Anno decimo

Georgii III. Regis.

An Act to enlarge the Term and Powers of an Act made in the Thirty-first Year of the Reign of His late Majesty, for repairing the Road from *Leeds* to *Sheffield*, in the County of *York*, so far as the same relates to the Road from *Leeds* to *Wakefield*.

WHEREAS by an Act made in the Thirty-first Year of the Reign of His late Majesty King George the Second, intituled, An Act for repairing the Road from *Leeds* to *Sheffield*, in the County of *York*, certain Tolls, Duties, Powers and Authorities were given and granted, for amending, widening and keeping in Repair, the said Road; and the Tolls by the said Act granted, were thereby directed to take place and have continuance from the First Day of June, One thousand seven hundred and fifty-eight, for and during the Term of Twenty-one Years: And whereas the said Road is, by the said Act, divided into Two Districts; and such Part of the said Road as lies between Leeds and Wakefield, is declared to be one District; and such Part of the said Road as lies between Wakefield and Sheffield, through Barnsley, the other District; Preamble.

ſtrict; and the ſaid Act, ſo far as relates to the ſaid firſt mentioned Diſtrict of the ſaid Road, is, in many Reſpects, defective and inſufficient, fully and effectually to anſwer the good Purpoſes thereby intended: And whereas in purſuance of the ſaid Act, ſeveral Sums of Money have been borrowed on the Credit of the Tolls and Duties ariſing upon that Diſtrict of the ſaid Road which lies between Leeds and Wakefield, and which have been laid out, for and towards the repairing and amending the ſame Road; and Two ſeveral Turnpikes or Toll Gates have likewiſe, in purſuance of the ſame Act, been ſet up within the ſaid Diſtrict; but the Truſtees are, by the ſaid Act, reſtrained from fixing or erecting Turnpike Gates on particular Parts of the Road in the ſaid Diſtrict; and the Tolls and Duties thereby granted are alſo, by the ſaid Act, directed to be collected and taken in Moieties at the reſpective Toll Gates ſo to be fixed and erected; by which Means, great Part of the ſaid Tolls and Duties have been loſt, and the good Purpoſes intended by the ſaid Act in a great Meaſure defeated: And whereas the Road within the ſaid Diſtrict has been in Part repaired; but, by reaſon of the many heavy Weights carried thereon, the greateſt Part thereof is now in bad Repair; and the ſeveral and reſpective Sums of Money, ſo borrowed on the Credit of the ſaid Tolls, are ſtill due and owing; and the Tolls and Duties, directed by the ſaid Act to be collected and taken on the ſame Road, are inſufficient to pay the Intereſt of the Money ſo borrowed, and to repair and keep in Repair the ſame Road: And whereas the ſaid Road might be effectually amended and kept in Repair, in caſe competent Tolls and Duties were to be granted and properly collected and applied, and the repairing and amending the ſaid Road would tend greatly to the improving the Trade and Commerce, and to the Eaſe and Benefit, as well of the Inhabitants of that Part of the Country, as of the Publick in general: May it therefore please Your Majeſty, that it may be enacted, and be it enacted by the King's Moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament, and by the Authority of the ſame, That ſo much of the ſaid recited Act, as relates to the ſaid Diſtrict of the ſaid Road which lies between Leeds and Wakefield aforeſaid, and all and every the Powers, Authorities, Proviſions, Regulations, Penalties, Forfeitures, Clauſes, Matters and Things therein contained, except ſo much thereof as is and are hereby altered or varied, and alſo all and every the Tolls,

Recited Act further continued, with reſpect to the Road from *Leeds* to *Wakefield*, for 21 Years, &c.

Powers, Authorities, Provisions, Regulations, Clauses, Penalties, Forfeitures, Matters and Things in this present Act contained, shall be, and the same is and are hereby declared to be in full Force and Effect, and shall and may be put in Execution, for the Purposes of surveying, ordering, repairing, amending, widening and improving of the said Road which lies between Leeds and Wakefield aforesaid, from the Twenty-fifth Day of March One thousand seven hundred and seventy, until the Expiration of the said former Act, for the further Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament, as effectually, to all Intents and Purposes, as if the same was repeated and re-enacted in the Body of this Act; and the additional Term, and the Tolls and Duties hereby granted, shall be subject and liable to the Payment of the Monies which are, or shall be, borrowed on the Credit of the said former Act, or this present Act, and the Money so borrowed and secured, and such Securities assigned during the present, and the said additional Term, in such Manner as in the said former Act is provided, with respect to the Term thereby created. Subject to the Debts already contracted.

And for the more easy and speedy Execution of the said Act, be it further enacted by the Authority aforesaid, That from and after the said Twenty-fifth Day of March, One thousand seven hundred and seventy, the honourable Charles Philip Stourton, Sir George Armitage, Sir Rowland Winn, the Reverend Sir William Lowther Clerk, Sir James Ibbetson, Sir William Horton, Baronets; Miles Atkinson Clerk, Johnson Atkinson M. D. James Armitage, John James Bischoff, George Bischoff, James Blayds, James Brooke Clerk, Henry Barker, Charles Barnard, Thomas Barstow junior, John Burton, William Beatson of Hollingthorpe, Michael Bacon D. D. Francis Bridges, William Battison, Jeremiah Barstow, Christopher Bramley, Samuel Brooke Clerk, Francis Billam, Thomas Cole, John Caygill, Richard Collins, John Coates, John Calverley, Robert Chetham, John Charnock, Edward Dyneley, William Dawson, Robert Denison, John Dixon, Jeremiah Dixon junior, Samuel Disney Clerk, Sechwell Dawson, Samuel Dixon, William Emonson, Fairfax Fearnley, Thomas Fenton of Rothwell Hague; Richard Fawcett Clerk, John Favell, Richard Favell, Thomas Faber Clerk, Joseph Fountaine, John Green, William Hutchinson, William Hey, Richard Halstead, Robert Harper junior, Sandford Hardcastle Clerk, Walter Hawksworth, Charles Howard junior, Henry Howard, Alexander Hatfield junior, Jacob Harrison, Additional Trustees.

riſon, Henry Ibbetſon, Carr Ibbetſon, William Johnſon, John Hatfield Kay, Richard Kennet, Richard Kirſhaw Clerk, Samuel Keeling, Thomas Lee junior, Richard Lee, William Lupton Clerk, John Medhurſt, Thomas Moore, John Micklethwaite, Robert Shore Milnes of Wakefield, William Johnſon Maude, George Metcalf Clerk, Thomas Moyle, Samuel Mirfield, George Nelthorpe, Joſeph Nevi-ſon, James Newport, Joſeph Oates, Abraham Preſton, Richard Peacopp, Robert Parker, John Richardſon, Chri-ſtopher Routh, Charles Rickaby, Henry Woolhouſe, Diſ-ney Roebuck, Ingram Rider, Milnes Rayner, Charles Swain, Booth Sharp, John Smyth junior, Thomas Sawer, Thomas Smith, Joſhua Smithſon, Luke Sechwell, John Smyth Salter, James Smyth, James Scott junior Clerk, William Scott, John Smeaton, William Smithſon, William Skelton, Nicholas Smith junior, John Skelton, Thomas Thornhill, George Thornhill, Richard Towne junior, Benjamin Tidſwell Clerk, Stephen Todd, Alexander Wed-derburn, Walter Wade of Burley, Thomas Wade, Hat-ton Wolrich, Joſeph Wilks, William Walker Salter, John Webſter, John Wormald, John Waugh junior, John Dodgſon Ward, John Wright, Henry Waugh, and Haigh Walker, ſhall be added to, and joined with the Truſtees appointed or elected for putting the ſaid former Act in Execution; and that the ſaid Truſtees, by and in pur-ſuance of this Act, or of the ſaid former Act, appointed or to be elected, and qualified as the ſaid former Act di-rects, ſhall be, and they are hereby nominated and ap-pointed Truſtees, for repairing, amending, and keeping in Repair, the ſaid Diſtrict of the ſaid Road which lies between Leeds and Wakefield, and for putting in Execu-tion all and every the Powers and Authorities in this and the ſaid former Act contained, reſpecting the ſaid Diſtrict of the ſaid Road.

Times and Places of Truſtees Meeting.

And it is hereby further enacted and declared, That the ſaid Truſtees, or any Nine or more of them, ſhall and may meet at the King's Arms Inn at Leeds, upon the Twenty fifth Day of March, One thouſand ſeven hun-dred and ſeventy; and ſhall then adjourn themſelves to the ſame or ſuch other Place, in or near the ſaid Di-ſtrict of the ſaid Road compriſed in this Act, and to ſuch Time, as the Truſtees then preſent, or any Five or more of them ſhall appoint; and ſo from Time to Time the ſaid Truſtees, at every of their ſaid Meetings, ſhall adjourn themſelves, as they, or any Two or more of them, preſent at ſuch Meetings reſpectively, ſhall think proper for putting this and the ſaid former Act in Exe-cution: And if there ſhall not appear at any ſuch Meet-ing,

ing, a sufficient Number of Trustees to act, and to adjourn to any other Day, then, and in such Case, the Clerk to the said Trustees, by Notice in Writing under his Hand, to be affixed on all the Turnpike-gates standing in and upon the said District of the said Road, at least Ten Days before the next Meeting, shall appoint the said Trustees to meet at the House or Place where their last Meeting was appointed to be held, on that Day Fortnight on which such last Meeting of the Trustees was appointed to be held; and that the said Trustees, at their First and every other Meeting, shall defray their own Charges and Expences.

In Default of a sufficient Number to act, Trustees may adjourn to another Day.

Trustees to defray their own Expences.

And it is hereby further enacted, That the said Trustees, at any of their Meetings to be held in pursuance of this Act, or any Nine or more of them, shall and may, and they are hereby authorised and impowered, to continue, remove, take down, erect, and set up, such Gates, Turnpikes, and Toll-houses respectively, in, across, or on the Side or Sides of any Part of the said District of the said Road comprised in this Act, as to them shall seem requisite and expedient for the Purposes of this Act; so as no such Turnpike or Toll-gate shall be erected or set up on any Part of the said Road, nearer to the Town of Wakefield than the North End of a certain Barn, situate on the East Side of that Part of the said Road which leads from Wakefield-out-wood, to a Place called North Gate Head, in Wakefield aforesaid, which Barn now is, or late was, in the Occupation of Charles Cooper of Wakefield aforesaid, Innholder, or his Assigns; and that the sole Right and Property of, in, and to all and every the Turnpikes, Toll-gates, and Toll-houses, erected or to be erected, built, or continued, by virtue of this or the said former Act, shall be, and the same is and are hereby vested in the said Trustees, and their Successors; and they, or any Five or more of them, shall and may, and they are hereby impowered to dispose thereof, respectively, as they shall think proper and requisite.

Trustees may erect Turnpikes and Toll-houses.

Turnpikes and Toll-houses vested in Trustees.

And it is hereby further enacted, That from and after the said Twenty-fifth Day of March, One thousand seven hundred and seventy, the said Trustees, or any Nine or more of them, and such Person and Persons as by them, or any Nine or more of them, shall from Time to Time be authorised, impowered, and appointed in that Behalf, shall and may demand, take, and receive, at any One of the Turnpikes or Toll-gates which are or shall be erected, by virtue of the said former Act or this present Act, upon the

The following Tolls to be paid subject to those granted by former Act.

the said District of the said Road comprised in this Act, the several Tolls and Duties following, instead of the Tolls and Duties granted by the said former Act, before any Horse, Beast, or other Cattle, Coach, Waggon, or any other Carriage whatsoever, shall be permitted to pass through the same; that is to say,

The Tolls. For every Coach, Landau, Berlin, Chariot, Curricle, Calash, or Chair, Hearse, or Chaise Marine, drawn by Six Horses, or Beasts of Draught, One Shilling and Sixpence; and drawn by Four Horses or Beasts of Draught, One Shilling; and drawn by Two Horses or Beasts of Draught, Sixpence; and drawn by One Horse, Three-pence.

And for every Waggon, Wain, Cart, or other Carriage, not laden with Coals, and drawn by Six or more Horses, Oxen, or Beasts of Draught, Five Shillings; and drawn by Five Horses, or other Beasts of Draught, Two Shillings; and drawn by Four Horses, or other Beasts of Draught, One Shilling and Four-pence; and drawn by Three Horses or other Beasts of Draught, One Shilling; and drawn by Two Horses or other Beasts of Draught, Sixpence; and drawn by One Horse or Beast of Draught, Three-pence.

And for every Waggon, Wain, Cart, or other Carriage, going for or laden with Coals only, for each Time of passing and repassing through the said Gates, drawn by Six or more Horses, or Beasts of Draught, Two Shillings and Sixpence; and drawn by Five Horses or Beasts of Draught, One Shilling and Sixpence; and drawn by Four Horses or Beasts of Draught, Eight-pence; and drawn by Three Horses or Beasts of Draught, Sixpence; and drawn by Two Horses or Beasts of Draught, Three-pence; and by One Horse or Beast of Draught, One Penny.

For every Horse, Mare, Gelding, or other Beast of Burthen, laden with Coals, and not drawing, One Half-penny.

And for every other Horse, Mare, Gelding, or other Beast of Burthen, whether laden or unladen, and not drawing, One Penny.

And for every Drove of Oxen, or Neat Cattle, the Sum of Ten-pence per Score, and so in proportion for every greater or less Number.

And for every Drove of Calves, Sheep, Lambs, or Swine, Five-pence per Score, and so in proportion for a greater or less Number.

Which

Which said Sum and Sums of Money hereby granted and made payable, shall and may be demanded and taken in the Name of, and as a Toll or Duty, in lieu and instead of the Toll and Duties granted and made payable, within the said District of the said Road, by the said former Act; and shall be, and the same are hereby vested in the said Trustees, for the Purposes of the said former Act, and of this Act; and the said Trustees, or such Person or Persons as they, or any Nine or more of them, shall authorise and appoint, shall and may have, use, exercise, and enjoy, such and the same Powers, Authorities, Means, and Remedies, for the levying, recovering, and receiving, the Tolls and Duties hereby made payable, as in and by the said former Act are given, granted, and provided, for the levying, recovering, and receiving, the Tolls and Duties thereby given and granted, and directed to be applied for the Purpose of repairing the said District of the said Road which lies between Leeds and Wakefield aforesaid. Tolls vested in the Trustees.

Provided always, and it is hereby further enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees of the said District comprised in this Act, or any Nine or more of them, and they are hereby authorised and impowered, from Time to Time, whenever they shall deem it expedient, to vary the Tolls and Duties hereby granted and made payable, by lessening, reducing, or advancing the same after any such Reduction; and to order and direct such Tolls and Duties so lessened, reduced, or advanced, to be collected, received, taken, laid out, and applied for the Purposes of this Act, in such Manner, Parts, and Proportions, as they shall think fit; so as such Reduction be no Prejudice to the Persons who shall have lent Money on the Credit of the said Tolls, or any of them, or any Person or Persons who, at the Time of such Reduction, shall have any Money secured thereby; and so as such advanced Tolls do not exceed the Tolls and Duties herein before granted; any thing herein contained to the contrary in any wise notwithstanding. Trustees may vary the Tolls.

Provided always, and be it further enacted and declared by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Nine or more of them, to separate, divide, and apportion, the Tolls and Duties hereby granted and made payable, into such and so many equal Shares and Proportions, to be taken, collected, and received, at such and so many of the said Turnpikes or Toll-gates, within the said District, Tolls may be apportioned.

trict, as to the said Trustees, or any Nine or more of them, shall seem requisite and expedient.

Exemptions from Tolls.

Provided always, and it is hereby enacted, That no Person who shall pass through any Gate or Turnpike, erected or to be erected, between Leeds and Wakefield aforesaid, in pursuance of this or the said former Act, shall be charged with, or liable to pay, any of the Tolls or Duties aforesaid, for any Cart, Wain, Waggon, or other Carriage, or any Horse, Ass or Mule, laden with, carrying, drawing, or empty and going for, or returning, having been laden with on the same Day, Gravel, Stone, or other Materials, for repairing the said Road, or any of the Roads in the Township in which such Gravel and Stone, or other Materials, shall be gotten or dug; nor shall any Person be chargeable with the said Tolls or Duties, for any Carts, Wains, Waggons, or other Carriages, laden with, or empty and going for, or returning empty having been on the same Day laden with Hay, or Corn in the Straw only, unless such Hay or Corn in the Straw shall by such Cart, Wain, Waggon, or other Carriage, be or have been carried or conveyed out of, or brought into some other Township than that wherein the same was grown, (except the same Township wherein the Occupier of such Ground, the same was grown upon, resides) or unless such Hay, or Corn in the Straw, shall then have been bought or sold, or be or have been carried or brought to or from any Place for Sale; or for any Ploughs, Harrows, or Implements of Husbandry, or any Mould, Dung, Compost, or Manure, employed in Husbandry, for manuring and improving of Lands, in any Township or Townships, in which any Part of the said Road doth lie; or for any Horse, or other Cattle or Carriage, going to, or passing, or returning from any Corn-mill, laden with any Corn, Grain, Malt or Flour, ground or to be ground, for the Use or Consumption of the Owner of such Horse, or other Cattle or Carriage, in his or her Dwelling-house, and not for Sale, or returning unladen, after having carried any such Corn, Grain or Malt, to any Mill for the Purpose aforesaid; or for any Horse, or other Cattle or Carriage, carrying Cloth to or from any Fulling-mill, or going unladen, or returning unladen, having carried Cloth to the said Fulling-mill; nor shall any Toll or Duty be taken or demanded from any Person or Persons residing in any of the said several Townships, in or through which the said Road between Leeds and Wakefield, or any Part thereof, doth lie, who shall pass through any of the same Turnpikes or Cross-gates,

to

to or from their proper Parish or parochial Church, Chapel, or other Place of religious Worship, they usually resort to on Sundays; or who shall attend the Funeral of any Person or Persons, that shall die, and be buried in any of the said Parishes; nor for any Horse or Cattle going to or from Water or Pasture, in any of the said Townships; nor for any Post-horse carrying the Mail or Packet, or for the Horses of Soldiers passing, that are upon their March, or for Waggons, Wains, Carts, or Carriages attending them; or for Horses, Carts or Carriages, travelling with Vagrants sent by Passes, or returning after having been so employed.

Expences of passing this Act, to be paid out of the Monies arising on this District.

And it is hereby further enacted, That the said Trustees, or any Seven or more of them, shall out of the Monies which have arisen by virtue of the said former Act, within the said District of the said Road comprised within this Act, or out of the first Monies which shall be raised and collected in pursuance or by virtue of the said former Act and of this present Act, upon the said District of the said Road which lies between Leeds and Wakefield aforesaid, pay and discharge all the Costs, Charges and Expences, incident to and attending the obtaining and passing of this present Act of Parliament.

Limitation of Actions.

And be it further enacted by the Authority aforesaid, That if any Action or Suit shall be brought or commenced against any Person or Persons for any Thing done in pursuance of this Act, or in pursuance of such Part of the said former Act as relates to the said District of the said Road which lies between Leeds and Wakefield aforesaid, until Ten Days Notice thereof shall be given to the Clerk or Clerks of the said Trustees, or after sufficient Satisfaction or Tender thereof shall have been made to the Party or Parties aggrieved, or after Six Calendar Months next after the Fact committed; and that every Action or Suit that shall be commenced against any Person or Persons for any Thing done in pursuance of this Act, or of such Part of the said former Act as aforesaid, shall be laid in the County where the Cause of Action shall arise, and not elsewhere; and the Defendant or Defendants, in any such Action or Suit to be brought, shall and may, at his or their Election, plead specially, or the General Issue, Not Guilty, and give this Act, or the said former Act, and the special Matter in Evidence, at any Trial to be had thereupon, and that the same was done in pursuance of and by Authority of this Act, or of the said former Act: And if it shall appear so to be done, or that such Action or Suit shall be brought before Ten Days Notice shall be

General Issue.

be given thereof as aforesaid, or after sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or shall be brought in any other County than as aforesaid, then the Jury shall find for the Defendant or Defendants upon such Verdict; or if the Plaintiff or Plaintiffs shall be Nonsuited, or discontinue his, her, or their Action after the Defendant or Defendants shall have appeared; or if upon Demurrer, Judgement shall be given against the Plaintiff or Plaintiffs; the Defendant or Defendants shall and may recover Treble Costs, and have the like Remedy for the same, as any Defendant or Defendants have or hath or may have, in any other Cases in Law.

Treble Costs.

Publick Act. And be it further enacted by the Authority aforesaid, That this Act shall be deemed, adjudged, and taken to be a Publick Act; and be judicially taken Notice of as such, by all Judges, Justices, and other Persons whomsoever, without specially pleading the same.

FINIS.