and after the purchase by the Corporation of Hunslet Moor the part thereof to be vested in and held by them and their successors under the provisions of this Act as an open space for ever shall be the lands delineated on the plan (A) signed in duplicate by William Henry Gladstone, Esquire, the Chairman of the Committee to whom the Bill for this Act was referred, and on the said plan coloured green; and from and after the purchase by the Corporation of Woodhouse Ridge the part thereof to be vested in and held by them and their successors under the provisions of this Act as an open space for ever shall be the lands delineated on the plan (B) signed in duplicate by the said Chairman of the Committee to whom the Bill for this Act was referred, and on the said plan coloured green; and the lands so delineated on the said plans singly or together, as the case may be or require, are herein-after in this Act referred to as "the open spaces"; and within two weeks after the passing of this Act one copy of the said plans shall be deposited in the Private Bill Office of the House of Commons, and the other copy shall be deposited with the town clerk of the borough at his office.

Certified copies of plan to be evidence.

21. Copies of the said plan deposited with the said town clerk, or any extract therefrom, certified by him to be true, shall be received by all courts of justice or elsewhere as primâ facie evidence of the contents of such plan, and such plan shall at all reasonable times be open to the inspection of the persons liable to rates imposed by the Corporation; and all such persons shall be entitled to a copy of or extract from such plan, certified by the town clerk, on payment of a reasonable fee for every such copy or extract.

Corporation to keep open spaces uninclosed.

22. The Corporation shall at all times keep the open spaces uninclosed and unbuilt upon (except as is herein otherwise provided) for the recreation and enjoyment of the public, subject to the provisions of this Act, and shall not, except as herein provided, inclose or build upon the same, and shall by all lawful means prevent, resist, and abate all inclosures, encroachments, and buildings upon and all attempts to inclose, encroach, and build upon the same, or any part thereof, or to appropriate or use the same for any purpose inconsistent with this Act.

Open spaces not to be alienated except as provided.

23. The Corporation shall not, except as by this Act provided, sell or demise or otherwise alienate any part of the open spaces, or concur in any sale or demise or other alienation thereof.

Powers of Corporation as to lands held or managed by them.

24. As regards the open spaces and all lands to be acquired or managed by the Corporation under the powers of this Act, the Corporation shall have power,—

(A.) To plant trees and shrubs for shelter or ornament upon any of the said lands, either in addition to or substitution for any standing or growing thereon, and in substitution for such as may from time to time die or decay:

(B.) To dig such gravel, sand, and loam, and turf therein as shall be required for the due management of the lands from which such gravel, sand, loam, or turf shall be dug or taken, but not for sale or for use elsewhere:

(C.) To drain, level, and improve the said lands respectively so far as in their judgment may be necessary or desirable for the proper management and improvement of the same:

(D.) To abate and take proceedings for the abatement of nuisances on or affecting the said lands, or any of them:

(E.) To make inclosures from time to time of parts of the said lands for the better attainment of the purposes of this Act, and for such periods only as shall be sufficient for the attainment thereof:

(F.) To maintain existing roads and footpaths on and over the said lands, and to dedicate roads thereon to the public, subject to the provisions of any Act or Acts of Parliament relating to the Corporation as surveyors of highways for the time being in force:

(G.) To acquire or erect such lodges and other suitable buildings on the said lands as in the judgment of the Corporation shall be necessary or convenient for the same as places of recreation, and for the use of the officers of the Corporation engaged in the preservation and management of the said lands, and from time to time to repair the same:

A.D. 1879.

(H.) To appoint such officers for the due preservation and management of the said lands, and for the prevention of nuisances thereon, and at such salaries or wages, as the Corporation think fit:

(I.) To appropriate such parts of any of the said lands as in the judgment of the Corporation shall be sufficient for the use of the inhabitants of the borough for playing cricket and other sports:

(K.) To grant licenses to or permit any volunteer regiment or corps to drill or practise at such places on the said lands, and at such times, and upon and subject to such terms, conditions, and regulations, as the Corporation may think fit and safe, having due regard to the enjoyment of the said lands as open spaces for the recreation of the public.

Corporation may make and alter byelaws.

25. The Corporation may from time to time, subject to the provisions of this Act, make and alter any byelaws relating to the open spaces, and for all or any of the following purposes; (namely,)

For preventing fires and nuisances, and for the preservation of order on the said lands;

From excluding and removing therefrom gipsies, hawkers, beggars, rogues and vagabonds;

For preventing the digging or taking thereon or therefrom of sods, bog earth, gravel, clay, or other substances;

For preventing injury to or the defacing or removing of fences, notice boards, or other things put up by the Corporation thereon, and the disfigurement of fences or trees by the posting or painting of bills, placards, or notices thereon, or otherwise;

For preventing or regulating the placing or continuance thereon of any rubbish, manure, or other offensive or unsightly things;

For prescribing the times, places, and conditions at and under which (regard being had to the preservation of the open spaces and the vegetation thereon) persons resorting to the open spaces for recreation and amusement shall from time to time be allowed to carry on particular sports and games, and for regulating or preventing assemblages of persons on the said lands for purposes other than recreation or amusement, or which tend to interfere with the objects aforesaid;

For regulating the use of and the letting and hiring of horses, asses, and other animals, and of carriages and other vehicles upon the open spaces;

For regulating the use of any places set apart for cricket grounds or other sports, and the drill of any volunteer regiment or corps;

Generally for preventing or restraining any improper use of the open spaces, or anything tending to the injury or disfigurement thereof;

And may impose penalties for breaches of the said byelaws, not exceeding for any offence five pounds, and not exceeding for a continuing offence a daily penalty of forty shillings, so as every byelaw imposing a penalty be framed in such a manner as to allow the infliction of less than the maximum penalty.

Power of officers.

26. Every officer appointed by the Corporation from time to time, for securing the better execution of their said powers, regulations, and byelaws, shall have all such powers and privileges and be liable to all such duties and responsibilities as any police constable has and is liable to within the police district in which the open space in relation to all or any part whereof such officer is appointed is situate: Provided always, that no such officer shall act as a police constable unless he be in uniform, or if in plain clothes, be provided with his warrant.

Penalty for assaulting officers.

27. If any person shall assault or resist, or aid or incite any person to assault or resist, any constable or other officer of the Corporation or other person in the execution of his duty under this Act, or the lawful exercise of any authority contained in this Act, or in any byelaw of the Corporation made in pursuance of this Act, he shall for every such offence be liable on conviction to a penalty not exceeding five pounds, without prejudice to any other proceeding or remedy against him for the same act.

Open spaces to be deemed places of public resort.

28. For the purposes of enactments empowering the police, the open spaces shall be deemed places of public resort, and the powers and duties of the police in relation to public safety and the preservation of order and protection of property shall extend to the open spaces.

Power to constables or officers to detain offenders whose names, &c. are unknown.

29. Any constable or any officer of the Corporation, and all persons called by such constable or officer to his assistance, may, without warrant, seize and detain any person offending or having offended against this Act or against any byelaw of the Corporation made in pursuance of this Act, and whose name or address is unknown, or who refuses to give his name and address to such constable or officer on demand, and may convey such offender with all convenient despatch before a justice to be dealt with according to law.

Proceedings for summary convictions.

30. Proceedings for the summary conviction of any persons offending against the provisions herein contained, or any byelaw of the Corporation made as aforesaid, or any order to be made by

A.D. 1879.

justices under this Act or under any such byelaw, or for the recovery of any penalty, shall be taken according to the provisions of the Act of the session of the eleventh and twelfth years of Her Majesty's reign (chapter forty-three), "to facilitate the perform- "ance of the duties of the justices of the peace out of session "within England and Wales in respect to summary convictions "and orders," and section one hundred and ten of the Act of the session of the twenty-fourth and twenty-fifth years of Her Majesty's reign (chapter ninety-six), "to consolidate and amend the statute "laws of England and Ireland relating to larceny and other similar "offences," shall authorise and apply to appeals in respect of such summary conviction and orders.

Penalties to be paid to Corporation.

31. All pecuniary penalties, expenses, costs, and other moneys recovered by the Corporation shall be paid to the Corporation, notwithstanding anything in any statute contained to the contrary, and shall be by the Corporation applied to the purposes of this Act.

In addition to powers of this Act, Corporation to have same powers as in Act of 1866 regarding open spaces.

32. The Corporation, in addition to the powers by this Act conferred, shall have and may exercise all such and the like exemptions, powers, and authorities with regard to the open spaces and other lands in this Act mentioned, and to the maintenance, regulation, management, and disposal thereof, and otherwise in relation thereto, as were by the Act of 1866 conferred on the Corporation in respect of Woodhouse Moor or other lands in that Act mentioned.

Power of exchange.

33. In all cases in which by any subsisting provision of the recited Acts relating to the Corporation, or by this Act, the Corporation are authorised to enter upon, purchase, or take, or otherwise acquire any lands, buildings, or premises, or easements in or over the same respectively, of any person or persons, the Corporation may, if deemed by them expedient or desirable, acquire the same by way of exchange, wholly or partially, for any other lands, buildings, or premises, or easements belonging to the Corporation, and not required for the purposes of the Acts under the powers whereof the same were acquired, and they may convey such last-mentioned lands, buildings, or premises, and easements in exchange accordingly; and the Corporation may do all other acts which may be consequent thereon or necessary or convenient in relation thereto.

Power to accept or purchase certain lands, &c.

34. The Corporation may from time to time purchase by agreement or accept a grant of and hold any land having been or reputed to have been formerly part of the open spaces; and any

such land when vested in the Corporation shall for the purposes of this Act be deemed part of the open spaces.

Power to make new roads, &c.

35. Subject to the provisions of this Act, the Corporation may make and maintain the roads herein-after mentioned and shown on the deposited plans, with all necessary drains, culverts, and other works connected therewith or incident thereto, in the lines and situations shown on the deposited plans and upon the levels shown in the deposited sections; and for those purposes the Corporation may enter upon, purchase, take, and use such of the said lands delineated on the deposited plans and described in the deposited book of reference as shall be necessary for such works; (that is to say,)

(A.) A new road commencing in the township of Hunslet at or near the south end of Moor Street, and terminating at Carr Moor Side in the same township at a point sixty-six yards or thereabouts north-west of the entrance to the Middleton Colliery:

(B.) A new road commencing in the township of Hunslet at a point in Hunslet Moor Road opposite the south-west corner of the Cholera Burial Ground, and terminating in the road leading from Hunslet Moor Road to Brewery Moor Side at a point forty yards or thereabouts from the aforesaid south-west corner of the Cholera Burial Ground.

The said new roads will be wholly situate in the parish of Leeds in the west riding of Yorkshire.

Power to stop up certain highway, &c.

36. Subject to the provisions of this Act, the Corporation may stop up the highway and road herein-after mentioned, and shown on the deposited plans as intended to be stopped up, and may appropriate for the purposes of this Act the sites of the said highway and road; (that is to say,)

(C.) So much of the existing highway in the township of Hunslet as is situate between a point opposite the north-west corner of Hunslet Parsonage grounds, and terminating in Moor End Road at a point one hundred yards or thereabouts north of the north-west corner of Prospect Terrace:

(D.) So much of the before-mentioned existing road leading to Brewery Moor Side as lies between the tramway of the Middleton Colliery Company and the point herein-before mentioned as the point of the termination of the new road (B.) herein-before described.

Expenses of executing Act.

37. All expenses incurred by the Corporation in carrying into execution the provisions of this Act shall be paid out of the

A.D. 1879.

improvement rate, and all moneys payable to or receivable by the Corporation under this Act, or any byelaw thereunder, shall be carried to the credit of the improvement rate, and to the proper account therein.

Powers of Act to be cumulative.

38. Except where otherwise herein expressly provided, all powers given by this Act shall be deemed to be in addition to and not in derogation of any other powers conferred upon the Corporation by any Act of Parliament, charter, law, or custom; and the Corporation may exercise such other powers in the same manner as if this Act had not been passed.

Saving for lords of manor of Hunslet.

39. Save as in this Act expressly provided, nothing in this Act shall take away, lessen, prejudice, alter, or affect any of the estates, rights, privileges, property, powers, or authorities of the lords of the manor of Hunslet.

Expenses of Act.

40. All the costs, charges, and expenses preliminary to and of and incidental to the preparing, applying for, obtaining, and passing of this Act shall be paid by the Corporation out of the borough fund, and shall be debited to such accounts as the Corporation shall think fit.

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