ANNO SEPTIMO & OCTAVO

# GEORGII IV. REGIS.

## *Cap.* lxix

**An Act for repairing the Road leading from *Ealand* to the Town of *Leeds* in the West Riding of the County of *York*.** [28th *May* 1827.]

WHEREAS an Act was passed in the Fourteenth Year of the Reign of King *George* the Second, intituled *An Act for repairing the Road leading from* Ealand *to the Town of* Leeds *in the West Riding of the County of* York: And whereas another Act was passed in the Twenty-sixth Year of the Reign of King *George* the Second, intituled *An Act for enlarging the Term and Powers granted by an Act passed in the Fourteenth Year of the Reign of His present Majesty, intituled 'An Act for repairing the Road leading from 'Ealand to the Town of* Leeds *in the West Riding of the County of* York:' And whereas an Act was passed in the Seventeenth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for enlarging the Terms and Powers of Two Acts, passed in the Fourteenth and Twenty-sixth Years of His late Majesty's Reign, for repairing the Road leading from* Ealand *to the Town of* Leeds *in the West Riding of the County of* York: And whereas another Act was passed in the Thirty-fifth Year of the Reign of His said late Majesty King *George* the Third, intituled *An Act for enlarging the Term and Powers of Three several Acts, passed in the Fourteenth and Twenty-sixth Years of the Reign of His late Majesty King* George *the Second, and in the Seventeenth Year of the Reign of His present Majesty, for repairing the Road leading from* Ealand *to the Town of* Leeds *in the West Riding of the County of* York:

14 G. 2. c. 25.

26 G. 2. c. 61.

17 G. 3. c. 86.

35 G. 3. c. 159.

York: And whereas considerable Sums of Money have been borrowed on Security of the Tolls authorized to be taken on the said Road by virtue of the said several recited Acts, or some or one of them, which Sums of Money are still due and owing, and cannot be paid off, nor the Interest thereof discharged, nor can the said Road be sufficiently widened or otherwise improved and effectually kept in repair, unless the Powers and Provisions of the said recited Acts are amended and enlarged, and the Tolls increased: And whereas it would be more convenient to the Trustees, and beneficial to the said Road and to the Public, if the said recited Acts of the Fourteenth and Twenty-sixth Years of the Reign of King *George* the Second, and the Seventeenth and Thirty-fifth Years of the Reign of King *George* the Third, were repealed, and further and other Provisions granted instead thereof: And whereas an Act was passed in the Third Year of the Reign of His present Majesty King *George* the Fourth, intituled *An Act to amend the General Laws now in being for regulating Turnpike Roads in that Part of* Great Britain *called* England: And whereas an Act was passed in the Fourth Year of the Reign of His said present Majesty, intituled *An Act to explain and amend an Act passed in the Third Year of the Reign of His present Majesty, to amend the General Laws now in being for regulating Turnpike Roads in that Part of* Great Britain *called* England: And whereas an Act was passed in the Fifth Year of the Reign of His said present Majesty, intituled *An Act to enable Justices of the Peace for Ridings, Divisions, or Sokes, to act as Trustees for repairing and maintaining Turnpike Roads:* 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 from and after the passing of this Act the said recited Acts of the Fourteenth and Twenty-sixth Years of the Reign of King *George* the Second, and of the Seventeenth and Thirty-fifth Years of the Reign of His late Majesty King *George* the Third, shall be and the same are hereby declared to be repealed.

3 G. 4. c. 126.

4 G. 4. c. 95.

5 G. 4. c. 69.

Recited Acts 14 & 26 G. 2. 17 & 35 G. 3. repealed.

This Act to be put in Execution.

II. And be it further enacted, That this Act shall be put in Execution for and during the Term herein-after mentioned, for the Purpose of amending, repairing, diverting, altering, improving, and maintaining in repair the Road from the Town of *Ealand* to a certain Dwelling House situate at the South-west End of the Town of *Leeds*, the Property of Mistress *Rachael Milnes*, in the Occupation of Mr. *John Cross*.

Tolls under this Act to be subject to the Debts, &c. under the former Acts.

III. And be it further enacted, That this Act and the Tolls hereby granted shall be and the same are hereby made subject and liable to the Payment of all Monies which are now due and owing on the Credit of the Tolls authorized to be taken on the same Road by the said several recited Acts or any of them, and of all Interest now due and to grow due thereon, and of all Monies which are now due and owing on account of floating Debt, also for Land purchased or taken for widening and improving the said Road, also for Damages done in getting Materials, and for Rent of Quarries taken and used for the Repair and Improvement of the said Road, as fully and effectually

tually to all Intents and Purposes as if such Monies had been borrowed and become due on the Credit of this Act, or of the Tolls hereby authorized to be collected; and all and every Person and Persons owing any Sum or Sums of Money on account of the said Road to the Trustees for executing the said recited Acts of the Fourteenth and Twenty-sixth Years of the Reign of King *George* the Second, and of the Seventeenth and Thirty-fifth Years of the Reign of His late Majesty King *George* the Third, shall be liable to the Payment thereof to the Trustees for executing this Act.

Conveyances, Mortgages, &c. under the former Acts, to be valid notwithstanding the Repeal of those Acts.

IV. And be it further enacted, That all Conveyances, Mortgages, Deeds, Bonds, Covenants, Agreements, Contracts, and Securities made to or by or entered into on account of the said Road by any Person or Persons to or with the Trustees for executing the said recited Acts of the Fourteenth and Twenty-sixth Years of the Reign of King *George* the Second, and of the Seventeenth and Thirty-fifth Years of the Reign of His said late Majesty King *George* the Third, or any of them, shall remain in full Force and Effect, and be and continue available in all Courts of Law and Equity, until the same be fully satisfied and performed; and all Bargains, Contracts, Agreements, or Notices made, entered into, or given by the Trustees for executing the same Acts with or to any Person or Persons for any Purpose relating to the said Road, or to the Execution of the same Acts, or any of them, shall remain in full Force and Effect, and be observed and kept by the Trustees under this Act, and by the other respective Parties to such Contracts, Agreements, or Notices, according to the Terms, Stipulations, and the true and equitable Intent and Meaning thereof, notwithstanding the Repeal of the same Acts.

Books used under former Acts to be Evidence.

V. And be it further enacted, That all and every the Books of Proceedings of the Trustees in Execution of the said recited Acts of the Fourteenth and Twenty-sixth Years of the Reign of King *George* the Second, and the Seventeenth and Thirty-fifth Years of the Reign of His late Majesty King *George* the Third, hereby repealed, or of any Act then in Force and made Evidence thereby, shall be admitted in Evidence in all Courts, and by all Judges, Justices, and others; and all such Books, and all Books of Accounts of Receipts and Disbursements kept, had, or made under the said Acts, and all Books for registering Mortgages or Assignments made in pursuance thereof, shall be preserved and kept by the Trustees for executing this Act, or as they shall direct, and shall at all seasonable Times be open to the Inspection of the said Trustees, and any Creditor or Creditors of the Tolls, without Fee or Reward; and the said Trustees and Creditors, or any of them, shall and may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof respectively, without paying any thing for the same; and in case the Clerk to the said Trustees, or other Person having the Care of such Book or Books, shall refuse to permit or shall not permit the said Trustees or such Creditors, or any of them, to inspect the said Book or Books, or to take such Copies or Extracts as aforesaid, such Clerk or other Person shall forfeit and pay any Sum of Money not exceeding Five Pounds.

VI. And

Officers to account.

VI. And be it further enacted, That all Persons who are or who have been employed, or who have received any Tolls or other Money on account of the said Road, or who have or shall have in their Custody or Possession any Money, Books, Papers, Writings, or other Things relating to the said Road, shall account for and pay and deliver the same and every Part thereof to the Trustees for executing this Act, in like Manner and under the like Penalties as the several Collectors and other Persons receiving any Money by virtue of the said recited Acts of the Third and Fourth Years of the Reign of His said present Majesty and this Act are required to pay or account for the same.

Powers of recited Acts of 3, 4, and 5 G. 4. extended to this Act.

VII. And be it further enacted, That the said recited Act passed in the Third Year of the Reign of His present Majesty, and all and every the Powers, Provisions, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters and Things therein contained (save and except such Parts thereof as are expressly varied, altered, or repealed by the said recited Act of the Fourth Year of the Reign of His present Majesty, and also save and except such Parts thereof as are expressly varied, altered, or otherwise provided for), and also the said recited Act passed in the Fourth Year of the Reign of His present Majesty, and all and every the Powers, Provisions, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things therein contained (save and except such Parts thereof as are expressly varied, altered, or otherwise provided for), and also the said recited Act passed in the Fifth Year of the Reign of His present Majesty, and the Power or Provision therein contained, shall respectively be as good, valid, and effectual for carrying this Act and the several and respective Purposes thereof into Execution, as if the same had respectively been repeated and re-enacted in the Body of this Act.

Trustees.

VIII. And be it further enacted, That all His Majesty's Justices of the Peace acting for the West Riding of the County of *York* for the Time being, together with *William Aldam*, *William Ambler*, *James Armitage*, *George Bankes*, *James Bateson*, *William Battye*, *Thomas Beckett*, *William Beckett*, *Christopher Beckett*, *William Bellhouse*, *John Bilbrough*, *James Bilbrough*, *John Birdsall*, *George Bischoff*, *John Bradley*, *John Bramley*, *Richard Bramley*, *James Brook*, *John Edward Brooke*, *Charles Brown*, *John Buttrey*, *Thomas Charlesworth*, *Thomas Clapham*, *Lot Croisdale*, *George Crowther*, *Isaac Crowther*, *Thomas Crowther*, *David Crowther*, *Joseph Dickinson*, *Joseph Dixon* Merchant, *Lepton Dobson*, *John Elam*, *John William Elam*, *Richard Evers*, *John Farrer*, *Joseph Fawcett*, *Richard Fawcett*, *Thomas Firth*, *Leonard Forster*, *Joseph Fryer*, *Benjamin Gomersall*, *William Gomersall*, *Henry Hall*, *Robert Harrison*, *William Hill*, *William Hirst*, *Benjamin Hogg*, *Thomas Hogg*, *John Howarth*, *William Hudson* Gentleman, *William Hudson* Merchant, *Thomas George Jaques*, *Edward Jowitt*, *Robert Jowitt*, *Thomas Jowitt*, *Andrew Guias Kinsman* Clerk, *John Lapage*, *James Leather*, *Ralph Markland*, *John Morris*, *Thomas Motley*, *William Newton*, *Thomas Noble*, *John Nussey*, *Thomas Benson Pease*, *William Perfect*, *John Raper*, *Peter Rhodes*, *William Rhodes*, *Richard Ripley*, *William Roberts*, *Benjamin Rogers*, *Norrison Cavendish Scatcherd*,

*cherd, Jonathan Shackleton, Joseph Shackleton, Joseph Shaw, Christopher Smith, Joseph Swain, Edward Swaine, Thomas Tatham, Henry Teal, Thomas Tennant, John Thistlethwaite, Thomas Trant, Joshua Walker, Richard Walker, John Webster* junior, *Nathaniel Webster, Samuel Webster, Joseph Whalley, John Wordsworth, Thomas Wordsworth, William Wordsworth, Bryan Wormald, Griffith Wright,* and their Successors, being duly qualified according to the Directions of the said recited Acts passed in the Third, Fourth, and Fifth Years of the Reign of His present Majesty, shall be and they are hereby appointed Trustees for amending, repairing, widening, improving, and keeping in repair the said Road from *Ealand* to *Leeds*, and for diverting and altering the same, and otherwise putting this Act into Execution, subject as herein-after mentioned.

Power to appoint additional Trustees.

IX. And be it further enacted, That it shall and may be lawful for the said Trustees, and they are hereby authorized and empowered from Time to Time, at any of their Meetings, to elect and appoint any Number of Persons, being duly qualified according to the Directions of the said recited Acts passed in the Third and Fourth Years of the Reign of His present Majesty (not exceeding Three in the whole in addition to the Number of Trustees herein named and appointed), to be Trustees for the Purposes of this Act; and such Persons so elected and appointed shall be Trustees for the Purposes of this Act, and are hereby invested with the same Powers and Authorities for executing this Act as if they had been herein named.

First Meeting of Trustees.

X. And be it further enacted, That the Trustees for executing this Act shall hold their First Meeting at the Court House in *Leeds*, or some other convenient Place near to the said Road, upon the First *Wednesday* next after the passing of this Act, or as soon after as conveniently may be, and shall and may then and from Time to Time after adjourn to and meet at such Times and at such Place or Places in the Neighbourhood of the said Road as they shall think proper.

Old Officers to continue.

XI. Provided always, and be it further enacted, That each and every Treasurer who shall have been appointed consistently with the Provisions of the said recited Acts passed in the Third and Fourth Years of the Reign of His present Majesty, and not contrary to the Provisions or Directions of this Act, and each and every Clerk, Receiver, Collector, Surveyor, and other Officer appointed under or by virtue of the said first Four recited Acts hereby repealed, shall hold and enjoy such their several and respective Offices and Employments until removed therefrom by the Trustees for executing this Act; and each and every such Clerk, Receiver, Collector, Surveyor, and other Officer shall have the like Power and Authority for the Purposes of this Act, and for carrying the same into Execution, and shall be subject to the like Pains and Penalties, and to the like Power of Removal, and to the like Rules and Regulations in all respects whatsoever, as if he had been appointed by virtue of this Act.

Clerk not to act as Treasurer, and vice versâ.

XII. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue to appoint the Person who

who hath been or who may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, or the Clerk or any Person in the Service or Employ of any such Clerk, or the Clerk of any Person in the Service or Employ of the Partner of any such Clerk, to be the Treasurer for the Purposes of this Act, or to continue or appoint the Person who hath been or who may be appointed Treasurer, or the Partner of any such Treasurer, or the Clerk or any Person in the Service or Employ of any such Treasurer, or the Clerk or any Person in the Service or Employ of the Partner of any such Treasurer, to be the Clerk to the said Trustees; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk, or the Clerk or any Person in the Service or Employ of any such Clerk, or the Clerk or any Person in the Service or Employ of the Partner of any such Clerk, shall accept the Office of Treasurer, or shall act as Deputy of the Treasurer, or in any Manner officiate for the Treasurer, or being the Partner of any such Treasurer, or the Clerk or any Person in the Service or Employ of any such Treasurer, or the Clerk or any Person in the Service or Employ of the Partner of any such Treasurer, shall accept the Office of Clerk in the Execution of this Act, or shall act as Deputy of such Clerk, or in any Manner officiate for such Clerk, or if any such Treasurer shall hold any Place or Office of Profit or Trust under the said Trustees other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same, to be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt, on the Case, or by Bill, Plaint, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

Power to erect Toll Gates, Turnpikes, Side Gates, &c.

XIII. And be it further enacted, That it shall be lawful for the said Trustees, if they shall think proper, to continue or remove all and every or any of the Toll Gates or Turnpikes and Chains and Toll Houses and Weighing Machines now standing and being in or upon or across the said Road, or on the Sides thereof; and also to erect and set up or build, or cause to be erected, set up, and built, upon, in, or across the said Road, or on the Sides thereof or any Part thereof, when, where, and as they shall judge necessary, any Gate or Gates, Turnpike or Turnpikes, Side Gate or Side Gates, Side Bar or Side Bars, Chain or Chains, or any Weighing Machine or Weighing Machines, and also one or more Toll House or Toll Houses, with Outbuildings and Conveniences suitable thereto, at or near each Gate, Bar, Chain, or Weighing Machine, and to take in and inclose on the Sides of the said Road suitable Garden Spots for the same respectively, not exceeding One Eighth Part of a Statute Acre each, as they shall think necessary, and from Time to Time to take down and remove or to alter and discontinue the same, or any of them, as they the said Trustees shall think proper, and direct or appoint.

Power to take Tolls.

XIV. And be it further enacted, That from and after the passing of this Act it shall and may be lawful to and for the said Trustees, or any Person or Persons appointed or continued or to be appointed by



virtue

virtue of this Act Collector or Collectors as aforesaid, to demand, collect, and take the Tolls herein-after mentioned, or such Sum or Sums of Money, not exceeding the following Sums or Tolls respectively, as the said Trustees at any of their Meetings shall from Time to Time appoint and order, at the several and respective Toll Gates or Turnpikes or Toll Houses, or Side Bars or Side Gates or Chains, which are or shall be standing and being or continued or erected or placed by virtue of this Act in, upon, across, or on the Side or Sides of the said Road or any Part thereof, and on each and every Day (such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock on the next succeeding Night); that is to say,

Tolls.

For every Horse, Mule, or other Beast drawing any Coach, Stage Coach, Diligence, Van, Caravan, Sociable, Berlin, Landau, Chariot, Vis-a-vis, Barouche, Phaeton, Chaise Marine, Chaise, Calash, Car, Curricle, Chair, Taxed Cart, Gig, Whiskey, Hearse, Litter, or such like Carriage, the Sum of Sixpence:

For every Horse, Mule, or other Beast drawing any Waggon, Wain, Cart, or other such like Carriage, not going for or laden with Coals or Cinders, and having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth or Gauge of Six Inches or more, the Sum of Four-pence:

For every Horse, Mule, or other Beast drawing any Waggon, Wain, Cart, or other such like Carriage, and not going for or laden with Coals or Cinders, and having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth or Gauge of Four and a Half Inches and less than Six Inches, the Sum of Five-pence:

For every Horse, Mule, or other Beast drawing any Waggon, Wain, Cart, or other such like Carriage, and not going for or laden with Coals or Cinders, and having the Sole or Bottom of the Fellies of the Wheels thereof of less Breadth than Four and a Half Inches, the Sum of Sixpence:

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

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

For every Drove of Calves, Swine, Sheep, or Lambs, the Sum of Sixpence *per* Score; and so in proportion for any greater or less Number.

Foregoing Tolls to be paid only Once a Day.

Which said several Tolls herein-before granted shall be paid and payable Once only in the same Day (to be computed as aforesaid); and upon a Ticket denoting the Payment of such Tolls on that Day being produced, every Horse, Beast, or Cattle for which such Tolls shall have been paid shall be permitted to pass Toll-free through the same Turnpike, Toll Gate, or Side Bar, and also through such other Toll Gates, Turnpikes, or Side Bars (if any) as the Ticket for such Payment shall free, at any Time or Times during the same Day (to be computed as aforesaid).

And for every Horse, Mule, or other Beast drawing any Wain, Waggon, Cart, or other Carriage, carrying or laden with, or empty, and going and returning immediately after having been so laden with Coals

Coals or Cinders, and having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth or Gauge of Six Inches or upwards, the Sum of Three-pence:

For every Horse, Mule, or other Beast drawing any Wain, Waggon, Cart, or other Carriage, carrying or laden with, or empty, and going and returning immediately after having been so laden with Coals or Cinders, and having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth or Gauge of Four and a Half Inches, the Sum of Four-pence:

And for every Horse, Mule, or other Beast drawing any Wain, Waggon, Cart, or other Carriage, carrying or laden with, or empty, and going and returning immediately after having been so laden with Coals or Cinders, and having the Sole or Bottom of the Fellies of the Wheels thereof of less Breadth or Gauge than Four and a Half Inches, the Sum of Four-pence Halfpenny:

Which said several Tolls lastly herein-before granted shall be paid and payable for each and every Time of passing and repassing such Gate or Turnpike.

Which said Tolls or Sums of Money respectively shall be demanded and taken before any Horse, Mule, Ass, Beast, or other Cattle whatsoever shall be permitted to pass through any Toll Gate or Turnpike or Side Gate or Side Bar or Chain which shall be continued, erected, or placed by virtue of this Act in, upon, or across the said Road, or on the Sides thereof or any Part thereof, and which said several and respective Tolls or Sums of Money shall be and the same are hereby vested in the said Trustees, and the same and every Part thereof shall be applied for the Purposes of this Act in manner hereinafter mentioned and directed.

**Limiting the Number of Tolls on the whole Line of Road.**

XV. Provided also, and be it further enacted, That no more than Four full Tolls shall be demanded or taken for or in respect of the same Horse, Beast, or Cattle for passing or repassing at any Time or Times in One Day (to be computed as aforesaid), through all or any of the Toll Gates, Turnpikes, or Side Gates along the whole Line of the said Road.

**Stage Coaches, &c. to pay every Time of passing.**

XVI. Provided always, and be it further enacted, That the Tolls hereby made payable for or in respect of Horses and Beasts drawing any Stage Coach, Diligence, Van, Caravan, or Stage Waggon, or other Stage Carriage conveying Passengers or Goods for Pay or Reward, shall be payable and paid every Time of such Stage Coach, Diligence, Van, Caravan, or Stage Waggon, or other Stage Carriage passing or repassing along the said Road.

**Post Chaises, &c. on every new Hiring.**

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

**Exemptions from Part of the Toll on**

XVIII. And whereas many Persons make a Practice of carrying and conveying Stone and other Things upon the said Road in the Winter

Winter Season, which are exempted from Toll, to the great Prejudice of the same Road, and which might be carried and conveyed with less Prejudice at other Seasons of the Year; be it therefore enacted, That it shall be lawful for the said Trustees at all Times hereafter, between the First Day of *November* and the First Day of *April*, to demand and take, or cause to be demanded, received, and taken, at the said several and respective Toll Gates or Turnpikes or Toll Houses, or Side Bars or Side Gates or Chains, erected or to be erected on the said Road, for every Horse, Mule, or Ass drawing any Waggon, Wain, Cart, or other Carriage carrying or laden with, or empty, and going and returning immediately after having been so laden with Stone, Lime for Manure, Dung, Mould, Compost, or any other Manure, of what Nature or Kind soever, One Half of the Tolls by this Act imposed upon Horses, Mules, and Beasts drawing Waggons, Carts, and Carriages laden with Coals and Cinders.

Stones, &c. taken off in certain Months.

XIX. And be it further enacted, That out of the Tolls and other Monies collected or received under or by virtue of the said recited Acts hereby repealed, or out of the first Money which shall arise or be received from the Tolls by this Act granted, or otherwise, the said Trustees shall in the first place pay and discharge all the Costs and Expences relative to the obtaining and passing of this Act, with Interest for the same; and in the next place pay and discharge the floating Debt, and all Sums of Money owing for Land purchased or taken for widening and improving the said Road, and for Damages done in getting Materials, and for Rent of Quarries taken and used for the Repair and Improvement of the said Road; and then the Remainder of all such Monies shall (after Payment of the necessary Expences from Time to Time of erecting or repairing Toll Gates, Toll Houses, Mile Stones or Posts, and Fences, and for Books, Advertisements, Salaries of Officers, and other Expences incidental to the Execution of this Act) from Time to Time be applied, in the first place, in keeping down the Interest of the whole Principal Monies now borrowed and due, or hereafter to be borrowed or grow due, upon the Credit of the said Tolls, as well now in arrear as hereafter to grow due, to be paid to all the respective Creditors equally and without Preference; and after Payment thereof, then in repairing, widening, improving, and maintaining in repair the said Road; and in case, after making the Payments and satisfying the Charges aforesaid, and after keeping and maintaining the said Road in good Repair, there shall at any Time be a Surplus of Money in the Hands of the said Trustees or of their Treasurer applicable to the Purposes of the said Road, arising from the said Tolls or otherwise, then and in such Case, but not otherwise, it shall be lawful for the said Trustees, and they are hereby empowered, if they shall think fit and expedient, to apply such Surplus, or any Part thereof, in diverting or altering the Line of the said Road, or otherwise putting this Act into Execution, and then in repaying the Principal Monies which have been heretofore borrowed or advanced on the Credit of the Tolls arising on the said Road, and the Principal Monies which may be hereafter borrowed or advanced upon the Credit of the Tolls hereby granted on the said Road.

Application of the Tolls.

No Part of the Money to be laid out in repairing Streets, &c. in Leeds.

XX. Provided always, and be it further enacted, That no Part of the Money to be received by virtue of this Act shall be laid out in the repairing any Road or Street in any Part of the said Town of *Leeds*; any thing herein contained to the contrary in anywise notwithstanding.

Application of Compensation Money if amounting to 200*l.*

XXI. And be it further enacted, That if any Money shall be paid or agreed or awarded to be paid for the Purchase of any Lands, Tenements, or Hereditaments to be purchased, taken, or used for the Purposes of the said Road, which shall belong to any Body Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporation Aggregate or Sole, Tenant for Life or in Tail, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee for on behalf of any Infant, Idiot, Lunatic, Feme Covert, or other Cestuique Trust, or to any Person or Persons whose Lands, Tenements, or Hereditaments are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account there *ex parte* the Trustees for executing this Act, pursuant to the Method prescribed by an Act passed in the First Year of the Reign of His present Majesty King *George* the Fourth, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at* Westminster *on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes,* and the General Orders of the said Court, and without Fee or Reward; and shall when so paid in there remain until the same shall, by Order of the said Court made upon a Petition to be preferred to the said Court in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, be applied either in the Purchase or Redemption of the Land Tax, or in or towards the Payment or Discharge of any Debt or Debts or other Incumbrances affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith, or to the same or the like Uses, Trusts, Intents, or Purposes, as the said Court of Exchequer shall authorize to be purchased, redeemed, paid, or discharged, or such Part thereof as shall be necessary; or until the same shall, upon the like Application, be laid out in a summary Way by Order of the said Court in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed, limited, and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, or Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined or capable of taking effect; and in the meantime and until such Order can be made, the said Money may, by Order of the said Court upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three

1 G. 4. c. 35.



Pounds

Pounds *per Centum* Reduced Bank Annuities, or in Government or Real Securities; and in the meantime, and until the said Bank Annuities, or Government or Real Securities, shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends or Interest and annual Produce of the said Consolidated or Reduced Bank Annuities, or Government or Real Securities, shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of such Lands, Tenements, or Hereditaments so to be purchased, conveyed, and settled.

Where less than 200*l.*, and amounting to 20*l.*

XXII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments to be purchased, taken, or used for the Purposes of the said Road, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed or amount to the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy, Idiotcy, Lunacy, or other Incapacity, with the Approbation of the said Trustees, or any Three or more of them, to be signified in Writing under their respective Hands, be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General of the Court of Exchequer, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same may be paid, at the like Option and with the like Approbation, to Two Trustees to be nominated by the Person or Persons who for the Time being would be entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments so to be purchased and settled, such Nomination to be approved of by Three or more of the Trustees for executing this Act, and such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties; and the Money so paid to such Trustees, and the Dividends and Produce arising thereon and therefrom, shall be by them applied in like Manner as is herein-before directed with respect to the Money so to be paid into the Bank in the Name of the Accountant General of the Court of Exchequer, but without obtaining or being required to obtain any Order of the said Court touching the Application thereof.

Where under 20*l.*

XXIII. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next herein-before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be paid to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used for the Purposes of the said Road, for his, her, or their own Use and Benefit; or in Cases of Infancy, Idiotcy, Lunacy, or other Incapacity, then such Money shall be paid to his, her, or their Guardian or Guardians, Committee

Committee or Committees, Trustee or Trustees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of not making out a good Title, &c.

XXIV. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Hereditaments to be purchased, taken, or used for the Purposes of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Trustees; or in case the Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found; or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered; then and in every such Case it shall be lawful for the said Trustees to order the said Sum or Sums of Money so awarded as aforesaid to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the said Court of Exchequer, to be placed to his Account there, to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments (describing them), subject to the Order, Controul, and Disposition of the said Court; which said Court, on the Application of any Person or Persons making claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying therein for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank of *England* as aforesaid.

In case of disputed Titles.

XXV. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the said Court of Exchequer, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, Title, or Interest in any Lands, Tenements, or Hereditaments to be purchased for the Purposes of this Act as aforesaid, or to any Bank Annuities or Government or Real Securities to be purchased with any such Money, or the Dividends or Interest of any such Bank Annuities or Government or Real Securities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall

shall be shown to the Satisfaction of the said Court; and the Dividends or Interest of the Bank Annuities or Government or Real Securities to be purchased with such Money, and also the Capital of such Bank Annuities or Government or Real Securities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

**Court may order reasonable Expences to be paid by Trustees.**

XXVI. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Lands, Tenements, or Hereditaments to be purchased, taken, or used for the Purposes of this Act, the Purchase Money for the same shall be required to be paid into the said Court of Exchequer, or to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as to the said Court shall seem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Trustees out of the Monies to be received by virtue of this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

**Ditches, Drains, Bridges, &c. by whom to be made and cleansed.**

XXVII. And be it further enacted, That Ditches, Drains, or Watercourses, of a sufficient Depth and Breadth for keeping the said Road dry and conveying the Water from the same, shall be made by the said Trustees, or their Surveyor or other Officer, on the Sides of the said Road, and also where necessary into or through any Fields, Lands, or Grounds adjoining to or lying near the said Road (not being a Yard, Garden, Orchard, Park, Paddock, planted Walk, or Avenue to a House), at the Expence of the said Trustees, out of the Monies to be received by virtue of this Act; and sufficient Bridges, Arches, Culverts, Trunks, Tunnels, or Plats shall be made by the said Trustees, or their Surveyor or other Officer, where any Carriageways or Footways lead into or out of or cross the said Road, also at the Expence of the said Trustees, out of the Monies aforesaid, any Law or Statute to the contrary notwithstanding; and all such Ditches, Drains, and Watercourses, Bridges, Arches, Culverts, Trunks, Tunnels, or Plats, when made and completed by the said Trustees, shall for ever afterwards be scoured, cleansed, and kept open, repaired and maintained, by the Occupiers of the adjoining Fields, Lands, or Grounds; but all such new Bridges, Arches, Culverts, Trunks, Tunnels, and Plats as shall cross or pass in or under the said Road shall be scoured, cleansed, and kept open, repaired and maintained, by the said Trustees, subject to the Provisions of the said Act of the Third Year of the Reign of His present Majesty.

**Entrances to Fields to be made with hard Materials.**

XXVIII. And be it further enacted, That in all Places throughout the said Road hereby directed to be repaired where any Entrance shall be from the said Road to any Field, Garden, Yard, or other Land

Land or Ground, or to any Building from the said Road or any Part thereof, such Entrance shall be properly covered with Stone, Gravel, or other hard Materials, and a proper Culvert or Drain made by or at the Expence of the Proprietor or Occupier of such Field, Garden, Yard, Land, Ground, or Building, so that such Road may not be injured by Carriages or Horses passing to or from the same by such Entrance; and in case such Proprietor or Occupier shall neglect to cover with proper Materials such Entrance, or to make such Culvert or Drain, or to keep the same respectively in proper Order, for the Space of One Calendar Month after Notice in Writing given to such Proprietor or Occupier, or left for him or her at his or her usual Place of Residence by the Surveyor of the said Trustees, or other Person appointed by them, requiring such Proprietor or Occupier so to make or repair the same, then it shall be lawful for the said Trustees or their Surveyor, or any other Person acting by or under their Authority, to cover such Entrance with Stone, Gravel, or other hard Materials, and to make such Culvert or Drain, or to repair the same respectively, as the Case may be, and the Expences thereof shall be reimbursed and paid to the said Trustees by such Proprietor or Occupier, as the Case may be; and in case of Nonpayment of such Expences within Fourteen Days after the same shall have been demanded by or on behalf of the said Trustees, then such Expences shall and may be recovered, together with the Costs and Charges attending the same, by Distress and Sale of the Goods and Chattels of such Proprietor or Occupier, by Warrant under the Hand and Seal or Hands and Seals of any Justice or Justices of the said West Riding of the County of *York*, and such Warrant of Distress any such Justice or Justices is or are hereby authorized and empowered to grant, on Proof made before him or them on Oath of such Expence having been incurred and of such Notice having been given as aforesaid, and any Overplus shall be returned on Demand to the Person or Persons whose Goods and Chattels shall have been so distrained and sold.

**Public Act.**

XXIX. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all such Judges, Justices, and others, without being specially pleaded.

**Commencement and Continuance of this Act.**

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

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