ANNO UNDECIMO

Georgii III. Regis.

CAP. XLIV.

An Act for the better paving, repairing, and cleanſing the Streets, Lanes, Alleys, and other publick Paſſages, within that Part of the Town of *Wakefield*, in the County of *York*, which lies within the Eaſt End of *Weſtgate Bridge*, the South Side of *Northgate Bar*, the North End of *Kirkgate Bridge*, (except ſo much thereof as is repaired by the Weſt Riding of the ſaid County of *York*) and the extreme Part of the Townſhip of *Wakefield* aforeſaid, leading from *Wrengate* towards *Eaſt Moor*; for preventing Nuiſances and Annoyances therein, and for widening and rendering the ſame more commodious.

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Preamble.

WHEREAS the Streets, Lanes, Alleys, and Paſſages, within that Part of the Town of Wakefield, in the County of York, which lies within the Eaſt End of Weſtgate Bridge, the South End of Northgate Bar, the North End of Kirkgate Bridge, (except ſo much thereof as is repaired by the Weſt Riding of the ſaid County of York) and the extreme Part of the Townſhip of Wakefield aforeſaid, leading from Wrengate towards Eaſt Moor, are in a very ruinous Condition, and very ill-paved, repaired, and cleanſed, and the Paſſages thereof are greatly obſtructed by various Nuiſances and Annoyances: And whereas ſeveral of the aforeſaid Streets, Lanes, Alleys, and Paſſages, are in ſome Parts thereof too narrow, and extremely incommodious for the paſſing of Carriages and Perſons: And whereas it would tend greatly to the Health, Safety, and Advantage of the ſaid Town of Wakefield, and be of publick Utility, if all the aforeſaid Streets, Lanes, Alleys, and Paſſages, were properly paved, repaired, and cleanſed and widened, turned and altered, where neceſſary, and all the Nuiſances, Obſtructions, and Annoyances therein, were removed for the future; 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 aſſembled, and by the Authority of the ſame, That the Right Honourable William Lord Viſcount Galway, in the Kingdom of Ireland; the Right Honourable John Lord Mexborough, in the Kingdom of Ireland; Sir Thomas Wentworth, Sir Lionel Pilkington, Sir Rowland Wynne, Sir John Ramſden, Sir George Savile, Sir John Liſter Kaye, Sir George Armitage, Sir William Lowther, the Honourable George Carey, the Reverend Bryan Allot, Bryan Allot the younger, Henry Allot, Charles Allanſon, Richard Beaumont, Thomas Beaumont, John Brooke, Godfrey Boſwille, William Beatſon of Hollingthorpe, Thomas Cotton, Nathaniel Cholmley, Benjamin Farrand, John Gill of Sandal, John Hatfield Kaye, Edwin Laſcelles, Daniel Laſcelles, Edward Laſcelles, John Liſter, Cavendiſh Liſter, Michael Pilkington, Harriſon Pilkington, John Spencer, John Smith, John Smith junior, Francis Wood, Godfrey Wentworth, Jonathan Weſt, Samuel Wood of Woodthorpe, Charles Waterton, Henry Zouch Clerk, Edward Prince, Thomas Thornhill, George

Commiſſioners Names.

Thornhill, Walter Wade, Charles Wilkinſon, John Spencer, Mathew Robert Arnott, John Smythe, John Silveſter Smith, Doctor Cookſon, John Milnes, Pemberton Milnes, James Milnes, Michael Bacon D. D. Peregrine Wentworth, Richard Towne, Harpham Green, Daniel Maude, William Maude, Francis Maude, Francis Maude junior, James Maude, James Banks, Robert Amory Doctor in Phyſick, George Charnock, Alexander Hatfield, Joſeph Hargrave, William Serjeantſon, Robert Milnes, Charles Steer, Colonel Loftus, Anthony Tottenham, Edward Ribſdale, Benjamin Thomſon, Alan Johnſon, Thomas Hardy, Richard Buxton, Jeremiah Barſtow, Timothy Heald, William Beale, Thomas Smith, Muſgrave Briſcoe, Richard Kennet, Thomas Hirſt, Thomas Deniſon, Thomas Oates, William Marſden, Samuel Wood of Woodthorpe, Edward Jennings, Robert Cheetham, Thomas Walker, George Holt, George Maudſley, John Lee, Henry Cornwall Legh, John Clarkſon, William Burrell, Joſeph Burrell, Richard Burton, Samuel Harriſon, Iſaac Popplewell, William Nevilſon, Joſeph Nevinſon, Joſeph Baildon, John Woollin, Henry Zouch Clerk, Samuel Zouch, Daniel Scott, William Richardſon, Thomas Crowther, John Moxon, John Bradford, John Crowther, John Johnſon, Robert Lumb, Richard Lumb, Joſeph Shepard, Joſeph Haiſte ſenior, Philip Haiſte, John Elliſon, Joſeph Haiſte junior, Stephen Roodhouſe, Joſhua Wilſon, Joſeph Armitage, Richard Tennant, George Bucktrout, Benjamin Sigſton, Charles Clapham, William Bargh, Thomas Bargh, Samuel Smallpage, Ambler, Thomas Holdſworth Doctor in Phyſick, Thomas Walker junior, John Smythe junior, Benjamin Foſter Clerk, Chriſtopher Atkinſon Clerk, John Taylor Clerk, William Shaw, Richard Stovin, Luck Anningſon, Benjamin Johnſon, John Burton, John Naylor, William Wilcock, Robert Tidſwell, Francis Ingram, George Brooke, George Cotton junior, John Thornton, Giles Rickaby, Thomas Norton, John Gill, Metcalf Proctor, William Fenton, Thomas Fenton, the Reverend Mitchell, the Reverend John Woollin, and their Succeſſors, to be elected, nominated, and appointed in purſuance of this Act, are hereby appointed Commiſſioners for puting this Act in Execution; And in caſe of the Death of any of the ſaid Commiſſioners, or of any of their Refuſal to act, or if any of them who are now Inhabitants of the Township of Wakefield aforeſaid, ſhall remove thereout; that then, and in any of the Caſes aforeſaid, it ſhall and may be lawful for the ſurviving or remaining Commiſſioners, or any Five or more of them,

from Time to Time, by Writing under their Hands and Seals, to elect, nominate, and appoint, One or more fit Person or Persons to be a Commissioner or Commissioners in the Room and Stead of such Commissioner or Commissioners so deceased, refusing to act, or removed as aforesaid; such new Commissioners, in the Room of those who lived within the said Township, to be supplied out of Persons inhabiting within the said Township; and such new Commissioners, in the Room of those who lived without the said Township, to be supplied out of Persons living out of the said Township; but Fourteen Days publick Notice of the Time and Place of Meeting for every such Election shall be given, by affixing the same in Writing upon the Church Doors and Market-cross of the Town of Wakefield aforesaid: And such Person and Persons as shall, from Time to Time, be so elected, nominated, and appointed, shall from thenceforth have the same Power and Authority to act in all Things relating to the Matters herein contained, as if he or they had been expressly named and appointed by this Act.

Commissioners acting not being qualified, to forfeit 50 *l.*

And be it further enacted, That no Person shall be qualified or capable of acting as a Commissioner in the Execution of this Act, unless he shall be in his own Right, or in the Right of his Wife, in the actual Possession or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Forty Pounds, or shall be possessed of a personal Estate to the Amount of One thousand Pounds; and if any Person, not being so qualified, shall presume to act contrary to the Intent and Meaning of this Act, every such Person shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same; to be recovered in any of his Majesty's Courts of Record at Westminster, with full Costs of Suit, by Action of Debt; and every Person so sued shall prove that he is so qualified, or otherwise shall pay the said Penalty, without any other Proof or Evidence on the Part of him who shall sue for the same than that such Person hath acted as a Commissioner in the Execution of this Act; One Moiety whereof to be paid to the Person who shall sue for the same, for his own Use, and the other Moiety to be paid to the Commissioners, or to such Person or Persons as they, or any Five or more of them, shall appoint; the same to be applied for the Purposes

poſes of this Act, in ſuch Manner as the Commiſſioners, or any Five or more of them, ſhall appoint.

Provided always, and be it further enacted, That no Perſon ſhall be capable of acting as a Commiſſioner during the Time he ſhall hold any Place of Profit, or have any Share or Intereſt in any Contract relating to the Execution of any of the Powers of this Act. No Commiſſioner to hold a Place of Profit.

And be it further enacted, That the ſaid Commiſſioners, or any Five or more of them, ſhall meet at the publick Houſe called the Strafford's Arms, ſituate in the ſaid Town of Wakefield, on Monday Three Weeks next after paſſing this Act, between the Hours of Ten of the Clock in the Forenoon and Two in the Afternoon, and afterwards at ſuch Time and Place within the ſame Town as ſhall be appointed for that Purpoſe, as often as it ſhall be neceſſary for putting this Act in Execution: And if at any Meeting appointed to be held by virtue of this Act, there ſhall not appear a ſufficient Number of Commiſſioners to act, and to adjourn to another Day, or in caſe the Commiſſioners ſo aſſembled ſhall omit or neglect to adjourn themſelves; then, and in any ſuch Caſe, any Five of the Commiſſioners ſhall and may, by Notice in Writing, to be affixed on the Church Doors and Market-croſs of the ſaid Town of Wakefield, at leaſt Four Days before the next Meeting, appoint the ſaid Commiſſioners to meet at the Place where the laſt Meeting was held; and the ſaid Commiſſioners, or any Five or more of them, ſhall and may meet accordingly at the Time mentioned in the ſaid Notice, and proceed to the Execution of this Act; and the Commiſſioners ſhall, at their Meeting, pay their own Expences. First Meeting of Commiſſioners. Commiſſioners to defray their own Expences.

And be it further enacted, That at every Meeting of the ſaid Commiſſioners to be held by virtue of this Act, the Powers and Authorities hereby granted ſhall be carried into Execution by the major Part of the Commiſſioners preſent, provided there are Five or more of them preſent at ſuch Meeting; and ſuch One of the Commiſſioners preſent, as the major Part of them attending ſhall appoint, ſhall be Preſident; and, in caſe of Equality of Voices, including the Preſident's own, ſuch Preſident ſhall, upon all Occaſions, have another, and the deciſive Vote. Preſident to have a deciſive Vote.

And be it further enacted, That it ſhall and may be lawful for the ſaid Commiſſioners, or any Five or more of them, from Time to Time, to elect, nominate, and appoint, ſo many Clerks, Treaſurers, Collectors, and Scavengers Commiſſioners to appoint Officers,

vengers of the Streets and other publick Passages within the said Part of the said Town, and other Officers, as they shall think proper; and to remove and displace them, or any of them, respectively, as they shall see Occasion, and appoint others in their Stead, in case of Death or Removal; and also to limit and appoint what Wages and Allowances shall be paid and given to them respectively; and also to order and appoint how and in what Manner the said respective Officers shall respectively act and execute their several Offices, Places, and Employments; and also shall and may, from Time to Time, make such other Orders, Rules, and Regulations, as the Nature of each particular Service shall seem to them to require, and, from Time to Time, to vary, alter, revoke, or make void any of their Orders, Rules, or Regulations, as to them in their Discretion shall seem necessary and expedient for putting this Act in Execution; which Orders and Regulations so to be from Time to Time made, shall be valid and effectual to all Intents and Purposes: And all and every such Officer and Officers shall give such Security for the due and faithful Performance of their respective Offices as the said Commissioners, or any Five or more of them, shall think fit: And such Person or Persons as is or are made liable to pay the several Rates or Sums of Money hereby granted, shall pay the same to such Person or Persons as shall be, from Time to Time, by the said Commissioners appointed to collect and receive the same: And all such Officers so to be appointed as aforesaid shall, under their Hands, at such Time and Times, and in such Manner as the said Commissioners shall direct, deliver to the said Commissioners, or to such Person or Persons as they shall appoint, true and perfect Accounts in Writing, to be fairly entered in a Book or Books to be kept for that Purpose, of all Matters and Things committed to their Charge by virtue of this Act, and also of all Monies which shall have been by such Officer or Officers respectively received by virtue and for the Purposes of this Act, and how much thereof hath been paid and disbursed, and for what Purposes, together with the proper Vouchers for such Payments; and shall pay all such Monies as shall remain in their respective Hands to the said Commissioners, or to such Person or Persons as they shall appoint; and all the said respective Officers so accounting as aforesaid shall, upon Oath, if thereunto required, (which Oath the said Commissioners, or any One or

and take Security.

Securities to be entered in Books.

more of them, is and are hereby impowered and required to administer), verify their said Accounts: And if any such Officers shall not make and render, or shall refuse to verify upon Oath any such Accounts, or to produce or deliver up the Vouchers relating to the same, or to make Payments as aforesaid; or shall not deliver to the said Commissioners, or to such Person or Persons as they appoint, within Ten Days after being thereunto required by the said Commissioners, all Books, Papers, and Writings, in their Custody or Power respectively, relating to the Execution of this Act; or shall refuse or neglect to pay such Monies as, upon the Balance of any Account or Accounts, shall appear to be in their respective Hands, to the said Commissioners, or as they shall direct or appoint; then, or in either of the Cases aforesaid, such Commissioners may, and are hereby authorised and impowered to bring, or cause to be brought, any Action or Actions in the Name of such Commissioners, or in the Name or Names of any Three or more of them, against the Officer or Officers so neglecting or refusing as aforesaid, for the Recovery of the Monies that shall be in the Hands of such Officer or Officers respectively; or if Complaint shall be made by the said Commissioners, or any Five or more of them, or by such Person or Persons as they shall appoint for that Purpose, of any such Refusal or Neglect as aforesaid, to any One or more of the Justices of the Peace for the West Riding of the County of York, such Justices shall and may, and are hereby authorised and required, by Warrant or Warrants under their Hands and Seals, to cause the Officer or Officers so neglecting or refusing to be brought before them; and if, upon the Confession of the Party or Parties, or by the Testimony of any credible Witness or Witnesses upon Oath, (which Oath such Justices are hereby impowered and required to administer without Fee or Reward), or by any other competent Evidence, it shall appear to such Justices, that any of the Monies that shall have been collected or raised by virtue of this Act shall be in the Hands of such Officer or Officers, such Justices may, and are hereby authorised and required, upon Nonpayment thereof, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Officers respectively; and if no Goods or Chattels of such Officer or Officers can be found sufficient to answer and satisfy the said Money, and the Charges of such Distress and Sale; then, and in such Case, such Justices shall commit every such Officer to the House of Correction for the said West

Officers refusing to account,

to be brought before the Justices;

and on Nonpayment, Money to be levied by Distress;

for Want of which such Officer to be committed.

Riding, there to remain without Bail or Mainprize for any Time not exceeding Six Calendar Months, or until he shall give and make a true and perfect Account and Payment as aforesaid, or until he shall compound with the said Commissioners, or any Five or more of them, and shall have paid such Composition in such Manner as they shall appoint, (which Composition the said Commissioners, or any Five or more of them, are hereby impowered to make), and until he shall deliver up such Books, Papers, and Writings, as aforesaid, or give Satisfaction in respect thereof to the said Commissioners, or any Five or more of them.

All Books, &c. to be delivered up.

Executors or Collectors to make Account and Payment within a certain Time.

And be it further enacted, That if any Collector or Collectors of any of the Rates or Assessments to be collected and paid for paving and cleansing, in pursuance of this Act, shall happen to die during the Time he or they shall be in or hold such Office or Employment, that then his or their Executors or Administrators shall, within Forty Days after his Decease, deliver in to the said Commissioners, or any Five or more of them, an Account of the Monies collected by such Collector or Collectors respectively; and shall also deliver all Books, Papers, and Things concerning his and their Office to the succeeding Collector or Collectors, or to such other Person or Persons as the said Commissioners, or any Five or more of them, shall appoint; which Money, if any due, shall be paid by the Executors or Administrators of such deceased Collector or Collectors, in preference to and before any of his or their other Debts are paid or satisfied.

In case of Collector becoming insolvent,

And be it further enacted, That in case any Collector or Collectors of the said Rates or Assessments to be collected and paid for paving and cleansing, in pursuance of this Act, shall embezzle or make away with, detain or misapply any Sum or Sums of Money so collected by him or them for the respective Uses aforesaid; or that the Collector or Collectors, and Person or Persons giving Security for him or them, shall become insolvent, so that the same cannot be recovered; or shall die possessed of any Sum or Sums of Money by him or them collected by virtue of this Act, and which shall not be paid by his or their Executors or Administrators; then, and in every such Case, the said Commissioners, or any Five or more of them, shall and may again rate and assess such Sum and Sums of Money as shall be sufficient for raising and supplying such respective Loss and Deficiency as shall so happen on the said several

Deficiency to be made good by a new Rate.

veral and respective Accounts of paving and cleansing, to be applied to those several and respective Purposes, in such Manner as the said respective Rates and Assessments are directed to be made by this Act; and shall be collected, levied, recovered, and raised, in such Manner and under such Penalties as are herein provided for collecting and levying the said respective Rates and Assessments made payable by this Act.

Rules for cleansing the Streets.

And be it further enacted, That all and every Person and Persons inhabiting within the aforesaid Part of the said Town of Wakefield, shall, from and after One Month next after the passing of this Act, sweep and cleanse, or cause to be swept and cleansed, all the Streets and other publick Passages within the aforesaid Part of the said Town, before or on the Sides of their respective Houses, Warehouses, Shops, Stables, and other Buildings, (not being dead Walls), to the Middle of such Streets and publick Passages, Once in every Week; that is to say, Every Saturday between the Hours of Six in the Morning and Six in the Afternoon, or upon such other Days, and at such other Times, as the said Commissioners, or any Five or more of them, shall appoint, and collect and put together the Dirt or Soil of the said Streets and publick Passages, without the least Obstruction to the Way, Road, and Passage therein respectively, that may be, to the End the same may be ready for the Scavenger to carry away, upon pain of forfeiting the Sum of Five Shillings for every Offence or Neglect; and the Scavenger or Scavengers, or other Officer or Officers to be, from Time to Time, appointed for that Purpose, shall, and they are hereby required, to sweep and cleanse, or cause to be swept and cleansed, before all void Houses, dead Walls, or waste Grounds and Places, Churches, Church-yards, and Chapels, and other publick Places, within the aforesaid Part of the said Town, at such Times as shall be appointed by the said Commissioners, or any Five or more of them, and collect and put together the Dirt and Soil thereof in the Manner aforesaid, to the End the same may be ready for the loading and carrying away, upon Pain of forfeiting of Ten Shillings for every Offence or Neglect: And if any Person or Persons whatsoever shall throw, cast, or lay, or cause to be thrown, cast, or laid, any Ashes, Rubbish, Dust, Dirt, Dung, or other Filth, (or Annoyance whatsoever, in any Street, Lane, Alley, Passage, publick Place, or Water-course, within

Penalties for not cleansing.

within the aforesaid Part of the said Town, except the Dirt and Soil to be collected and put together as aforesaid, and except also as hereafter is mentioned), every such Person shall, for every such Offence, forfeit and pay the Sum of Five Shillings, as herein after is directed: And that all and every Person and Persons shall, and he, she, and they are hereby required to keep, or cause the same to be kept, in their respective Houses or Yards, until such Time as the Scavenger, or other Officer, to be appointed by virtue of this Act, shall come by or near their Houses or Doors, with a Cart or Carts, or other Conveniencies to carry away the same, upon Pain of forfeiting Five Shillings for every such Offence; which Scavenger or Scavengers, or other Officer as aforesaid, shall come on Saturday in every Week, or on such other Days or Times as the said Commissioners, or any Five or more of them, shall appoint; and at or before his or their Approach, by Bell, or otherwise, shall give Notice of his or their coming, and give the like Notice to the Inhabitants in every Court, Passage, or Place, into which any Cart or Carts, or other Conveniences, cannot pass, and abide and stay there a convenient Time, so that the Inhabitants or Persons concerned respectively may bring forth their Ashes, Rubbish, Dust, Dirt, Dung, and Filth, (except any Filth from any Privy or Necessary-house), to such Cart or Carts, or other Conveniences; all which Ashes, Rubbish, Dust, Dirt, Dung, and Filth, (except as aforesaid), as well as all such Dirt and Soil as shall be swept up and collected together as aforesaid, the said Scavenger or Scavengers, or other Officer appointed for that Purpose, shall then immediately, or as soon as may be, carry away, or cause to be carried away, gratis, upon Pain of forfeiting Ten Shillings for every Offence or Neglect: And no Person or Persons whatsoever shall take or carry away, or cause to be taken and carried away, any Ashes, Dirt, Dust, Muck, Dung, or Manure, out of the said Streets and publick Passages of the aforesaid Part of the said Town, except such Scavenger or Scavengers, or other Officer to be appointed by the said Commissioners for that Purpose, as aforesaid, unless the same shall be taken or carried away by the Person or Persons to whom the same shall respectively belong, or by his, her, or their Order or Direction, before the Time that such Scavenger or other Officer as aforesaid shall come to carry away the same, and unless such Muck, Dung, or

Scavengers Notices to be given.

Scavengers appointed to take away Dung, &c.

Manure, as shall be brought into the said Streets or publick Passages from their respective Dungholes or Dunghills, for the Convenience of loading and carrying away the same), on Pain of forfeiting and paying the Sum of Five Shillings for every such Offence; and no Inhabitant of the aforesaid Part of the said Town, or any other Person, shall permit or suffer any Muck, Dung, or Manure, by them, or any of them, brought, or caused to be brought, into the said Streets or publick Passages as aforesaid, in order to be loaded and carried away, to continue or remain therein above the Space of Twenty-four Hours, on Pain of forfeiting Ten Shillings for every such Offence.

Commissioners may compound with Inhabitants for cleansing, &c.

Provided always, and be it further enacted, That it shall and may be lawful for the said Commissioners, or any Five or more of them, from Time to Time, as they shall think proper, to compound with all or any of the Inhabitants of any Street or publick Passage within the aforesaid Part of the said Town, by the Year, for such Sum or Sums of Money as they the said Commissioners shall think proper, for the sweeping and cleansing to be done by such Inhabitants respectively by virtue of this Act, provided such Composition-money be always paid down in Advance.

Land may be purchased or rented to deposit Soil, &c.

And be it further enacted, That the said Commissioners, or any Five or more of them, shall have full Power to buy or rent Land for depositing of Soil, Ashes, Cinders, and Rubbish, in case they shall think proper so to do; and the Purchase-money or Rent thereof shall be paid out of the said Rates; and the Property thereof, if purchased, shall be, and is hereby vested in the said Commissioners for the Purposes of this Act.

Pavements, &c. vested in Commissioners,

And be it further enacted, That from and after the passing of this Act, the Property of all the present and future Pavements in the Streets, and all other publick Passages within the aforesaid Part of the said Town, and of all Materials, Implements, and other Things to be purchased for the Purposes of this Act, shall be, and the same are hereby vested in the said Commissioners; and they, or any Five or more of them, are hereby authorised and impowered to bring, or cause to be brought, any Action or Actions in the Name or Names of any Five or more of them, or in the Name of their Treasurer or Clerk, or to prefer any Bill or Bills of Indictment, as the Case shall require, against any Person or Persons who shall take, steal, or carry away, spoil, injure, or destroy any Part or Parts thereof: And

who may bring Action, or prefer Indictments.

Old Materials may be sold.

the said Commissioners, or any Five or more of them, shall have full Power and Authority to sell and dispose of all or any Part of the old and useless Materials to such Person or Persons as shall be willing to purchase the same; and the Money arising therefrom shall be applied to such and the same Purposes as the Monies arising from the Rates and Assessments in and by this Act directed to be made are directed to be applied: And

Penalty on Persons obstructing the Work, &c.

if any Person or Persons shall wilfully hinder or obstruct any of the Commissioners, Officers, or Workmen, employed in any Manner in the Execution of this Act, every Person or Persons so offending in any of the Matters aforesaid, which shall be taken and deemed distinct and separate, shall, upon being convicted thereof by the Oath of One or more credible Witness or Witnesses, or his, her, or their own Confession, before any Justice of Peace for the said West Riding, (which Oath such Justice is hereby impowered and required to administer without Fee or Reward) or by any other competent Evidence, shall forfeit for the First Offence the Sum of Twenty Shillings, for the Second Offence the Sum of Forty Shillings, and for the Third and every other Offence the Sum of Five Pounds; One Moiety whereof shall go to the Informer, and the other Moiety to the said Commissioners, to be disposed of for the Purposes of this Act.

Commissioners may order the Pavements of the Streets to be repaired.

And be it further enacted, That from and after the passing this Act, it shall and may be lawful to and for the said Commissioners, from Time to Time, and at all Times, when and so often as they, or any Five or more of them, shall think proper, and they, or any Five or more of them, are hereby authorised to order and direct all or any of the Pavements in the said Streets and publick Passages now in being, or hereafter to be made, or any Part or Parts thereof, to be repaired; and the same, when necessary, to be taken up; and the said Streets and publick Passages to be paved, relaid, repaired, raised, lowered, or altered; and also to be cleansed and freed from all Annoyances, Obstructions, Nuisances, and Incroachments

Sewers, &c. to be made.

whatsoever; and all such Sewers and Drains, and Reservoirs of and Receptions for Water therein, as the said Commissioners, or any Five or more of them, shall think proper; and the Person or Persons authorised or directed by them to do the same are hereby impowered and required to do the same accordingly.

And

And be it further enacted, That if any Person or Persons shall, from and after the passing this Act, carry, run, drive, or draw, or cause to be carried, run, driven, or drawn on any of the Foot-pavements to be made in pursuance or by virtue of this Act, within the aforesaid Streets and publick Passages within the aforesaid Part of the said Town, or any of them, any Bier, or any Wheel or Wheels, Sledge, Wheelbarrow, or other Carriage whatsoever, or shall wilfully ride, lead, or drive any Horse, Ass, Mule, or other Cattle, or any Coach, or other Carriage whatsoever, upon any Part of the said Foot-pavements; then, and in any of the said Cases, and as often as they or any of them shall happen, it shall and may be lawful to and for any Person or Persons whatsoever, who shall see any such Offence committed, to seize, and also for any other Person or Persons to assist in seizing, such Offender or Offenders, and by Authority of this Act, and without any Warrant, to convey or deliver him, her, or them into Custody of a Peace Officer, to be conveyed before some Justice of the Peace for the said West Riding; and the Party or Parties accused being brought before him, such Justice shall proceed to examine upon Oath any Witness or Witnesses who shall appear or be produced to give Information touching such Offence, (which Oath the said Justice is hereby authorised and required to administer without Fee or Reward); and if the Party or Parties accused shall be convicted of any such Offence, either by his, her, or their own Confession, or upon such Information as aforesaid, he, she, or they so convicted, shall forfeit and pay any Sum not exceeding Ten Shillings for the First Time of offending, the Sum of Twenty Shillings for the Second Time of offending, and the Sum of Forty Shillings for the Third and every other Time of offending; One Moiety whereof shall go to the Informer, and the other Moiety to the said Commissioners, to be disposed of for the Purposes of this Act.

Interruptions in the Foot-ways, how to be prevented.

Penalty on Offender.

Provided always, That it shall and may be lawful to and for the said Commissioners, or any Five or more of them, and they are hereby authorised and impowered, under their respective Hands, under such Restrictions as to them from Time to Time shall seem meet, to give Liberty and Licence to all or any of the Occupiers of Houses and Buildings within the aforesaid Part of the said Town, or their respective Workmen, to make any Soughs or Drains under Ground from their respective Houses and Buildings, or any

Power of making Drains into the common Sewer.

Part or Parts thereof, into and through the aforesaid Streets and publick Passages, or any Part of the same, to and into any common Sewer to be made therein by virtue of this Act, or any Part thereof; and to lay therein the necessary Materials for the doing such Work, and the Rubbish arising from the same; and no Person or Persons acting under such Licence, and agreeably thereto, shall be subject or liable to any of the Penalties contained in this Act.

Signs, &c. to be regulated.

And be it further enacted, That the said Commissioners, or any Five or more of them, shall cause all Signs to be hung or placed on the Fronts of the Houses whereto the same shall respectively belong; and shall and may, within Six Calendar Months next after the passing of this Act, cause all Sign-irons, Posts, and Boards, Penthouses, Porches, Cellar-holes, and Steps, or other Things occasioning any Obstruction, Projection, or Annoyance in the said Streets and publick Passages, to be removed, or altered, in such Manner as the said Commissioners, or any Five or more of them, shall think most proper and convenient: And

Offenders to forfeit 20 s.

if any Person or Persons shall, at any Time after the End of the said Six Calendar Months, hang, place, erect, build, or make, any Sign, Sign-iron, Post, or Board, Penthouse, Porch, Cellar-hole, or Steps, or other Thing, or cause the same to be done, in any other Manner than as aforesaid, every Person so offending shall, for each and every Week he shall permit the same to remain so hung, placed, erected, built, or made, forfeit and pay the Sum of Twenty Shillings.

Owners may remove their Signs, &c. at their own Expence.

Provided always, and be it further enacted, That if any Person or Persons shall be desirous, within the Time aforesaid, at his or their own Costs and Charges, to remove or alter any such Sign, Sign-iron, Post, or Board, Penthouse, Porch, Cellar-hole, or Steps, or other Thing occasioning any Obstruction, Projection, or Annoyance in the said Streets and publick Passages, as before directed; that then, and in such Case, all Materials unused after the Alterations thereto made shall be the Property of the Person or Persons so making or doing thereof: But if the same Alterations, or any Part thereof, shall be made or done at the Expence of the said Commissioners, then, if any or any Part of any such Sign, Sign-iron, Post, or Board, Penthouse, Porch, Cellar-hole, or Steps, or other Thing, shall remain unused after the Alteration made thereto, as before directed, the same shall be the Property, and is

hereby vested in the said Commissioners, for the Purposes of this Act.

And be it further enacted, That all Spouts and Gutters belonging to, and which convey Water from the Tops of the Houses, Warehouses, Shops, or other Buildings, directly into the Streets and publick Passages within the aforesaid Part of the said Town, shall, within Six Calendar Months after the passing of this Act, be removed, and the Water shall be conveyed by Pipes to be brought down by the Sides or Fronts of such Houses, Warehouses, Shops, or other Buildings, into some underground Sewer, Cistern, or Reservoir, or to the Ground, at the Costs and Charges of the respective Owners or Occupiers thereof: And in case the same shall not be done within the Time aforesaid, the Owner or Occupier of every such House, Warehouse, Shop, or other Building, shall forfeit and pay the Sum of Five Shillings for each and every Week any such Spout or Gutter shall remain, and the Water not conveyed down as aforesaid, after the Time herein before limited; and that if any Person or Persons shall hereafter erect, or cause to be erected, any Spout or Gutter for conveying Water from any old or new House, Warehouse, Shop, or other Building, in any Manner contrary to the Directions and true Meaning of this Act, every such Person shall forfeit and pay the Sum of Ten Shillings for every such Spout or Gutter that shall remain. Spouts to be brought down by the Fronts of the Houses.

And be it further enacted, That all Stalls, Benches, and Lumber, used in the aforesaid Part of the said Town, by any Person or Persons keeping Stalls or Standings in the Streets, or other publick Passages, shall be taken or carried away before Ten of the Clock at Night upon every Friday in every Week, and before Eight of the Clock in the Evenings of all other Days, by the respective Persons using the same, on Pain of forfeiting Two Shillings for every Offence or Neglect therein. Time when Stalls, &c. are to be removed.

And be it further enacted, That in case any Hogsdye, Laystall, Flesh, Dung, Carrion, Blood, Offal, Soil, or Filth, or any Ashes, Cinders, or Rubbish, or any other noisome or offensive Matter whatsoever, shall be suffered to remain within the aforesaid Part of the said Town, the same shall be deemed a Nuisance and an Offence against this Act; and it shall and may be lawful for the said Commissioners, or any Five or more of them, upon Complaint thereof by any Person made to them, or any of them, or to their Clerk for the Time being, by Notice in Writing Annoyances are to be removed.

under their Hands, or the Hand of such Clerk, to order any such Nuisance or Offence to be removed; and in case the same shall not be removed within Twelve Hours after such Notice given to the Person or Persons who ought to remove the same, such Person or Persons shall forfeit and pay the Sum of Five Shillings daily, for every Day that the same shall continue unremoved after the Expiration of the said Time.

Necessary-houses when to be emptied.

And be it further enacted, That if any Necessary-house or Bog-house within the aforesaid Part of the said Town shall be emptied at any Time except between the Hours of Eleven at Night and Five in the Morning, or the Soil thereof shall be laid in any other Place than shall be appointed for that Purpose by the said Commissioners, or any Five or more of them, by any Person or Persons; then, and in either of the said Cases, as well the Person or Persons knowingly employing any Person or Persons for that Purpose, as the Person or Persons committing the Offence, shall, for every such Offence, forfeit and pay the Sum of Twenty Shillings: And if any Person or Persons shall wilfully or negligently spill any of the Soil of any Necessary-house, or Bog-house, in any of the aforesaid Streets, or publick Passages, every Person so offending shall, for every such Offence, forfeit and pay the Sum of Twenty Shillings.

No Ashes to be sifted in any Street.

And be it further enacted, That if any Person or Persons who shall contract with the said Commissioners, or any Five or more of them, to cleanse the aforesaid Streets and publick Passages as aforesaid, or any of them, or who shall purchase the Soil thereof of the said Commissioners, or any Five or more of them, or any of his, her, or their Servants or Agents; or if any Person or Persons whomsoever shall sift any Ashes, Dust, or Cinders, either in or out of any Cart or Carriage, or in any other Manner howsoever, in any open Street, or publick Passage, within the aforesaid Part of the said Town, every Person so offending shall, for every such Offence, forfeit and pay the Sum of One Shilling.

Commissioners to purchase Lands, and all Persons impowered to treat.

And whereas it may be necessary to open and enlarge the great Highway or Passage leading from the Guide Post opposite to the White Hart, situate in Westgate, in Wakefield aforesaid, directing the Road to Leeds to the Channel at the North End of the said Highway, and to remove certain detached Buildings, situate in or near the Hog Market in Wakefield aforesaid; and also to open and enlarge

large Part of the Street in Kirkgate, by taking into the same Part of a Garden, in the Possession of Mr. Sheppard; therefore be it enacted, That the said Commissioners, or any Nine or more of them, shall be, and are hereby impowered to agree with the Owners or Proprietors of, and Persons interested in, any Buildings or Lands, which they the said Commissioners, or any Nine or more of them, shall judge necessary or proper to be pulled down, removed, cut, digged, altered, or used, for the Purposes of this Act: And it shall be lawful for all Bodies Politick and Corporate, Husbands, Guardians, Trustees, Committees, Executors, or Administrators, for or on Behalf of their Cestuique Trusts, whether Infants or Issue unborn, Lunaticks, Ideots, or Femes-covert, and to and for all and every other Person and Persons whatsoever, who are or shall be seised or possessed of, or interested in any such Buildings or Lands, to contract for, and to sell and convey the Inheritance in Fee-simple, of all or any such Buildings or Lands, unto the said Commissioners, or any Five or more of them, or to such Person or Persons as they, or any Five or more of them, shall nominate and appoint; and that all such Contracts, Agreements, Bargains, Sales, and Conveyances, shall be good and valid in the Law to all Intents and Purposes, not only to convey the Estate and Inheritance of the Person and Persons conveying, but also to convey all Right, Estate, Interest, Use, Property, Claim, and Demand whatsoever, of their several and respective Cestuique Trusts, whether Infants, or Issue unborn, Lunaticks, Ideots, Femes-covert, or other Person whatsoever, and all claiming or to claim by, from, or under them; any Law, Statute, Usage, or any other Matter or Thing whatsoever to the Contrary thereof in any-wise notwithstanding; and that all Persons so conveying as aforesaid, are and shall be indemnified for what they shall do by virtue and in pursuance of this Act: And that all such Sales and Conveyances to be made as aforesaid, shall be inrolled by the Clerk of the Peace for the aforesaid West Riding, and true Copies of the same, signed by the Clerk of the Peace for the Time being, shall be deemed and taken to be good Evidence thereof in all Courts whatsoever.

And be it further enacted, That if any such Bodies Politick or Corporate, or any Person or Persons whatsoever, shall, for the Space of Twenty-one Days next after Notice in Writing given to the principal Officer or Officers of such Bodies

Upon Refusal to treat,

Bodies Politick or Corporate, or to such Person or Persons respectively, or to the Tenant or Tenants in Possession of the said Buildings or Lands, intended to be pulled down, removed, cut, digged, altered, or used, as aforesaid, shall neglect or refuse to treat, or shall not agree with the said Commissioners, or any Five or more of them, or, by reason of Absence, shall be prevented from treating touching the Matters aforesaid; then, and in every such Case, the said Commissioners, or any Five or more of them, shall and may, and they are hereby authorised and impowered, from Time to Time, to issue out their Warrant or Warrants under their Hands and Seals, to be directed to the Sheriff of the County of York for the Time being; or in case such Sheriff shall happen to be interested in the Matter in question, or any-wise related to any of the Parties interested or concerned therein, then to One of the Coroners of the West Riding of the said County, requiring such Sheriff or Coroner to impannel, summon, and return a Jury; and the said Sheriff or Coroner to whom the said Warrant or Warrants shall be directed, is hereby required accordingly to impannel, sumunon, and return a Jury of able and sufficient Men, qualified according to the Laws and Statutes of this Realm, not being Inhabitants of the aforesaid Township of Wakefield, to be returned for Trials of Issues joined in His Majesty's Courts at Westminster, to appear before the said Commissioners, or any Five or more of them, at such Time and Place as by such Warrant or Warrants shall be directed and appointed, not being less than Ten Days after such Warrant or Warrants shall be served upon the said Sheriff or Coroner respectively, or more than Twenty Days after such Service, upon Pain to forfeit for every Default in not making such Return Ten Pounds; to be sued for and recovered in the Manner herein after directed; and also to return in Issues upon every Person so impannelled and returned, not appearing contrary to the true Intent and Meaning of this Act, the Sum of Five Pounds, which shall be levied upon the Goods and Chattels of the Person not appearing as aforesaid, by Warrant or Warrants under the Hands and Seals of the said Commissioners, or any Five or more of them: And in case a sufficient Number of Jurymen shall not appear, the said Sheriff or Coroner shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured, to attend that Service, being so qualified as aforesaid, to make up the said Jury to the Number

Commissioners to issue Warrants to the Sheriff of *Yorkshire*, or to a Coroner of the West Riding, to impannel and return a Jury,

to appear before the Commissioners at the Time and Place appointed.

Sheriff and Coroner for every Default to forfeit Ten Pounds.

Issues to be returned and levied upon Jurors not appearing.

Sheriff or Coroner to return a *Tales de Circumstantibus*.

of Twelve; and all Parties concerned shall and may have their lawful Challenges against any of the said Jurymen. And the said Commissioners, or any Five or more of them are hereby impowered, by Warrant or Warrants under their Hands and Seals, from Time to Time, as Occasion shall require, to summon and call before them all and every such Person and Persons as shall be thought proper or necessary to be examined as Witnesses touching the Matters in question; and the said Commissioners, or any Five or more of them, may order and authorise the said Jury, or any Six or more of them, to view the Place or Places, or Matters in question; which Jury, upon their Oaths, to be administered by the said Commissioners, or any Five or more of them, (and which Oath; as also the Oaths to such Person or Persons as shall be called upon to give Evidence, the said Commissioners, or any Two or more of them are hereby impowered to administer) shall inquire of, assess, and ascertain such Damages and Recompence as they shall judge fit to be awarded severally to the Owners and Occupiers of, and also all Persons respectively interested in any such Buildings or Lands, or any Part or Parcel of the Same; the said Commissioners, or any Five or more of them, shall give Judgement for such Damages and Recompence so to be assessed by such Juries; which said Verdicts and the Judgement thereupon declared or pronounced by the said Commissioners, or any Five or more of them, and the Value and Recompence so assessed, Notice in Writing being first given of their Meeting at least Twenty-one Days before such Meeting to the Parties concerned, or left at their Dwelling-houses or usual Places of Abode, or with the Tenant or Occupier of the Premises, or at his or her usual Place of Abode) shall be binding and conclusive to all Intents and Purposes against the King's Majesty, his Heirs and Successors, and against all and every other Party or Parties, their Heirs, Successors, Executors, Administrators, or Assigns, and all others claiming any Title or Interest in the same Buildings or Lands, or any Thing thereunto belonging or appertaining, in Possession, Reversion, Remainder, or Expectancy, or otherwise, as well Bodies Politick and Corporate, Infants, Ideots, Lunaticks, Femes-covert, Tenants in Tail as others, and their respective Heirs, Successors, Executors, and Administrators, and all claiming by, from, or under him, her, or them, or any of them.

Commissioners may summon Witnesses to appear before them,

and may order the Jury to view the Premises.

Jury to assess Damages,

and Commissioners give Judgement finally.

Notice being first given.

Witneſſes not appearing, or refuſing to be ſworn,

Provided alſo, and be it enacted, That if any Perſon or Perſons ſummoned as aforeſaid to give Evidence, ſhall neglect or refuſe to appear at ſuch Time or Times, Place or Places, as ſhall be appointed in the Warrant or Warrants granted by the ſaid Commiſſioners, or any Five or more of them, or appearing, ſhall refuſe to be ſworn or examined by, or give Evidence before the ſaid Commiſſioners, or any Five or more of them; or if any Perſon ſummoned as a Juryman aforeſaid ſhall, after his Appearance, refuſe to be ſworn, or being ſo ſworn, refuſe to give, or not give his Verdict, or in any other Manner wilfully neglect his Duty in the Premiſes, contrary to the true Intent and Meaning of this Act; every Perſon ſo offending, having no reaſonable Excuſe to be allowed by the ſaid Commiſſioners, or any Five or more of them, ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding the Sum of Five Pounds; to be levied by Diſtreſs and Sale of the Goods or Chattels of the Perſon or Perſons ſo offending, by Warrant or Warrants, under the Hand and Seal or Hands and Seals of Two or more Juſtice or Juſtices of the Peace for the ſaid Weſt Riding of the ſaid County of York, rendering the Overplus to the Owner thereof, after ſuch Penalty and the Charges of ſuch Diſtreſs and Sale are deducted.

and Jurymen refuſing to be ſworn, or to give a Verdict,

to be fined by Commiſſioners.

Payment of Jury and Witneſſes.

Provided always, and be it further enacted, That in caſe any Jury, to be ſummoned and ſworn as aforeſaid, ſhall give a Verdict for more Monies, as a Recompence or Satisfaction for any Buildings or Lands, or for any Damage to be done thereto, than what ſhall have been offered by the ſaid Commiſſioners, or any Five or more of them, before the ſummoning or returning of ſuch Jury for ſuch Recompence or Satisfaction, that then the Expences of ſummoning and maintaining ſuch Jury and the Witneſſes ſhall be paid by the ſaid Commiſſioners, or any Five or more of them, out of the Monies to ariſe by virtue of this Act; but if any ſuch Jury ſhall give a Verdict for no more, or for leſs Monies than ſhall have been offered by the ſaid Commiſſioners, or any Five or more of them, before the ſummoning and returning ſuch Jury, for ſuch Recompence or Satisfaction, that then the Expences of ſummoning and maintaining ſuch Jury, and the Witneſſes, ſhall be borne by the Perſon or Perſons with whom the ſaid Commiſſioners ſhall have ſuch Controverſy or Diſpute: And ſuch Expences having been aſcertained and ſettled by Two of His Majeſty's Juſtices of the Peace for the ſaid Weſt Riding,

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ing, shall be deducted and taken out of the Monies so assessed, and adjudged as so much Money advanced to and for the Use of such Person or Persons; and the Payment or Tender of the Remainder of such Monies shall be deemed and taken, to all Intents and Purposes, to be a Payment and Tender of the whole Sum or Sums so assessed and adjudged.

Commissioners Decrees to be filed with the Clerk of the Peace.

And it is hereby further enacted, That the said Verdicts and Judgement shall be set down in Writing, under the Hands and Seals of the said Commissioners acting in the Premises, or any Five or more of them, and be kept amongst the Records and Writings of the Quarter-sessions of the Peace for the West Riding of the County of York, by the Clerk of the Peace for the Time being of the said Riding; and the same, or true Copies thereof, signed by the said Clerk of the Peace, be taken, adjudged, and deemed good and sufficient Evidence and Proof in any Court of Law or Equity whatsoever; and all Persons may have Recourse to the same, gratis, at all convenient Times, and may take Copies thereof, paying for every Copy, not exceeding Two hundred Words, the Sum of Four-pence, and so proportionably for any greater or less Number of Words.

Satisfaction being made or tendered, &c. the Commissioners may enter and proceed in the Work.

And it is hereby further enacted, That upon Payment of the Sum or Sums so agreed on, contracted for, or assessed and adjudged, for Damages and Costs to the Parties concerned, or for the Purchase of any such Buildings or Lands, or legal Tender thereof made to them respectively, which Sum or Sums of Money the said Commissioners, or any Five or more of them, are hereby authorised to pay out of any Monies to be raised by virtue of this Act; and in case any such Parties cannot be met with, or shall refuse to accept the same, then, upon Payment of such Sum into the Hands of such Person or Persons as the said Commissioners, or any Five or more of them, shall, under their Hands, in Writing, appoint, for the Use of the Parties interested as aforesaid; it shall and may be lawful to and for the said Commissioners, and their Agents, Workmen, and Servants, to enter upon, remove, dig, cut, or use such or so much of the said Buildings or Lands, for which such Satisfaction shall have been contracted for, agreed on, or assessed, or decreed, as aforesaid, and the same to use and employ for the effecting and executing any of the Powers of this Act, as the said Commissioners, or any Five or more of them, shall think requisite; and this Act shall be sufficient

sufficient to indemnify as well the said Commissioners as all Persons employed or authorised by them, against the said Owners, Occupiers, or other Persons interested, their Heirs, Successors, Executors, Administrators, and Assigns, and against all and every other Person and Persons, to all Intents and Purposes whatsoever.

Charges of paving, &c. to be paid by the Owners and Occupiers of Houses, &c.

And be it further enacted, That the Costs and Charges of the paving, altering, cleansing, and putting and keeping in Repair the aforesaid Streets and publick Passages, and opening and widening such Highways and Passages as aforesaid, shall be at all Times a Charge upon, and shall be raised and paid by the several Owners and Occupiers of all and every the Houses and Buildings situate and being within that Part of the Town of Wakefield so intended to be paved and repaired as aforesaid, and of all other Houses and Buildings already erected, or which shall be erected within or upon any other Streets, Lanes, Places, or Passages, adjoining or near to the Streets hereby directed to be paved and repaired, so as such Houses and Buildings be within Five hundred Yards on either Side of the Middle of the said Streets so intended to be paved and repaired, except the Mills that are worked by the Water of the River Calder, and the Warehouses belonging to the Halifax Navigation, and the Navigation of the Rivers Air and Calder, with the Wharfs, Warehouses, and Appurtenances thereunto belonging, and except all such Lands, Tenements, and Hereditaments, as are already exempt from Payment of Taxes by Authority of Parliament: And that for the raising the same, it shall and may be lawful to and for the said Commissioners, or any Five or more of them, from and after the passing this Act, to make, assess, and impose One or more equal Pound Rate or Rates, at their Discretion, not exceeding Two Shillings in the Pound in any One Year, to be collected at such Time or Times in the Year as to them shall seem meet, upon all and every the Houses and Buildings hereby directed to be charged.

(Exception.)

how to be raised.

Rates exempt from Taxes.

Provided always, and be it further enacted, That the said Rates and Assessments to be collected by virtue of this Act, shall be at all Times hereafter exempt from Payment of any Taxes, Rates, Assessments, or Impositions, parliamentary, parochial, or otherwise howsoever; any Law or Statute to the Contrary notwithstanding.

Rates may be amended.

And be it further enacted, That all Rates and Assessments which shall be made in pursuance of this Act, shall be

be allowed and ſigned by the ſaid Commiſſioners, or any Five or more of them, and they ſhall and may have Power to amend any ſuch Rates or Aſſeſſments, by inſerting the Name or Names of ſuch Perſon or Perſons who ought to have been rated, or ſtriking out the Name or Names of any Perſon or Perſons who ought not to have been rated, or by inhancing or leſſening the Sum charged upon any Perſon or Perſons ſo rated, as to them ſhall ſeem juſt; and after the ſaid Rates and Aſſeſſments are ſo made and confirmed, the ſaid Commiſſioners, or any Five or more of them, ſhall and may, and they are hereby authoriſed and required to cauſe the ſame to be collected and received by the ſaid Collector or Collectors, as ſoon as may be, of and from the Perſon and Perſons reſpectively on whom the ſame ſhall be reſpectively rated, charged, and aſſeſſed: And in caſe any Perſon or Perſons ſo rated, charged, or aſſeſſed as aforeſaid, ſhall refuſe or neglect to pay any ſuch Rate or Aſſeſſment to the Collector or Collectors, for the Space of Ten Days after Demand thereof, or Demand in Writing left at the laſt Place of Abode of ſuch Perſon or Perſons ſo rated, aſſeſſed, or charged, and refuſing and neglecting to pay as aforeſaid, or with his, her, or their, or any of their reſpective Servants, Clerks, or Agents, or any of them reſpectively, it ſhall and may be lawful to and for One or more Juſtice or Juſtices of the Peace, upon Oath, (which he or they are hereby impowered to adminiſter without Fee or Reward) of any ſuch Demand and Nonpayment, by Warrant under his or their Hand and Seal, or Hands and Seals, which he or they are hereby impowered and required to grant, to authoriſe and direct the ſaid Collectors reſpectively to levy, as ſoon as may be, ſuch Rate, or Monies ſo in Arrear, and refuſed or neglected to be paid, together with the Coſts attending the ſame, to be aſcertained by ſuch Juſtice or Juſtices, by Diſtreſs and Sale of the Goods and Chattels of every ſuch Perſon and Perſons ſo in Arrear, and refuſing or neglecting to pay as aforeſaid, whereſoever ſuch Goods and Chattels can be found, rendering the Overplus (if any be) to the Party or Parties ſo diſtrained, or leaving the ſame for his, her, or their Uſe, at the Place where ſuch Diſtreſs ſhall be made: And all and every of the ſaid Collector and Collectors ſhall, and he and they are hereby required to pay the Money he or they ſhall reſpectively collect and receive by virtue of this Act, within Ten Days after the Expiration of the Time in which the ſame is herein before directed

Rates to be recovered.

to be collected, to the said Treasurer or Clerk, or to such other Person or Persons as the said Commissioners, or any Five or more of them, shall appoint to receive the same, to be applied according to the Directions of this Act; and shall, and is and are hereby required, at the Time of his and their making every such Payment of such Money so collected, to deliver over to the Person or Persons so impowered to receive the same, a true and exact Copy of the Duplicate of the Assessment or Rate whereby he or they hath or have collected the same, with an Account thereupon, or thereunder written, of all and every such Sum and Sums of Money in such Assessment rated, as remains or remain uncollected, (if any such there shall happen to be) together with the Reasons why the same hath or have not been collected and received, that it may appear whether the Nonpayment thereof hath happened through the Insolvency of the Party rated, or through the Default of such Collector or Collectors; and in case any such Collector or Collectors shall refuse to take upon him or them respectively the said Offices, or duly to execute the same according to the true Intent and Meaning of this Act, he and they so offending shall respectively forfeit and pay, for every such Offence, the Sum of Twenty Pounds; and shall continue liable to be again appointed into the said Offices respectively the Year following, or sooner, if the said Commissioners, so assembled as aforesaid, or any Five or more of them, shall so think fit; and in case of his or their Refusal or Neglect to take upon him or them respectively the said Offices, or duly to execute the same, he or they so refusing or neglecting shall be again liable to the like Penalty, and so often as he or they shall refuse to take upon him or them the said Offices.

Deficiency of Rates to be made good the next Year.

Provided always, and be it further enacted, That in case the Money collected in any One Year shall not be sufficient to answer the Purposes for which the same was rated and assessed, that such Deficiency shall be applied by or out of a Rate to be made the next following Year.

Agreement between Landlord and Tenant touching paving, &c. not to be vacated.

Provided always, and be it further enacted, That nothing in this Act contained shall be deemed or taken to make void any Contract or Agreement entered into between Landlord and Tenant, touching or concerning the paving or cleansing, or keeping in Repair the aforesaid Streets and publick Passages, or any of them; but that every Person who is now, by virtue of any such Contract or Agreement, obliged to pave or cleanse, or keep in Repair the aforesaid Streets and publick Passages, or any Part thereof, shall,

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in lieu thereof, be obliged to pay the Rates hereby directed to be made and assessed for those Purposes, or so much thereof as shall, by the said Commissioners, or any Five or more of them, be deemed just and reasonable, according to the true Intent and Meaning of such Contract or Agreement, for and during such Time as such Contract or Agreement shall remain in Force: And in case any Dispute shall arise concerning such Contract or Agreement, the said Commissioners, or any Five or more of them, shall have Power, and they are hereby required to hear and finally determine the same.

Sale of Lands and Rent-charges.

And whereas a Close of Ground called Narr Offerley, with Part of another small Close of Ground called Castle Hill Close, lying in the Township of Horbury, in the Parish of Wakefield aforesaid, in the said County of York, are now vested in One or more Person or Persons, his or their Heirs, in Trust, to pay and apply the Rents, Issues, and Profits thereof, in and towards the Repair of the Highways within the aforesaid Town of Wakefield: And whereas the yearly Rent-charge of Twenty Shillings, issuing and payable out of a Close of Ground lying near Penny Walls, called Thorne's Field Close, within the aforesaid Parish of Wakefield; and also another yearly Rent-charge of Six Pounds, issuing and payable out of the House of Pemberton Mills Esquire, situate in Wakefield aforesaid, in the Possession of Pemberton Mills Esquire, or his Assigns, are now also vested in One or more Person or Persons, his or their respective Heirs, in Trust, to pay and apply the said several yearly Rent-charges in and towards the Repair of the aforesaid Highways, or some Part or Parts thereof; therefore be it enacted, That from and after the passing this Act, the said Closes of Ground called Narr Offerley and Castle Hill Close, with their Appurtenances, and the said several yearly Rent-charges of Twenty Shillings and Six Pounds, and the Inheritance thereof, shall be and are hereby absolutely vested in the said Commissioners and their Heirs, upon Trust, that they, or any Nine or more of them, and their Heirs, shall and do immediately, or as soon as conveniently may be after the passing of this Act, by publick Sale, of which One Month's Notice shall be given in the Leeds News-paper, and on the Door of the Church of Wakefield aforesaid, sell and dispose of the same, and every Part thereof, together or separately, for the best Price and Prices that can be reasonably had and gotten for the same;

same; and shall and do convey the same, pursuant to such Sale or Sales, to the Purchaser or Purchasers thereof respectively, his, her, or their respective Heirs, according to the Nature of the Estate or Estates so sold, whose Receipt and Receipts shall be sufficient Discharge and Discharges to the respective Purchaser or Purchasers thereof, his, her, and their respective Heirs, for such Purchase-money or Purchase-monies, or so much thereof as he, she, or they shall respectively pay, without his, her, or their, or any of their seeing the Application thereof, or of any Part thereof; and notwithstanding any Misapplication of the same, or any Part thereof, by the aforesaid Commissioners, or any Nine of them; all which said Sales and Conveyances shall be good and valid in the Law, to all Intents and Purposes whatsoever, against all, each, and every Person and Persons whatsoever, before or at the Time of passing of this Act, standing seised of the said Closes of Ground called Narr Offerley and Castle Hill Close, or either of them, and of the said several yearly Rent-charges of Twenty Shillings and Six Pounds, or either of them, upon all or any of the Trusts aforesaid, or having or claiming any Estate or Estates, Right, Title, Trust or Trusts, Use, Interest, Property, Claim, or Demand of, in, to, or out of the same, every or any Part or Parts thereof respectively; and also against all, each, and every Trust and Trusts, Use and Uses, Limitation and Limitations thereof, or of any Part or Parts thereof respectively, before the passing of this Act, by any Deed, Will, Surrender, or other Instrument in Writing limited or created; and also upon Trust that the aforesaid Commissioners, or any Nine of them, shall and do, immediately after Receipt of such Purchase-money and Purchase-monies, pay, apply, and dispose of the same, and every Part thereof, in and towards the repairing of the aforesaid Streets and publick Passages, or some Part or Parts thereof, and not otherwise, in Aid of the aforesaid Rates and Assessments.

Recovery of the Arrears of 140 *l.* and of the Arrears of the Moiety of the Duties arising from Coals and Cinders.

And whereas, by an Act made in the Fourteenth Year of the Reign of King George the Second, intituled, An Act for repairing the Roads from a Place called *Red House*, near *Doncaster*, to *Wakefield*, and through the said Town of *Wakefield* by *Dewsbury*, *Hightown*, and *Lightcliffe*, to the Town of *Halifax*, in the West Riding of the County of *York*, it is (amongst other Things) enacted, That the Trustees therein named, and the Survivors, or any Five or more of them, should, out of the Money arising by the Tolls and

and Duties to be collected from the Coal-carts passing through the said Town of Wakefield to the Key or Banks of the River Calder, or elsewhere, through Kirkgate, pay, during the Continuance of that Act, unto the Surveyors of the Highways of the Town of Wakefield for the Time being, the yearly Sum of Twenty-five Pounds, to be by them employed in, and towards the repairing and amending such Part of the said Road as lays between Westgate Bridge and Kirkgate Bar, in such Manner as the said Trustees, or any Five of them, should direct, and to be paid quarterly on the respective Days or Times therein for that Purpose limitted: And whereas, by another Act made in the Thirtieth Year of the Reign of the said King, for enlarging the Terms and Powers granted by the said Act, and also granted by another Act, passed in the Fourteenth Year of the Reign of the said King, intituled, An Act for repairing the Road from *Wakefield* to *Pontefract*, and from thence to a Place called *Weeland*, in the Township of *Hensall*, and from *Pontefract* to *Wentbridge*, in the Township of *Darrington*, in the West Riding of the County of *York*; after reciting therein, that the Pavements of the Streets of the said Town of Wakefield were in a most ruinous Condition, which was chiefly occasioned by the said Town being situated at the Head of the Navigation of the River Calder, and surrounded with Collieries, from all of which great Numbers of Carriages were constantly (so long as the Roads would permit) carrying Coals and Cinders through the said Town to the said Navigation, in order to be exported and carried into other Countries and distant Parts of the Kingdom, whereby the Roads, and especially the said Streets, were greatly destroyed; and that the Inhabitants of the said Town were, by the said first-recited Act, exempted from paying Tolls for Coals for their own Consumption, between the First Day of April and the Thirtieth Day of October in every Year, and were also intitled to the said Aid of Twenty-five Pounds per Annum, and that the said Exemptions and Aid had been found inconvenient; it is enacted, That the said Exemption and yearly Payment should, from and after the Twentieth Day of May, One thousand seven hundred and fifty-seven, cease and determine, and be repealed and made void; and that, in lieu thereof, One Moiety of all the Monies arising by the Tolls and Duties upon Coals and Cinders only, which should be collected at the Turnpike called Westgate Moor Bar, near Wakefield, and

which should, from Time to Time, be raised or produced, by letting out the same, or any Part thereof, or by Mortgage, Demise, or Assignment thereof, or of any Part thereof, or otherwise, upon the Credit of the said Tolls, either jointly with, or separately from the other Moiety thereof, should be so mortgaged, assigned, charged, collected by, and paid to the Trustees for the District lying between the North End of Wakefield Bridge, over Calder and the Town of Halifax, or to any Five or more of them, or to such Person or Persons as the same Trustees, or any Five or more of them, should, from Time to Time, appoint to receive the same, by Writing under their Hands, at Meetings to be held for the Execution of that Act at the Town of Wakefield only; and that all such Moiety should, if necessary, from Time to Time, be laid out in repairing, and keeping in Repair, the Middle Way or High Causeway only, leading through the Streets of the said Town of Wakefield, from Westgate Bridge to Kirkgate Bar, there, in such Manner, and by such Means, as the said last-named Trustees, or any Five or more of them, should, from Time to Time, direct, by Writing under their Hands: And it is thereby further enacted, (amongst other Things), That the Treasurer acting within that District of the Roads thereby directed to be repaired, which lays between Wakefiild and Halifax, should, on or before the Twenty-fifth Day of December, One thousand seven hundred and fifty-seven, pay, or cause to be paid, unto the Trustees appointed for the same District, who resided in the Town of Wakefield aforesaid, or to any Three of them, or to such Person or Persons as they, or any Three of them, should, by Writing under their Hands, appoint to receive the same, the Sum of One hundred and forty Pounds, out of the Tolls and Profits arising in the said District, or the Money to be borrowed on the Credit thereof, for the Arrears of the said Annuity of Twenty-five Pounds per Annum; and that the same should, with all convenient Speed, be laid out and applied in Manner and for the Purposes therein last before directed and appointed: And whereas the said Sum of One hundred and forty Pounds, or the said Moiety of the Tolls and Duties arising from the aforesaid Coals and Cinders, or any Part or Parts thereof respectively, have or hath not been employed or laid out in or towards the repairing and amending the aforesaid Part of the said Road, which lays between Westgate Bridge and Kirkgate Bar, or

in repairing or keeping in Repair the aforesaid Middle Way or High Causeway, or any Part or Parts thereof respectively; therefore be it enacted, That from and after the passing this Act, it shall and may be lawful to and for the said Commissioners, or any One or more of them, and they, or any One or more of them, are and is hereby enabled, impowered, and authorised, in his or their Name or Names, by Bill, Plaint, Information, or other Suit or Proceeding, in any of His Majesty's Courts of Record at Westminster, to recover, or endeavour to recover, of and from all, each, and every Person and Persons who have or hath received the same, or any Part or Parts thereof, or in whose Hand or Hands the same, or any Part or Parts thereof, now are, or at any Time or Times hereafter shall or may be and remain, all or any Part or Parts of the said Sum of One hundred and forty Pounds, and also of the said Moiety of the aforesaid Tolls and Duties so remaining unemployed and unlaid-out as aforesaid; and on Payment thereof, or of any Part or Parts thereof, with or without Suit, Receipt and Receipts, and other legal and sufficient Discharge and Discharges, in his or their Name or Names, to give, seal, and execute to the respective Person and Persons paying the same; all which said Receipt and Receipts, Discharge and Discharges, shall be valid and effectual in the Law, to all Intents and Purposes whatsoever, to the respective Person and Persons to whom the same shall be given, or sealed and executed, for all such Sum and Sums of Money as he or they shall respectively pay; all which Monies, to be so recovered or paid, shall be, by the Commissioner or Commissioners recovering and receiving the same, paid, applied, and disposed of, in and towards the repairing of the aforesaid Streets and publick Passages, or some Part or Parts thereof, and not otherwise, in Aid of the aforesaid Rates and Assessments, save as herein after is mentioned: And the Commissioner or Commissioners, in whose Name or Names any such Bill, Plaint, Information, or other Suit or Proceeding shall be commenced, brought, or prosecuted, for the Intents and Purposes aforesaid, and his, their, and each and every of their Goods and Chattels, Lands and Tenements, shall be indemnified of, from, and against each and every such Bill, Plaint, Information, Suit, and other Proceeding, and shall be paid all, each, and every the Costs, Charges, Damages, and Expences to him, them, or any of them, occasioned, or by him, them,

them, or any of them sustained, by reason or upon account of any such Bill, Plaint, Information, Suit, or other Proceeding, by and out of the aforesaid Rates and Assessments, at such Days and Times, and in such Manner and Form as the said Commissioners, or any Five or more of them, shall, from Time to Time, direct; the said recited Acts, or any Thing therein, or in any or either of them, contained to the Contrary notwithstanding.

For paying Money due from the Town of *Wakefield* to Mr. *Johnson* and others:

And whereas the said Sum of One hundred and forty Pounds was paid into the Hands of Master Alan Johnson of Wakefield aforesaid, who has accounted for the same to the Inhabitants of the said Town, upon the Balance of which Account there now remains due from the said Inhabitants, and the Owners and Occupiers of real Estates in the said Town, to the said Alan Johnson, the Sum of One hundred and twenty-five Pounds fifteen Shillings and Eight-pence halfpenny: And whereas there are also due and owing from the said Inhabitants, Owners and Occupiers, to the several Persons herein-after named, the several Sums of Money herein-after mentioned, being the Balances of their respective Accounts of Expences, (with Interest for the same), incurred by several Applications to Parliament for assessing the Navigation of the Rivers Air and Calder, towards the Repair of the Highways within the said Town, and other parochial Uses there; (that is to say), To Pemberton Milnes Esquire, Seven Pounds one Shilling; to Master Daniel Maude, Twenty-one Pounds seventeen Shillings and Sixpence; to Master Francis Maude the elder, Thirty-eight Pounds nineteen Shillings; and to the Representatives of Master William Beatson deceased, Twenty-three Pounds; be it therefore further enacted by the Authority aforesaid, That the said Alan Johnson shall be, and he is hereby declared to be fully and absolutely acquitted and discharged of and from the said Sum of One hundred and forty Pounds; and that the said before mentioned several Sums of One hundred and twenty-five Pounds fifteen Shillings and Eight-pence halfpenny, Seven Pounds one Shilling, Twenty-one Pounds seventeen Shillings and Sixpence, Thirty-eight Pounds nineteen Shillings, and Twenty-three Pounds, shall be paid; and the said Commissioners, or any Five or more of them, are hereby authorised and required to cause the same to be paid out of the first Money that shall arise by virtue of this Act, or which shall come into their or any of their Hands, for the Purposes thereof, by any Means whatsoever, to the said several

several above-mentioned Persons respectively, in full Satisfaction and Discharge of their said several Debts; any Thing in this Act contained to the Contrary thereof in any-ways notwithstanding.

Power to borrow Money.

And, for the more speedy and effectual carrying into Execution the several Purposes of this Act, be it further enacted, That the said Commissioners, or any Five or more of them, may, and are hereby impowered to borrow and take up at Interest any Sum or Sums of Money, not exceeding Five thousand Pounds, upon the Credit of the Rates and Assessments payable by virtue of this Act, and to assign over the same, or any Part or Parts thereof, by any Writing or Writings under their respective Hands and Seals, the Charges of such Assignments and Conveyances to be paid out of such Rates and Assessments, to any Person or Persons that shall advance and lend their Monies thereon, as a Security or Securities for the several Sums that shall be borrowed, and the Interest thereof, as aforesaid; Copies of all which Assignments and Conveyances shall be entered in a Book or Books, to be kept for that Purpose by the Clerk or Treasurer to the said Commissioners: And all and every such Person and Persons to whom any such Assignment shall be made as aforesaid, is and are hereby impowered, from Time to Time, by Assignment under his, her, or their respective Hand or Hands, to be indorsed on his, her, or their respective Security or Securities, or by any other Writing or Writings, under his, her, or their respective Hand or Hands, and Seal or Seals, which shall be executed in the Presence of Two or more credible Witnesses, to assign over, or transfer his, her, or their respective Principal and Interest Money, thereby secured, to any Person or Persons whomsoever; all which Assignments or Transfers shall be produced and notified to the said Clerk or Treasurer, within Seven Days after the Date thereof; who shall cause an Entry to be made thereof, containing the Dates, Names of the Parties, and Sums of Money therein mentioned, to be assigned and transferred, in the said Book or Books to be kept for entering the said original Assignments; and which said Book or Books shall and may, at all seasonable Times, be perused and inspected without any Fee or Reward: And after such Entry made, each and every such Assignment or Transfer, shall intitle such Assignee or Assignees, his, her, or their respective Executors, Administrators, and Assigns, to the Benefit thereof, and Payment thereon; and such Assignee or Assignees may, in like Manner, assign and transfer again,

and so toties quoties; and it shall not be in the Power of any Person who shall have made such Assignment or Transfer, to make void, release, or discharge the same, or any Monies thereon due.

All Creditors in equal Degree.

And be it further enacted, That no Preference shall be given to any Person or Persons advancing any Sum or Sums of Money upon the Credit of this Act, in respect of the Priority of advancing such Sum or Sums; but that all Persons to whom any Mortgages or Assignments shall be made as aforesaid, shall, in proportion to the Sum or Sums therein mentioned, be Creditors in equal Degree One with another.

Penalty on obstructing the Execution of this Act.

And be it further enacted, That if any Person or Persons shall, at any Time or Times hereafter, obstruct, hinder, or molest any Officer or Officers, or other Person or Persons whatsoever, who are or shall be employed to put this Act in Execution, in the Performance or Execution of his or their Duty, every such Person or Persons so offending shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds.

Power of levying Penalties.

And be it further enacted, That all Penalties and Forfeitures by this Act imposed and incurred (for the Recovery and Application whereof no particular Method is already directed) shall be levied and recovered by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal, or Hands and Seals, of any Justice or Justices of the Peace for the said West Riding; which Warrant the said Justice or Justices is and are hereby impowered and required to issue, upon the Information of One or more Witness or Witnesses upon Oath, (which Oath such Justice or Justices is and are hereby impowered and required to administer, without Fee or Reward) or by any other competent Evidence; and such Penalties and Forfeitures, when recovered, after rendering the Overplus (if any) when demanded, to the Person or Persons whose Goods and Chattels shall be so distrained; the Charges of such Distress being first deducted, shall go and be applied for such of the Purposes of this Act as the said Commissioners, or any Five or more of them, shall think fit: And in all Actions, Prosecutions, Informations, Causes, and Proceedings whatsoever, relating to and concerning the Execution of this Act, any Inhabitant within the said Township may, and shall be admitted to give Evidence of the Rate or Assessment charged as aforesaid upon any such Inhabitant by virtue of this Act.

Inhabitants may be Witnesses.

Provided

Provided always, and be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Thing done in pursuance of this Act, and for which no particular Method of Relief is herein appointed, such Person or Persons may, within Four Months after the Cause of Appeal shall have arisen, appeal to the Justices of the Peace at the General Quarter Sessions of the Peace to be holden for the said West Riding, such Appellant or Appellants first giving, or causing to be given, Ten Days Notice at least in Writing of his, her, or their Intention to bring such Appeal, and of the Matter thereof, to the said Commissioners or their Clerk, and within Ten Days after such Notice enter into Recognizance before some Justice of the Peace for the aforesaid West Riding, not interested in the Matter or Dispute then agitated, with Two sufficient Securities, conditioned to try such Appeal at and abide the Order of the Court, and to pay such Costs as shall be awarded by the Justices at such Quarter-sessions; and the said Justices at such Sessions, upon due Proof of such Notice being given, and of the entering into such Recognizance as aforesaid, shall hear and finally determine the Causes and Matters of such Appeal in a summary Way, and award such Costs to the Party or Parties appealing or appealed against as such Justices shall think proper; and the Determination of such Quarter-sessions shall be binding, final, and conclusive, to all Intents and Purposes.

Persons aggrieved may appeal to Justices at their Quarter Sessions,

whose Determination shall be final.

And be it further enacted, That where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers on account of any Default or want of Form in any Proceedings relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers ab initio, on account of any Irregularity which shall be afterwards done by the Party or Parties distraining; but the Person or Persons aggrieved by such Irregularity may recover full Satisfaction for the Special Damage in an Action on the Case.

Distress not illegal for want of Form.

Provided always, and be it further enacted, That no Plaintiff or Plaintiffs shall recover in any Action for any such Irregularity, Trespass, or other Proceeding, if Tender of sufficient Amends shall be made by or on Behalf of the Party or Parties who shall have committed, or caused to be

Power to tender Amends.

be committed, any such Irregularity, Trespass, or wrongful Proceeding, before such Action brought; and in case no such Tender shall have been made, it shall and may be lawful to and for the Defendant or Defendants in any such Action, by Leave of the Court where such Action shall depend, at any Time before Issue joined, to pay into Court such Sum of Money as he or they shall see fit, whereupon such Proceeding or Orders and Judgements shall be had, made, and given in and by such Court, as in other Actions where the Defendant is allowed to pay Money into Court.

No Act of Commissioners legal but at publick Meetings.

Entries to be made, and Accounts to be produced at publick Meetings.

And be it further enacted, That no Act or Order of the said Commissioners shall be valid, unless made at some publick Meeting, and when Five or more of the said Commissioners are present: And every such Act or Order so made, shall be entered in a Book to be for that Purpose kept by the Treasurer or Clerk to the said Commissioners; which said Book, and all other Books and Entries relating thereto, or which otherwise concern or contain any Account or Accounts relative to the Purposes of this Act, shall be produced at every publick Meeting, to the End that all or any of the Inhabitants of the said Township may, if they think proper, inspect the same, without Fee or Reward; which said Book or Entries, when subscribed by any Five or more of the said Commissioners, or their Clerk, shall be deemed Originals, and shall be admitted and received as Evidence in all Causes, Suits, and Actions touching any Thing done in pursuance of this Act.

Rates to be proportioned on Occupiers quitting or coming in.

And be it enacted, That where any Person or Persons shall come into or occupy any House, Buildings, Tenements, Hereditaments, or Premises, rated or assessed, or liable to be rated or assessed by virtue of this Act, out of or from which any other Person rated or assessed shall be removed, or which at the Time of making this Act were empty or unoccupied, that then every Person so removing from, and every Person so coming into or occupying the same, shall be liable to pay such Rate, in proportion to the Time such Person occupied the same respectively, in the same Manner, and under the same Penalty of Distress, as if such Person so removed had not removed, or such Person so coming into and occupying such House, Buildings, Tenements, Hereditaments, or Premises, had been originally rated and assessed in such Rate; which said Proportion, in case of Dispute, shall, by the said Commissioners, or any Five or more of them, be settled and ascertained.

And

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And be it further enacted, That it shall and may be lawful to and for the said Commissioners, or any Five or more of them, and they are hereby authorised and impowered, from Time to Time, to contract with any Person or Persons for the executing the several Purposes in this Act mentioned and contained; which Contract or Contracts shall specify the Works to be done, and the Prices to be paid for the same, and the Time and Times when such Works shall be performed or compleated, and the Penalty to be suffered in case of Nonperformance thereof; and the same shall be signed by the said Commissioners, or any Five or more of them, and by the Person or Persons contracting to perform such Works; and the said Commissioners, or any Five or more of them, are hereby authorised and impowered to pay such Sum or Sums of Money for such respective Works as they shall so contract and agree for, out of the Money raised for the Purposes of this Act. Power to Commissioners to make Contracts.

And be it further enacted, That it shall and may be lawful to and for the said Commissioners, or any One or more of them, or any Person or Persons by them authorised under their Hands, from Time to Time, to inspect the Poor Rates of and for the said Township, and to take Copies or Extracts therefrom; which the Overseer or Overseers, or other Person or Persons having the Custody thereof respectively, is or are hereby required, on producing such Order as aforesaid, to permit and suffer to be made and taken, without Fee or Reward; and on Refusal thereof, by the Overseer or Overseers, or other Person or Persons as aforesaid, he or they so refusing shall forfeit and pay the Sum of Ten Pounds for each such Offence; to be recovered by the said Commissioners, or any Five or more of them by Action of Debt, in any of His Majesty's Courts of Record, with Costs of Suit, as are allowed in other Cases by Law. Commissioners to inspect Poor Rates.

Provided always, and be it further enacted, That it shall and may be lawful to and for the said Commissioners, or any Five or more of them, or the Surveyor or Surveyors, by Writing under his or their Hand or Hands, to give Liberty and Licence to any of the Proprietors and Inhabitants within the aforesaid Part of the said Town, or their Builders or Workmen, to make such Inclosures before their respective Houses, in order to the pulling down, rebuilding, or repairing the same, or any Vault, Drain, or Building belonging thereto, and for laying the necessary Leave to inclose before Houses, for rebuilding or repairing.

Materials for the same, and the Rubbish arising therefrom, as may be proper and necessary; and no Person or Persons acting under such Licence, and in pursuance thereof, shall, during the Time thereby to be limitted, be subject or liable to any of the Penalties aforesaid.

Account to be made up annually, and to be free for Inspection.

And be it enacted, That the said Commissioners, or any Five or more of them, some Time between the First Day of June and the First Day of July, in every Year, shall cause a fair and just Account to be made and wrote out, of all Monies received and paid by virtue or in pursuance of this Act, when, by whom, to whom, and for what Purposes the same have been laid out, paid and expended; a Copy or Duplicate of which Account, signed by Five or more of the said Commissioners, shall be deposited with the Clerk of the said Commissioners, who shall permit any Person so rated as aforesaid to inspect the same at seasonable Times, paying One Shilling for such Inspection; and shall, upon Demand, forthwith give Copies of the same, or any Part thereof, to such Person, paying at the Rate of Three-pence for every hundred Words, and so in proportion for any greater or less Number; which Account, or Copy, or Duplicate thereof, the said Commissioners, or any Five or more of them, are hereby impowered and required to cause to be wrote out, signed, and delivered accordingly.

For preventing Annoyances in the Streets, by Carriages left therein.

And, for the more effectual preventing all Annoyances in the aforesaid Streets and publick Passages, it is hereby further enacted, That no Cart, Waggon, or other Wheel-carriage, shall be permitted to remain therein, but in order to the loading or unloading thereof; and for either of those Purposes not longer than the Space of Two Hours at any one Time, or such other reasonable Time as the said Commissioners, or any Five or more of them, shall order and appoint; and then only in such Parts of the aforesaid Streets and publick Passages where there can be left sufficient Space for any other loaded Waggon or other Carriage to pass by the Carriage so left standing therein without Danger, under the Penalty of Twenty Shillings for every Offence; to be paid by the Owner or Person having the Charge of such Carriage, and to be recovered and applied as the said Penalties by this Act are directed to be recovered and applied: And that no Horses or Cattle whatsoever, drawing or coming with any such Cart, Waggon,

gon, or other Wheel-carriage, or on any other Occasion, shall be fodderd or fed in any of the aforesaid Streets or publick Passages, on any Pretence or Occasion whatsoever, under the Penalty of Five Shillings for every such Offence; to be paid by the Owner or Person having the Charge of any such Horses or Beasts, and recovered, levied, and applied as aforesaid: And that no Truck, Sledge, Barrow, Barrel, Tub, Copper, Stall, Tressel, Block, Box, Chest, Case, Bag, or Package of any Kind whatsoever, shall, upon any Pretence whatsoever, be left in any of the aforesaid Streets or publick Passages during the Night Time, under the Penalty of Twenty Shillings for every such Offence; to be paid by the Owner and Owners thereof, or Person so leaving the same, and recovered, levied, and applied as aforesaid.

How the Monies raised are to be applied.

And be it further enacted, That all Monies arising by the Rates and Assessments by this Act directed to be made and levied, and all pecuniary Penalties and Forfeitures to be recovered or levied by virtue of this Act, and not hereby otherwise particularly disposed of, shall be paid to the said Commissioners, or any Five or more of them, or to such Person or Persons as they shall appoint; to be applied to and for the Purposes of this Act, and to and for no other Use, Intent, or Purpose whatsoever.

Writings to be without Stamps.

Provided always, and be it enacted, That no Nomination, Appointment, Contract, Bond, Information, Warrant, Order, Judgement, Conviction, or other Writing whatsoever, under the Hand and Seal or Hands and Seals of any of the Commissioners for putting this Act in Execution, or of any Justice or Justices of the Peace, or only signed by them, or any of them, or exhibited before them, or any of them respectively, touching, concerning, or in the Execution of any of the Powers or Authorities by this Act vested in such Commissioners or Justices of the Peace, or any of them, shall be charged or chargeable with any Stamp-duty whatsoever.

To commit Offenders when no Distress can be found.

And be it further enacted, That in all Cases where pecuniary Penalties are directed to be levied by this Act, in case no sufficient Distress of the Goods or Chattels of any Offender shall be found at the issuing of any such Warrant or Warrants of Distress; then, and in such Case, it shall and may be lawful to and for the Justice or Justices of the Peace, before whom such Offender or Offenders shall be convicted

convicted as aforesaid, to commit him, her, or them, to the House of Correction for the aforesaid West Riding, to be kept to hard Labour, for any Time not exceeding Six Months, or until such Penalties or Forfeitures shall be paid.

Distress not to be deemed unlawful for want of Form.

And be it further enacted, That no Proceedings to be had touching the Conviction of any Offender or Offenders against this Act, or any Order made, or other Matter or Thing to be done or transacted in or relating to the Execution of this Act, shall be vacated or quashed for Want of Form, or be removed by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at Westminster; any Law or Statute to the Contrary notwithstanding.

Limitation of Actions.

And be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of this Act, until Ten Days Notice shall be thereof given in Writing to the Treasurer or Clerk to the said Commissioners, or after Twelve Months next after the Fact committed, for which such Action or Actions, Suit or Suits, shall be so brought; and every such Action shall be brought, laid, and tried in the County of York, and not elsewhere; and that the Defendant or Defendants, in such Actions and Suits, and every of them, may plead the General Issue, and give this Act, and the Special Matter, in Evidence, at any Trial or Trials which shall be had thereupon; and that the Matter or Thing for which such Action or Actions, Suit or Suits, shall be so brought, was done in pursuance and by the Authority of this Act: And if the said Matter or Thing shall appear to be so done, or if it shall appear that such Action or Suit was brought before Ten Days Notice thereof given as aforesaid, or that sufficient Satisfaction was made or tendered as aforesaid, or if any such Action or Suit shall not be commenced within the Time before for that Purpose limitted, or shall be laid in any other County than as aforesaid, then the Jury or Juries shall find for the Defendant or Defendants therein; and if a Verdict or Verdicts shall be found for the Defendant or Defendants, or if the Plaintiff or Plaintiffs, in such Action or Actions, Suit or Suits, shall become nonsuited, or suffer a Discontinuance of such Action or Actions, or if upon any Demurrer

General Issue.

Demurrer or Demurrers, in such Action or Actions; Judgement shall be given for the Defendant or Defendants therein; then, and in either of the Cases aforesaid, such Defendant or Defendants shall have Treble Costs, and have such Remedy for recovering the same, as any Defendant or Defendants may have for his, her, or their Costs, in any other Cases of Law. Treble Costs.

Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend, to prejudice, lessen, or defeat the Rights or Interests of the most noble Thomas Duke of Leeds, his Heirs or Assigns, or any of them, to or in the Manor of Wakefield aforesaid, but the said Duke, his Heirs, and Assigns, shall enjoy all such Rights and Interests, in as full and ample Manner, to all Intents and Purposes, as he held and enjoyed the same before the passing of this Act, or could or might have held and enjoyed the same in case this Act had not been made; any Thing herein contained to the Contrary notwithstanding. Saving the Rights of the Duke of *Leeds*.

And whereas the aforesaid Township of Wakefield consists of Three several Divisions or Districts; that is to say, the Division or District of Westgate, Northgate, and Kirkgate, through each of which said Divisions or Districts lead One or more Turnpike Road or Roads; therefore be it further enacted, That nothing herein contained shall extend, or be construed to extend, to subject or make liable, or compel or oblige all or any of the Inhabitants within the aforesaid Divisions or Districts, or any of them respectively, to do or perform their respective Statute-work in and towards the repairing and keeping in Repair all or any of the Turnpike Road or Roads leading through the same respectively, or to pay any Sum or Sums of Money as and for the Composition in lieu of such Statute-work, in any other Manner or Form than they respectively now do or perform and pay, or by Authority of Parliament now are subject or liable to do or perform and pay; any Thing herein contained to the Contrary notwithstanding. Divisions or Districts preserved.

And be it further enacted, That all the Charges and Expences of obtaining and passing this Act shall be paid out of the First Monies to be raised by the Rates or Assessments to be collected by virtue of this Act. Expences of passing this Act how to be paid.

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

FINIS.