ANNO PRIMO & SECUNDO

VICTORIÆ REGINÆ.

****

Cap. xlviii.

An Act for repairing and maintaining the Road from *Quebec* to *Homefield Lane-end*, all in the Parish of *Leeds* in the West Riding of the County of *York*, with a Bridge or Bridges on the Line of such Road. [4th *July* 1838.]

WHEREAS an Act was passed in the Fourth Year of the Reign of King *William* the Fourth, intituled *An Act for* 4 & 5 W. 4.
repairing and maintaining the Road from Quebec *in the* c. 32.
Parish of Leeds *in the West Riding of the County of* York *to* Homefield Lane-end *in the same Parish, with a Bridge or Bridges on the Line of such Road, and for making and maintaining certain Branch Roads to communicate therewith:* And whereas the Roads comprised in the said Act were thereby divided into Two separate Districts, called respectively "The *Leeds* and *Homefield Land-end* District of Road," and "The *Wortley, Armley,* and *Bramley* District of Road": And whereas considerable Sums of Money have been advanced or borrowed on Security of the Tolls authorized to be taken by virtue of the said recited Act on the Road therein called "The *Leeds* and *Homefield Lane-end* District of Road," and which Sums of Money are still due and owing, and cannot be repaid, nor can the Purposes of the said Act, so far as the same relate to the said District of Road, be effectually executed, unless the Power to take Toll for Foot Passengers passing over the Bridge across the River *Aire* granted by a

former Act, repealed by the said recited Act, and continued by the said recited Act until the Sixteenth Day of *June* next, be further continued; and it is expedient that the Powers and Provisions of the said Act, so far as the same relate to the said District of Road, should be amended: And whereas the Purposes aforesaid might be more conveniently effected if the said recited Act, so far as the same relates to the said *Leeds* and *Homefield Lane-end* District of Road, were repealed, and other Provisions made and granted in lieu thereof: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That upon the Day of the Commencement of this Act the said recited Act passed in the Fourth Year of the Reign of King *William* the Fourth, so far as the same relates to the *Leeds* and *Homefield Lane-end* District of Road aforesaid, shall be and the same is hereby declared to be repealed.

Recited Act repealed.

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

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

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

III. And be it further enacted, That this Act shall be put in execution for and during the Term herein-after mentioned for the Purpose of repairing, improving, and maintaining the Road from *Quebec* in the Parish of *Leeds* to *Homefield Lane-end* in the same Parish in the West Riding of the County of *York*.

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

IV. And be it further enacted, That this Act, and the Tolls hereby granted, shall be and the same are hereby declared to be subject and liable to the Payment of all Monies now due and owing upon the Credit of the Tolls authorized to be taken on the said Road called "The *Leeds* and *Homefield Lane-end* District of Road" by virtue of the said recited Act hereby repealed, or on account thereof, and of all Interest due and to grow due for the same, as fully and effectually, to all Intents and Purposes, as if such Monies had been borrowed and become due on the Credit of this Act or of the Tolls hereby authorized to be collected; and all and every Persons and Person owing any Sum or Sums of Money to the Trustees for executing the said recited Act, in respect of the said Road called "The *Leeds* and *Homefield Lane-end* District of Road," shall be liable to the Payment thereof to the Trustees appointed or to be appointed by virtue of this Act; and all Conveyances, Bonds, Mortgages, Covenants, Agreements, Contracts, and Securities duly and according to Law made to or by or entered into or given by any Person or Persons to or with the Trustees

Trustees for executing the said recited Act, in respect of the said Road called "The *Leeds* and *Homefield Lane-end* District of Road," shall remain in as full Force and Effect as if such Conveyances, Bonds, Mortgages, Covenants, Agreements, Contracts, and Securities were made to or by or entered into by such Person or Persons to or with the Trustees for executing this Act, and shall be accordingly available in all Courts of Law and in Equity, until the same be fully satisfied and performed on account and for the Benefit of the Trusts created by this Act; and all Bargains, Contracts, Agreements, or Notices duly and according to Law entered into or given by the Trustees for executing the said recited Act, in respect of the said Road called "The *Leeds* and *Homefield Lane-end* District of Road," with or to any Person or Persons for any Purpose relating to the said Road called "The *Leeds* and *Homefield Lane-end* District of Road" or to the Execution of the said Act in respect thereof, shall be and remain in full Force and Effect, and shall be observed and kept by the Trustees under this Act, and by the other respective Parties to such Bargains, Contracts, Agreements, or Notices, according to the Terms, Stipulations, and the true and equitable Intent and Meaning thereof, notwithstanding the Repeal of the said recited Act, so far as the same relates to the said *Leeds* and *Homefield Lane-end* District of Road.

Appointment of Trustees.

V. And be it further enacted, That all Her Majesty's Justices of the Peace acting for the West Riding of the County of *York* for the Time being, together with *William Aldam*, *John Leathley Armitage*, *James Armitage*, *Edward Armitage*, *William Armitage*, *Joseph Robert Atkinson*, *George Banks*, *Christopher Beckett*, *Thomas Beckett*, *William Beckett*, *James Bateson*, *James Brook*, *Benjamin Beverley*, *Richard Bramley*, *Joseph Bushby* Clerk, *Thomas Benyon*, *George Bischoff*, *John Charnock*, *Charles Claphan* Clerk, *Francis Chorley*, *Benjamin Gott*, *John Gott*, *William Gott*, *George Goodman*, *Matthew Gaunt*, *Edward Grace*, *William Hey*, *John Hebblethwaite*, *Edward Hebdin*, *Henry Hall*, *Richard Hobson* Doctor of Medicine, *Charles Hives*, *James Holdforth*, *Thomas Hebden*, *William Jagger*, *Robert Jowett*, *Joseph Jowett*, *Thomas Longley*, *Ralph Markland*, *John Marshall*, *James Maude*, *David William Nell*, *William Pawson*, *John Rogerson*, *Joseph Rogerson*, *Richard Ripley*, *Joseph Henry Ridsdale*, *Richard Ripley*, *Benjamin Sadler*, *John Smyth*, *Jeremiah Scott* of *Farnley*, *Christopher Smith*, *Edwin Smith*, *William Smith*, *Jonathan Shackleton*, *Joseph Shackleton*, *Anthony Titley*, *Henry Teal*, *Thomas Pridgeon Teale*, *Edward John Teale*, *John Gylby Uppleby*, *John Upton*, *John Wormald*, *Henry Wormald*, *Christopher Wilson*, *Griffith Wright*, *George Wray* Clerk, *William Williamson* Clerk, *Jonathan Wilks*, *Benjamin Wilson*, *Richard Bassett Wilson*, and *John Wilson* of *Seacroft*, and their Successors, being duly qualified to act as Trustees of Turnpike Roads in *England*, shall be and they are hereby appointed Trustees for repairing, improving, and maintaining the said Road, and for carrying this Act into execution.

Power to appoint additional Trustees.

VI. And be it further enacted, That it shall and may be lawful for the said Trustees and they are hereby authorized and empowered from Time to Time, at any of their Meetings, to elect and appoint any Number of Persons, being duly qualified to act as Trustees of Turnpike Roads

Roads in *England*, not exceeding Three in the whole, (in addition to the Number of Trustees herein named and appointed,) to be Trustees for the Purposes of this Act; and such Persons so elected and appointed shall be Trustees for the Purposes of this Act, and they are hereby invested with the same Powers and Authorities for executing this Act as if they had been herein named.

First Meeting of Trustees.

VII. And be it further enacted, That the Trustees for executing this Act shall hold their First Meeting at the Court House in the Town of *Leeds* in the said Riding, or at some other convenient Place in the said Town of *Leeds*, on the Day of the Commencement of this Act, or as soon after as conveniently may be, for carrying the Purposes of this Act into execution, and shall and may then and from Time to Time afterwards adjourn to and meet at such Time and Times and at such Place and Places as the said Trustees shall think proper.

Power to continue the present Gates and erect others.

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

Power to take Tolls.

IX. And be it further enacted, That it shall and may be lawful for the said Trustees, or any Person or Persons appointed or continued or to be appointed Collector or Collectors of the Tolls, to demand and take the Tolls herein-after mentioned at each and every of the Toll Gates or Turnpikes, or Toll Houses or Side Bars or Chains, which are or shall be standing and being, or continued or erected by virtue of this Act, in, upon, or across or on the Sides of the said Road, or any Part thereof; (that is to say,)

Tolls.

For every Horse or Beast of Draught drawing any Coach, Berlin, Landau, Chariot, Chaise, Calash, Chair, Caravan, Phaeton, Hearse, Litter, or other such like Carriage, the Sum of Two-pence:

For every Horse or Beast of Draught drawing any Stage Coach or Diligence, the Sum of Three-pence:

For every Horse or Beast of Draught drawing any Waggon, Wain, Cart, or such like Carriage, laden or unladen, having the Fellies of the Wheels of the Breadth of Six Inches or upwards, the Sum of Three Halfpence; and having the Fellies of the Wheels thereof of

the Breadth of Four and a Half Inches, and less than Six Inches, the Sum of Two-pence; and having the Fellies of the Wheels thereof of less Breadth than Four and a Half Inches, the Sum of Two-pence Halfpenny:

For every Four-wheeled Carriage of any Description which shall be fastened or in any Manner fixed to another Carriage, the Sum of Three-pence; and for every Two-wheeled Carriage so fastened or fixed, the Sum of Two-pence:

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

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

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

For every Carriage moved or propelled by Steam or Machinery, or by any other Power than Animal Power, the Sum of Eight-pence:

For every Foot Passenger, or Person on Foot, (except the Driver of any Waggon, Wain, Cart, or other Carriage,) who shall pass over the Bridge across the River *Aire*, or who shall ride in or upon any Waggon or Wain, or any Cart or other such Carriage, (not being a Cart or Carriage usually employed for the Conveyance of Passengers for Hire,) or who shall ride upon any Horse or Beast drawing any such Waggon, Wain, Cart, or other such like Carriage, the Sum of One Halfpenny:

And 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: Which said Tolls or Sums of Money shall be demanded and taken as aforesaid before any Horse, Mule, Ass, or other Beast or Cattle shall be entitled or permitted to pass through any Toll Gate or Turnpike, or Side Bar or Side Gate, or Chain, erected or to be erected upon the said Road, and before any Person or Persons shall be entitled or permitted to pass through any Toll Gate, Turnpike, Bar, or Chain erected or to be erected upon or adjoining any Bridge or Bridges on the Line of the same Road; and every Horse, Mule, Ass, or other Beast or Cattle, Person or Persons, for or in respect of which or by whom the Tolls or Duties herein-before mentioned shall have been paid for passing through any such Turnpike or Toll Gate, shall, notwithstanding such Payment, be again liable to Toll for returning or passing through any such Turnpike or Toll Gate, and so *toties quoties* for every Time of passing and repassing through the same Turnpikes or Toll Gates of any of them; and such several and respective Tolls or Sums of Money shall be and are hereby vested in the said Trustees, and shall be applied for the Purposes of this Act in manner herein-after mentioned.

Stage Coaches to pay every Time of passing.

X. Provided also, and be it further enacted, That the Tolls hereby made payable for and in respect of Horses or Beasts drawing any Stage Coach, Diligence, Van, Caravan, Stage Waggon, or other Stage Carriage or Cart, and also for and in respect of every Carriage moved or

or propelled by Steam or Machinery, or by any other Power than Animal Power, conveying Passengers or Goods for Pay or Reward, shall be payable and paid every Time of passing or repassing along the said Road: Provided nevertheless, that no further or additional Toll shall be payable in respect of any Horses or Beasts drawing any Stage Coach, Diligence, Van, Caravan, Stage Waggon, Carriage, or Cart on account only of the Horses or Beasts drawing the same having been changed between any Gates freeing each other by Tickets.

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

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

Tolls on Foot Passengers to cease when the other Tolls amount to a Sum sufficient to pay Five Pounds per centum on existing Debt.

XII. Provided always, and be it further enacted, That in case at any Time during the Continuance of this Act the Amount of Monies arising from the Tolls by this Act authorized to be demanded and taken in respect of Horses or Beasts or Carriages passing along the said Road and Bridge shall be sufficient for paying Interest at the Rate of Five Pounds *per Centum per Annum* to the several Creditors on the said Tolls under the existing Securities thereon, then the Tolls by this Act granted on Foot Passengers over the said Bridge shall cease to be demanded and taken so long as such Tolls on Horses, Beasts, and Carriages shall produce the requisite Amount as aforesaid; and in case the Receipt of such last-mentioned Tolls shall at any Time or Times afterwards be decreased below the requisite Amount for making such Payment as aforesaid, then the said Tolls on Foot Passengers shall be again demanded and taken until an Increase to the Extent aforesaid shall again take place, and so *toties quoties*.

Application of Tolls.

XIII. And be it further enacted, That, notwithstanding any thing in this Act contained to the contrary, the Monies already received and now in the Treasurer's Hands, or which shall be received as due under the Powers or Authorities of the said recited Act hereby repealed, and which shall be remaining and undisposed of on the Day of the Commencement of this Act, and also the Monies which shall arise and be produced by and from the Tolls by this Act granted on the said Road, and all other Monies which shall arise and be produced in respect of the same Road, shall be vested in the said Trustees, and shall be applied, in the first place, in defraying the Costs, Charges, and Expences attending the applying for and obtaining and passing this Act, together with Interest for any Money paid and advanced for such Purposes; and in the next place, in the Payment of the necessary Expences of erecting or repairing Toll Gates, Toll Houses, and Fences, and for Books, Advertisements, Salaries of Officers, and other Expences incidental to the Execution of this Act; and the Remainder of all such Monies shall be applied, in the first place, in payment of the Interest due and to grow due of the Principal Monies which may have been advanced or borrowed on the Credit of the Tolls arising on the said Road by virtue of the said recited Act, and in the next place, in repairing, improving, and maintaining

taining the said Road, and afterwards in repaying the Principal Monies due and owing on the Credit of the Tolls arising on the said Road.

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

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

Public Act.

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

Commencement and Continuance of this Act.

XVI. And be it further enacted, That this Act shall commence and take effect upon the Day of the passing of this Act, and shall thenceforth continue and be in force for and during the Term of Thirty-one Years, and from thence to the End of the then next Session of Parliament.

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