



ANNO SECUNDO

# VICTORIÆ REGINÆ.

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## Cap. xxxii.

An Act for repairing and maintaining the Road from *Leeds*, through *Harwood*, to the South-west Corner of the Inclosures of *Harrogate* in the West Riding of the County of *York*. [14th June 1839.]

**W**HEREAS an Act was passed in the Twenty-fifth Year of the Reign of King *George* the Second, intituled *An Act* 25 G. 2. c. 58. for repairing the Roads from the Town of *Leeds*, through *Harwood*, to the South-west Corner of the Inclosures of *Harrogate*, and from thence in Two Branches (one through *Ripley*, over *Burage Green*, and the other through *Knaresborough* and *Boroughbridge*,) to *Ripon*, and from thence to the first Rill of Water or Watercourse on *Hutton Moor* in the County of *York*; and for repairing the Sloughs or Ruts on the said Moor: And whereas by the said Act the said Roads were divided into Two Districts, the Road from the Town of *Leeds*, through *Harwood*, to the South-west Corner of the Inclosures of *Harrogate*, being one of such Districts: And whereas another Act was passed in the Twenty-ninth Year of the same Reign, intituled *An Act to explain and amend an Act passed in the Twenty-fifth Year* 29 G. 2. c. 71. of the Reign of His present Majesty, intituled ‘ *An Act for repairing the Roads from the Town of Leeds, through Harwood, to the South-west Corner of the Inclosures of Harrogate, and from thence in Two Branches (one through Ripley, over Burage Green, and the other through Knaresborough and Boroughbridge,) to Ripon, and from* [Local.] 8 F ‘ *thence*

' thence to the first Rill of Water or Watercourse on Hutton Moor in  
 ' the County of York ; and for repairing the Sloughs or Ruts on the said  
 ' Moor : ' And whereas another Act was passed in the Seventeenth  
 17 G. 3. c. 78. Year of the Reign of King George the Third, intituled *An Act for  
 enlarging the Term and continuing the Powers of Two Acts of Parlia-  
 ment, one passed in the Twenty-fifth Year of the Reign of His late Ma-  
 jesty King George the Second, intituled ' An Act for repairing the  
 ' Roads from the Town of Leeds, through Harwood, to the South-west  
 ' Corner of the Inclosures of Harrogate, and from thence in Two Branches  
 ' (one through Ripley, over Borage Green, and the other through  
 ' Knaresborough and Boroughbridge,) to Ripon, and from thence to the  
 ' first Rill of Water or Watercourse on Hutton Moor in the County of  
 ' York ; and for repairing the Sloughs or Ruts on the said Moor ; ' and  
 the other passed in the Twenty-ninth Year of His said Majesty's Reign,  
 to explain and amend the said first-mentioned Act, with respect to the  
 Road from the Town of Leeds, through Harwood, to the South-west  
 Corner of the Inclosures of Harrogate : And whereas another Act  
 36 G. 3. c. 138. was passed in the Thirty-sixth Year of the same Reign, intituled *An  
 Act for continuing the Term and altering and enlarging the Powers of  
 Three several Acts, passed in the Twenty-fifth and Twenty-ninth Years  
 of the Reign of His late Majesty King George the Second, and the  
 Seventeenth Year of the Reign of His present Majesty, for repairing  
 certain Roads therein mentioned, so far as the same Acts relate to the  
 Road from the Town of Leeds, through Harwood, to the South-west  
 Corner of the Inclosures of Harrogate in the West Riding of the  
 County of York : And whereas another Act was passed in the Fifty-ninth  
 59 G. 3. c. 92. Year of the same Reign, intituled *An Act for enlarging the Term and  
 Powers of several Acts relating to the Road from the Town of Leeds,  
 through Harewood, to the South-west Corner of the Inclosures of Harro-  
 gate in the West Riding of the County of York : And whereas con-  
 siderable Sums of Money have been advanced or borrowed and are  
 still due and owing on Security of the Tolls authorized to be taken by  
 virtue of the said recited Acts on the said Road from Leeds, through  
 Harewood, to Harrogate, and other Sums of Money are due and  
 owing for and on account of the said Road, and the said Sums of  
 Money cannot be repaid and discharged, or the said Road be  
 effectually repaired and maintained, unless the Powers and Provisions  
 of the said recited Acts be amended and enlarged, and the Tolls  
 increased : And whereas the Purposes aforesaid might be more con-  
 veniently effected if the said several recited Acts, so far as the same  
 respectively relate to the said Road from Leeds, through Harewood,  
 to Harrogate, 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 Ma-  
 jesty, 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 Commence-  
 ment of this Act the said recited Acts (so far as the same respec-  
 tively relate to the said Road from Leeds, through Harewood, to Har-  
 rogate) shall be and the same are hereby declared to be repealed.***

Recited Acts  
repealed.

This Act to  
be put in  
execution

II. And be it further enacted, That this Act shall be put in execu-  
 tion for and during the Term herein-after mentioned, for the Purpose  
 of repairing, improving, maintaining, and keeping in repair the said

Road from *Leeds*, through *Harewood*, to the South-west Corner of the Inclosures of *Harrogate*; and the said Road shall be called "The *Leeds and Harrogate Turnpike Road*."

for the Purposes herein mentioned.

III. And be it further enacted, That this Act and the Term and Tolls hereby granted shall be and the same are hereby declared to be subject and liable to the Payment of all Monies which have been advanced or borrowed and are now due and owing upon the Credit of the Tolls authorized to be taken by any of the said former Acts hereby repealed, or on the Credit of the Tolls arising on the said Road from *Leeds*, through *Harewood*, to *Harrogate*, and of all Interest due and to grow due thereon respectively, as fully and effectually to all Intents and Purposes as if such Monies had been advanced or borrowed or become due and owing on the Credit of this Act or of the Tolls granted by this Act; and all and every Persons and Person owing or who may owe or be subject or liable to the Payment of any Sum or Sums of Money, to the Trustees for executing the said recited Acts hereby repealed, shall be liable to the Payment of all such Sum and Sums of Money 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 or entered into or given by or to or with the Trustees for executing the said recited Acts, shall be as available in all Courts of Law and Equity as if such Conveyances, Bonds, Mortgages, Covenants, Agreements, Contracts, and Securities were made or entered into by or to or with the Trustees for executing 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 Acts, with or to any Person or Persons, for any Purpose relating to the said Road, or to the Execution of the said Acts hereby repealed, shall be and remain in as full Force and Effect, and be observed and kept by the Trustees for executing 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 Acts.

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

IV. 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 *James Armitage, William Armitage, Leathley Armitage, William Aldam, John Benjamin Ansley, Joseph Robert Atkinson, William Bentley, Thomas Bentley, Christopher Beckett, Thomas Benyon, Thomas Blayds, William Beckett, Henry Bonbonous Benyon, John Blayds, Thomas Beckett, George Banks, Thomas Bischoff, George Bischoff, John Bischoff, William Bingley, James Brook, James Brown, William Williams Brown, Samuel James Brown, Fountain Brown, John Edward Brooke, John Bainbridge, Richard Bramley, John Bramley, William Crosby, William Crosby the younger, Thomas Clapham, Francis Thomas Cookson Clerk, Thomas Collins Clerk, William Cadman, Francis Chorley, James Dickinson, Edward Ellerton, Benjamin Edmonson Clerk, George Lane Fox, George Lane Fox the younger, Benjamin Goodman, Benjamin Gott, Henry Greenwood, John Gott, William Gott, John Goodman, George Goodman, William Gatliff, Martin Hind, Richard Hale Clerk, Walter Farquhar Hook Doctor*

Appointment of Trustees.

in

in Divinity, *Benjamin Holroyd, John Hill, Beverley Hill, Henry Hall, William Hey, William Hey the younger, Richard Hobson* Doctor of Medicine, *John Hives, Charles Hives, Richard Hobson, Robert Jowitt, Thomas George Jaques*, the Honourable *Henry Lascelles*, the Honourable *William Sebright Lascelles*, the Honourable *Edwin Lascelles*, the Honourable *Arthur Lascelles*, *George Lewthwaite* Clerk, *Joseph Medley, Ralph Markland, Henry Mitton* Clerk, the Honourable and Reverend *Jacob Marsham* Doctor in Divinity, *Robert Menzies, James Maude, Stephen Nicholson, William Nicholson Nicholson, John Marshall, James Garth Marshall, Joseph Henry Oates, William Frankland Paley, Thomas Benson Pease, John William Rhodes, Thomas Shaw Bancroft Reade, Sir Joseph Radcliffe* Baronet, *Christopher Smith, Henry Skelton, William Sheepshanks, Joseph Smith, Thomas Wolrich Stansfield, William Lister Fenton Scott, James Starkie, William Smith, Edwin Smith, William Gilyard Scarth, Anthony Titley, Joseph Mason Tennant, John Gylby Uppleby, John Urquhart* Clerk, *Griffith Wright, Thomas Walker, George Walker, Christopher Wilson, Jonathan Wilks, Richard Fountayne Wilson, George Waites, John Wormald, John Wilson, Richard Bassett Wilson, William Waite, Richard York, Edward York*, 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, amending, improving, maintaining, and keeping in repair the said Road from *Leeds* through *Harewood* to *Harrogate*, and shall be called "The Trustees of the *Leeds* and *Harrogate* Turnpike Road."

Power to  
appoint addi-  
tional Trus-  
tees.

V. And be it further enacted, That it shall and may be lawful for the said Trustees and they are hereby authorized and empowered from Time to Time, at any of their Meetings, to elect and appoint any Number of Persons, being duly qualified to act as Trustees of Turnpike Roads in *England*, (not exceeding Three in the whole, in addition to the Number of Trustees herein-named and appointed,) to be Trustees for the Purposes of this Act; and such Persons so elected and appointed shall be Trustees for the Purposes of this Act, and they are hereby invested with the same Powers and Authorities for executing this Act as if they had been herein-named.

First Meeting  
of Trustees.

VI. And be it further enacted, That the Trustees for executing this Act shall hold their First Meeting at the Court House in *Leeds*, or at some other convenient Place in *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 in the Neighbourhood of the said Road, as the said Trustees shall think proper.

Toll Gates  
vested in  
Trustees.

VII. And be it further enacted, That the several Toll Gates, Side Bars, Chains, Toll Houses, and Weighing Machines erected and now standing and being in, upon, across, or on the Sides of or near to the said Road, with the Outhouses, Appurtenances, and Conveniences thereto belonging, shall be and are hereby vested in the said Trustees; and the said Toll Gates, Side Bars, Chains, Toll Houses, and Weighing Machines shall remain and be continued until removed by any Order or Orders of the said Trustees made according to Law.

VIII. And

VIII. And be it further enacted, That it shall be lawful for the said Trustees and their Lessees, and the Collectors respectively appointed by them, to demand and take, at the several Toll Gates, Side Gates, and Chains upon, across, or on the Side of or near to the said Road, the several Tolls following; (that is to say,) Power to take Tolls.

For every Horse or Beast drawing any Coach, Stage Coach, Diligence, Omnibus, Chaise, Hackney Coach, Cab, Car, Stage Carriage, Berlin, Sociable, Chariot, Curricule, Calash, Barouche, Vis-à-vis, Landau, Phaeton, Whiskey, Hearse, Litter, Chair, Tax Cart, Gig, or any other such like Carriage, the Sum of Nine-pence: Tolls.

For every Horse or Beast drawing any Caravan, Van, Waggon, Wain, Cart, or other such like Carriage, laden or unladen, having the Fellies of the Wheels of the Breadth of Six Inches or upwards, the Sum of Sixpence; and having the Fellies of the Wheels thereof of the Breadth of Four Inches and a Half and less than Six Inches, the Sum of Seven-pence Halfpenny; and having the Fellies of the Wheels thereof of less Breadth than Four Inches and a Half, the Sum of Nine-pence:

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

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

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 Six-pence *per* Score, and so in proportion for any greater or less Number:

For every Carriage of any Description moved or propelled by Steam or Machinery, or otherwise than by Animal Power, the Sum of Two Shillings:

And in all Cases in which there shall be a fractional Part of a Half-penny in the Amount of the Tolls hereby authorized to be taken, the Sum of One Halfpenny shall be demanded and taken in lieu of such fractional Part; which said respective Sums of Money or Tolls shall be demanded and taken before any Horse, Mule, Ass, Beast, or other Cattle whatsoever, drawing or not drawing, shall be permitted to pass through any Toll Gate, or Turnpike or Side Gate or Side Bar, or Chain, which shall be continued, erected, or placed by virtue of this Act in, upon, or across the said Road, or on the Sides thereof, or any Part thereof; and which said respective Tolls shall be and are hereby vested in the said Trustees, and shall be applied for the Purposes of this Act in manner herein-after directed. As to fractional Parts of a Half-penny in Tolls.

IX. And be it further enacted, That upon Payment of the Toll hereby authorized to be taken for any Horse, Beast, or Cattle passing through any Toll Gate, Side Bar, or Chain, such Horse, Beast, or Cattle shall; upon the Production of the Collector's Ticket denoting such Payment, be exempt during the same Day on which the Payment was made from the Payment of any further Toll at the same Toll Gate, Side Bar, or Chain, and also at such other Toll Gates, Toll to be paid only once a Day at same Gate.

[Local.]

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Side

Side Bars, or Chains (if any) which under the Provisions of this Act would be freed by the Payment at such first-mentioned Gate.

Stage  
Coaches to  
pay every  
Time of pass-  
ing.

X. Provided always, and be it further enacted, That the Tolls hereby made payable for and in respect of Horses or Beasts drawing any Stage Coach, Diligence, Omnibus, Van, Caravan, Stage Waggon, Stage Cart, or other Stage Carriage whatsoever, or for and in respect of any Carriage of any Description moved or propelled by Steam or Machinery, or by any other Power than Animal Power, and 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, Omnibus, Van, Caravan, Stage Waggon, Stage Cart, or other Stage Carriage 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 be sub-  
ject again to  
Toll on every  
new Hiring.

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

Hired Wag-  
gons, &c.  
laden with  
Coals subject  
to Tolls every  
Time of pass-  
ing.

XII. Provided also, and be it further enacted, That in all Cases where any Horse or Beast shall be employed in drawing any Waggon, Cart, or other Carriage laden with Coals, and carried or conveyed for Hire or Reward, or for any Person other than the Owner of such Waggon, Cart, or Carriage, the Tolls by this Act granted shall be payable in respect of every Horse and Beast so employed, and shall be demanded and taken for the same, for each and every Time of passing through any Gate, Side Bar, or Chain, when laden with Coals as aforesaid.

Limiting the  
Number of  
Tolls for  
passing  
through all  
the Gates on  
the Road.

XIII. Provided also, and be it further enacted, That it shall not be lawful for the said Trustees to take or cause to be taken more than Three full Tolls for the same Horses, Beasts, Cattle, or Carriages passing on the same Day through all the Gates, Side Bars, and Chains on the said Road.

Horses, &c.  
drawing Ma-  
nure in Car-  
riages with  
narrow  
Wheels to be  
liable to Toll;

XIV. Provided also, and be it further enacted, That no Exemption allowed by any Law or Statute now in force from Payment of Tolls on any Turnpike Road, for or in respect of any Horse or other Beast drawing any Waggon, Wain, Cart, or other Carriage laden with or employed in leading or conveying any Dung, Soil, Compost, or Manure for improving or manuring Lands, shall be allowed in respect of the Tolls by this Act granted, when such Waggon, Wain, Cart, or other Carriage shall have the Fellies of the Wheels thereof of a less Breadth than Four and a Half Inches, any Law or Statute to the contrary notwithstanding.

XV. And

XV. And be it further enacted, That no Toll shall be demanded or taken by virtue of this Act for any Horse or Beast drawing any Waggon, Cart, or Carriage having the Fellies of the Wheels thereof of the Breadth of Four Inches and a Half or upwards; and employed in carrying or conveying, or returning empty on the same Day, having been employed only in carrying or conveying, any Dung, Soil, Compost, Lime, or Manure for improving Land.

but not if  
Wheels are  
Four and a  
Half Inches  
or upwards.

XVI. And be it further enacted, That all Monies which on the Day of the Commencement of this Act shall be in the Hands of the Trustees for executing the said recited Acts hereby repealed, or in the Hands of their Treasurer, or which shall be received by the Trustees for executing this Act in respect of any Debts or Arrears due previous to the Commencement of this Act, and all Tolls and Sums of Money which shall be collected or received under the Powers or Provisions of this Act, and also all Monies which shall be borrowed on the Credit of the Tolls by this Act granted, shall be vested in the said Trustees, and shall be applied, in the first place, in Payment of the Costs, Charges, and Expences attending the applying for and obtaining and passing this Act, and the Interest of any Sum or Sums lent or advanced for that Purpose; and afterwards in Payment of the necessary Expences of erecting or repairing Toll Gates, Toll Houses, and Fences, and for Books, Advertisements, Salaries of Officers, and other similar Expences incidental to the Execution of this Act; in Payment of the Interest of the Principal Monies already advanced or borrowed or which shall hereafter be advanced or borrowed on the Credit of the Tolls arising on the said Road by virtue of the said recited Acts or this Act, or which now are or hereafter may be due and owing on account of the said Road; in repaying the said Principal Monies; and in amending, improving, altering, and maintaining in repair the said Road.

Application  
of Tolls and  
other Monies.

XVII. 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.

Trustees not  
to apply any  
Money in Re-  
pair of Roads  
repairable  
under any  
Local Act.

XVIII. And whereas by an Act passed in Third Year of the Reign of His 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 every Turnpike Road may sue and be sued in the Name or Names of any One 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 in the Execution of this Act shall be deemed incompetent to give Evidence or shall be disqualified from giving Evidence

Trustees or  
Clerk not in-  
competent to  
give Evi-  
dence.

3 G.4.c. 126.

in

in any Action or Suit by reason of his being Plaintiff or Defendant in such Action or Suit.

Trustees may contract with Trustees of adjoining Trusts respecting Use of Weighing Engine.

XIX. And whereas by Two several Acts of Parliament passed in the Tenth Year of the Reign of His Majesty King George the Fourth, the one intituled *An Act for more effectually repairing and maintaining the Road from Leeds to Roundhay in the West Riding of the County of York*, and the other intituled *An Act for making and maintaining a Road from Sheepscar, through Woodhouse Carr, to Meanwood Side in the Parish of Leeds in the West Riding of the County of York*, the Trustees of the said Roads respectively are empowered to contract and agree with the Trustees for putting into execution the said recited Acts relating to the said Road from *Leeds to Harrogate*, and hereby repealed, for the Use of the Turnpike or Toll Gate and Weighing Engine on the said Road at *Sheepscar*, or either of them, and also to make such Compensation as should be mutually agreed upon between such respective Trustees as a Satisfaction for the Use of the said Toll Bar and Weighing Engine, and of the Road from *Leeds* to the said Bar, and for permitting the Collector or Collectors of the Trustees acting in the Execution of the said recited Acts relating to the Road from *Leeds to Harrogate* to collect such Tolls; be it therefore further enacted, That it shall and may be lawful for the Trustees acting in the Execution of this Act to make such Contracts and Agreements with the Trustees of the said Roads from *Leeds to Roundhay*, and *Sheepscar to Meanwood Side*, and to receive and take such Compensation as in the said recited Acts for making and maintaining the said Roads respectively are mentioned and contained; and that the Trustees for executing this Act, and their Treasurer, shall and may have, use, and exercise all such Powers and Remedies relating thereto as in the said Acts respectively are given and contained.

Public Act.

XX. 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 Act.

XXI. And be it further enacted, That this Act shall commence upon the Second *Friday* 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.

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