



ANNO QUADRAGESIMO TERTIO

GEORGI II. REGIS.

Cap. 12.

An Act for amending and enlarging the Powers of several Acts, made in the Thirty-first Year of the Reign of His late Majesty King *George* the Second, and in the Nineteenth and Thirty-third Years of the Reign of His present Majesty, for the better supplying of the Town and Neighbourhood of *Leeds*, in the County of *York*, with Coals.

[24th *March* 1803.]

WHEREAS by an Act made in the Thirty-first Year of the Reign of King *George* the Second, intituled, *An Act for establishing Agreements made between Charles Brandling Esquire, and other Persons, Proprietors of Lands, for laying down a Waggon Way in order for the better supplying the Town and Neighbourhood of Leeds, in the County of York, with Coals*, the said *Charles Brandling*, Lord of the Manor of *Middleton*, in the County of *York*, his Executors, Administrators, or Assigns, was and were empowered to lay down a Waggon Way from his or their Coal Mines or Coal Works in *Middleton* aforesaid, or elsewhere, to the Coal Yard or Repository fixed by the said recited Act upon a certain Field or open Place called *Casson Close*, near the Great Bridge at *Leeds* aforesaid, and certain Agreements were established, and certain Rates, Powers, and Authorities were given and granted for supplying the

[*Loc. & Per.*]

M m

31 Geo. 2.
said

19 Geo. 3.

faid Town and Neighbourhood of *Leeds* with Coals: And whereas by One other Act made in the Nineteenth Year of the Reign of His present Majesty, intituled, *An Act for rendering more beneficial an Act made in the Thirty-first Year of the Reign of King George the Second, intituled, 'An Act for establishing Agreements made between Charles Brandling Esquire, and other Persons, Proprietors of Lands, for laying down a Waggon Way in order for the better supplying the Town and Neighbourhood of Leeds, in the County of York, with Coals,'* by enabling the said Charles Brandling to supply annually a larger Quantity of Coals to and for the Use of the said Town and Neighbourhood, and for regulating the Price of carrying Coals from the Repository at *Casson Close*, certain other Rates, Powers, and Authorities were given and granted, for the better and more effectually supplying of the said Town and Neighbourhood of *Leeds* with Coals:

33 Geo. 3.

And whereas by another Act made in the Thirty-third Year of the Reign of His present Majesty, intituled, *An Act for amending and enlarging the Powers of Two Acts, one made in the Thirty-first Year of the Reign of His late Majesty King George the Second, and the other made in the Nineteenth Year of the Reign of His present Majesty, for the better supplying of the Town and Neighbourhood of Leeds, in the County of York, with Coals,* certain other Powers and Authorities were given and granted: And whereas the Inhabitants of the said Town and Parish of *Leeds* are very well satisfied and convinced that, on Account of the advanced Price of Labour, and of the Materials used in and about the said Coal Works, and in the working thereof, and that as *Charles John Brandling* Esquire, the present Owner of the said Coal Works, has been at a very great Expence in making fresh Winnings in the said Coal Works, and in making and laying additional Waggon Ways therefrom, the Sum of Thirteen Shillings and One Penny for each and every Waggon of Coals containing Twenty-four Corves, each Corf being in Weight about Two hundred and ten Pounds, and in Measure Seven thousand six hundred and eighty Cubical Inches, allowed to be demanded and taken by the last recited Act, is not an adequate or sufficient Price to be demanded and taken for the said Coals so brought down and delivered at the said Repository at *Casson Close*, and that the said Price is much lower than the Price demanded and taken at all other Coal Works in the Neighbourhood: And whereas if on Account of the present inadequate Price or Rate of the said Coals, the said *Charles John Brandling* should discontinue and give up the said Waggon Way or Repository, it would materially injure the Manufacturers of the said Town and Parish of *Leeds*, and be a Cause of great Distress to the Inhabitants in general: And whereas the said *Charles John Brandling* cannot, without the Aid and Authority of Parliament, sell and deliver his said Coals, at the said Repository in the Borough of *Leeds*, at any higher Price or Rate than Sixpence Halfpenny a Corf: 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 said recited Acts, and all and every the Rates, Clauses, Powers, Agreements, Penalties, Forfeitures, Rules, Remedies, Directions, Payments, Provisions, Articles, Matters, and Things whatsoever therein contained (except such Parts of the same as may relate to any Exemptions from Stamp Duties, and as are hereby varied, altered, or repealed), shall be and the same are hereby declared to be in full Force and Effect from and after the

the passing of this Act, during the Continuance of the Time or Term granted by the said recited Acts, for the Purpose of carrying the said recited Acts and this present Act into Execution, as fully, largely, and amply, as if the same were repeated and re-enacted in the Body of this present Act.

II. And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said *Charles John Brandling*, his Heirs, Executors, Administrators, or Assigns, or any Owner or Owners, Proprietor or Proprietors of the said Coal Works in *Middleton*, to sell and dispose of his and their Coals which shall be deposited and laid up in or upon the said Repository at *Casson Close* aforesaid, or at any other Place near thereto, to be used as a Repository for Coals instead thereof, unto the Inhabitants of the said Town and Parish of *Leeds*, at the Rate and Price of Sixteen Shillings for each and every Waggon of Coals, such Waggon containing Twenty-four Corves, each Corf containing in Weight about Two hundred and ten Pounds, and in Measure Seven thousand six hundred and eighty Cubical Inches, any Thing in the said recited Acts, or in any of the Leases or Agreements granted in pursuance thereof, to the contrary notwithstanding; and that the Right and Interest of the said *Charles John Brandling*, his Heirs, Executors, Administrators, and Assigns in the said Leases or Agreements, shall not cease and determine, but that he and they shall continue to have the same Interest therein although the said Coals are sold at the said Sum or Price of Sixteen Shillings a Waggon Load as aforesaid.

Empowering
Mr. Brandling
to raise the
Price of Coals.

III. And whereas the greatest Part of the Coals brought down to the said Repository, or to some Place near thereto from the said Coal Works of the said *Charles John Brandling*, may be purchased and taken away by Persons residing at a great Distance from the said Town of *Leeds*, whereby the Inhabitants of the said Town and Parish of *Leeds* will be deprived of the Benefit and Advantage intended to result to them by virtue of the said recited Acts and Agreements, to the great Distress of the Inhabitants and Detriment of the Manufactories carried on in the said Town and Parish; be it therefore enacted, That it shall not be lawful to sell, dispose of, or deliver any Waggon or Waggon, Corf or Corves, Tub or Tubs, Quantity or Quantities of Coals, which shall be brought down to or deposited in the said Repository in *Casson Close* aforesaid, or in any other Place near thereto, to be used as a Repository for Coals instead thereof, to any Person or Persons but to the Inhabitants of the said Town and Parish of *Leeds*; and any Person or Persons so offending shall, for every such Offence, forfeit and pay any Sum not exceeding Forty Shillings, nor less than Ten Shillings, to be recovered as in Manner herein directed.

For the Dis-
posal of Coals.

IV. And be it further enacted, That the said *Charles John Brandling*, or other Owner or Owners, Proprietor or Proprietors for the Time being of the said Coal Works within the said Manor of *Middleton*, shall bring or cause to be brought down for the Use and Consumption of the Inhabitants of the said Town and Parish of *Leeds*, to the said Repository in *Casson Close*, or to some other Place near thereto to be used as a Repository for Coals instead thereof, on every *Monday, Tuesday, Wednesday, Thursday, Friday, and Saturday*; (*Good Friday, Christmas Day, and Fast Days* by

Mr. Brandling
shall bring
down so many
Corves of
Coals from
Middleton.

Procla-

Proclamation, excepted), in each and every Week, Eighty Waggons or One thousand nine hundred and twenty Corves, whereof any Number of Waggons, such Number not being less than Ten Waggons, shall be laid down at the said Repository or at some Place near thereto, to be used as a Repository for Coals instead thereof, in each and every such Day, to be divided into smaller or less Quantities than a Waggon of Twenty-four Corves, in case Sale shall be had for the same, unless hindered and prevented by Fire or Water, or the sticking-out or Refusal of the Miners, Pitmen, or Colliers to work, or any other unavoidable Accident.

Or in case of
Accident
from *Beeston*
and *Hunslett*.

V. Provided always, and be it enacted, That then and in every such Case, *Charles John Brandling*, or other Owner or Owners, Proprietor or Proprietors for the Time being of the Coal Works within the said Manor of *Middleton* may, and he, she, and they is and are hereby empowered to bring or cause to be brought down to the said Repository in *Casson Close*, or to any other Place near thereto, to be used as a Repository for Coals instead thereof, any Number of Waggons or Corves of Coals from the Coal Works lying and being within and under the Lands and Grounds in the Townships of *Beeston* and *Hunslett*, or any other Township, upon Requisition for that Purpose being made to the said *Charles John Brandling*, or other Owner or Owners, Proprietor or Proprietors for the Time being of the Coal Works within the said Manor of *Middleton*, or his or their Agent or Agents, Clerk or Clerks, by the Mayor and Corporation of the Borough of *Leeds*; any Thing in the said recited Acts to the contrary thereof in anywise notwithstanding.

Penalty on
Mr. Brandling,
Owners, &c.

VI. And be it further enacted, That if the said *Charles John Brandling*, or other Owner or Owners, Proprietor or Proprietors of the Coal Works in the Manor of *Middleton*, shall refuse or neglect to bring or cause to be brought down to the said Repository in *Casson Close*, or to such other Place near thereto, to be used as a Repository for Coals instead thereof, the aforesaid daily Number of Waggons or Corves of Coals from the said Coal Works in the said Manor of *Middleton*, unless hindered or prevented by Fire or Water, or the sticking-out or Refusal of the Miners, Pitmen, or Colliers to work, or other unavoidable Accident, or shall refuse to sell or offer to Sale the said Coals when so brought down to the said Repository or to some other Place near thereto, to be used as a Repository for Coals, instead thereof, or shall refuse or neglect to lay down or cause to be laid down at the said Repository, or at such other Place near thereto, to be used as a Repository for Coals instead thereof Ten Waggons, to be divided into smaller or less Quantities, in case Sale shall be had for the same, for the Use and Consumption of the Inhabitants of the said Town and Parish of *Leeds*, at the Rate or Price of Sixteen Shillings *per* Waggon, or shall refuse to permit or suffer any Person or Persons authorized and appointed as herein mentioned, to gauge and measure at the said Repository, or at such other Place near thereto to be used as a Repository for Coals instead thereof, any Waggon, Corf, Tub, or other Measure used by the said *Charles John Brandling*, his Heirs, Executors, Administrators, or Assigns, or such Owner or Owners, Proprietor or Proprietors of the said Coal Works for the Time being, for the measuring of Coals for Sale at the said Repository or at such other Place near thereto, to be used as a Repository for Coals instead thereof, then and in every such Case it shall and may be lawful to and for the Owners or Proprietors of the several
Lands

Lands and Grounds in, through, or over which any Waggon Way or Ways or Branches is, are, or shall be laid or made for leading of Coals from the said Coal Works, and for each and every of them, to enter into and upon the several Lands and Grounds belonging to them respectively, which shall be used or employed for the Purpose of such Waggon Way or Ways as aforesaid; and then also all the Estate, Right, Interest, and Privilege of him the said *Charles John Brandling*, his Heirs, Executors, Administrators, or Assigns, of and in the same, shall in that Case and from thenceforth cease, determine, and be void; save only that in such Case it shall and may be lawful to and for the said *Charles John Brandling*, his Heirs, Executors, Administrators, or Assigns, within One Year then next ensuing, to remove and take away the Materials of such Waggon Way or Ways and Branches, in such Manner, and upon such Terms and Conditions, as in the said recited Act of the Thirty-first Year of the Reign of His late Majesty King *George* the Second are expressly mentioned and declared.

VII. Provided always, and be it enacted, That when and as often as any Corf or Corves of Coals shall be and remain under all and every the Spouts or Places for shooting and delivering the said Coals at the said Repository at *Casson Close*, or at such other Place near thereto, to be used as a Repository for Coals instead thereof, then and in such Case it shall and may be lawful to and for the said *Charles John Brandling*, or other Owner or Owners, Proprietor or Proprietors of the said Coal Works at *Middleton*, to sell and deliver the Coals brought down in the said Waggon, during the Time that any Corf or Corves of Coals shall be and remain under all and every the Spouts or Places for shooting and delivering the said Coals, at any other Part or Place within the said Parish of *Leeds*; and the Coals so brought down in the said Waggon, although not delivered at the said Repository, or at such other Place near thereto, to be used as a Repository for Coals instead thereof, shall be and be deemed to be Part of the daily Proportion of Eighty Waggon, or One thousand nine hundred and twenty Corves that are to be delivered at the said Repository, or at some other Place near thereto to be used as a Repository for Coals instead thereof; and in case it shall so happen on any One Day that any of the said Waggon of Coals shall remain at the said Repository, or at such other Place near thereto to be used as a Repository for Coals instead thereof, unfold and undelivered, then and in such Case such Waggon shall be and be deemed to be Part of the aforesaid daily Proportion of Waggon or Corves of Coals to be delivered the next succeeding Day at the said Repository, or at such other Place near thereto to be used as a Repository for Coals instead thereof; and that it shall and may be lawful to and for the said *Charles John Brandling*, or other Owner or Owners, Proprietor or Proprietors of the said Coal Works, to deliver for Sale, (if thereunto required by any Inhabitant or Inhabitants of the said Parish), at any convenient Place or Places near or adjoining to the said Waggon Way within the said Parish of *Leeds*, between the said Coal Works and the said Repository in *Casson Close*, or such other Place near thereto to be used as a Repository for Coals instead thereof, any Number of Dozens of Coals not exceeding Twelve Waggon or Two hundred and eighty-eight Corves of Coals, in each Day, at such Price as is hereinbefore mentioned, and that then and in every such Case the said Number of Waggon or Corves of Coals so delivered as aforesaid, shall be deemed and accounted as Part of the said daily Quantity of One thousand nine

Provision in case Coals not being sold.

Coals may be left at certain Places.

[*Loc. & Per.*]

N n

hundred

hundred and twenty Corves which the said *Charles John Brandling*, or other Owner or Owners, Proprietor or Proprietors of the said Coal Works is or are to bring down or cause to be brought down to the said Repository in *Casson Close*, or to such other Place near thereto to be used as a Repository for Coals instead thereof.

Penalty on
Leaders and
Drivers.

VIII. And be it further enacted, That in case any Leader or Leaders, Driver or Drivers, or any other Person or Persons employed by the said *Charles John Brandling*, or other Owner or Owners, Proprietor or Proprietors of the said Coal Works in *Middleton* aforesaid, in leading or driving away the said Coals, shall (except as herein excepted) lead or drive away or cause to be led or driven away the said Coals, to any other Part or Place, although any Corf or Corves of Coals shall not be and remain under all and every the Spouts or Places for shooting and delivering the said Coals at the said Repository at *Casson Close*, or at such other Place near thereto to be made use of as a Repository for Coals instead thereof, then and in every such Case every such Leader or Leaders, Driver or Drivers, or other Person or Persons so employed in leading or driving away, shall, for every such Offence, forfeit and pay any Sum not exceeding Forty Shillings, nor less than Ten Shillings, such Penalty to be recovered and applied in Manner herein directed; and the said *Charles John Brandling*, or other Owner or Owners, Proprietor or Proprietors as aforesaid, in any such Case shall not be deemed or adjudged to have acted contrary to the Provisions and Directions of the said recited Acts or this present Act.

Appointing
Superintend-
ants.

IX. And be it further enacted, That it shall and may be lawful to and for the Justices of the Peace from Time to Time, at any Quarter Sessions for the said Borough of *Leeds*, as often as shall be necessary by Death, Removal, or otherwise, to nominate and appoint (or in case they shall disagree upon such Nomination and Appointment, then at a Special Sessions to be called and holden within Fourteen Days next after for that Purpose), One proper Person or Persons to be Superintendant or Superintendants of the said Coals that shall be delivered at the said Repository at *Casson Close*, or at such other Place near thereto to be used as a Repository for Coals instead thereof, who shall be subject and liable to the several Regulations and Directions in this Act contained:

Superintend-
ant to keep a
Book.

X. And be it further enacted, That such Person or Persons nominated and appointed as Superintendant or Superintendants, by the said recited Acts or this Act, or any of them, shall keep a Book or Books, in which he, she, or they shall from Time to Time enter or cause to be entered the Names and Places of Abode of the Persons who shall apply to purchase the said Coals, to be led by any publick Leader or Leaders, and also the Names and Places of Abode of any other Person or Persons within the said Parish of *Leeds* keeping their own Teams, and shall cause such Entries to be made in the Course and in the Order that the same shall be applied for, and shall from Time to Time deliver or cause to be delivered the Coals so ordered in the Course and Order of such Entries, and shall deliver to the Leader or Leaders thereof a Ticket or Tickets, in which shall be ascertained or set down the Quantity of Coals so delivered to such Leader or Leaders, and to whom the same are to be re-delivered; and also that before he, she, or they shall permit or suffer any Person or Persons who shall

shall lead Coals for Hire to take or lead away from the said Repository, or from any other Place to be used as a Repository for Coals instead thereof, any of the said Coals, the said Superintendant or Superintendants shall mark or cause to be marked with White Paint upon some conspicuous Part of the Cart, Wain, or Waggon so employed in carrying of Coals, the Quantity such Cart, Wain, or Waggon doth contain within the Body thereof; exclusive of any Sideboard or Sideboards put or placed thereon.

XI. And be it further enacted, That such Superintendant or Superintendants shall and may be entitled to demand and take from any Leader or Leaders of Coals, as a Recompence for his or their Trouble in making out the said Ticket or Tickets, before such Coals shall be delivered to such Leader or Leaders, the Sum of One Halfpenny when the Quantity of Coals shall exceed Three Corves and not exceed Twelve Corves; and the Sum of One Penny when the Quantity of Coals shall exceed Twelve Corves and not exceed Twenty-three Corves; and the Sum of One Penny Halfpenny whenever a greater Quantity than Twenty-three Corves shall be delivered; and for any Quantity not exceeding Three Corves, such Superintendant or Superintendants shall, and he, she, and they is and are hereby required to deliver such Ticket or Tickets, without any Fee or Reward for the same.

Superintendants Fee.

XII. And be it further enacted; That the said Superintendant or Superintendants shall, and he, she, and they is and are hereby required to deliver Daily to the principal Agent or Agents employed by the said *Charles John Brandling*, or other Owner or Owners, Proprietor or Proprietors as aforesaid, in and about the said Coal Staith at *Casson Close*, or other Place near thereto, to be used as a Repository for Coals instead thereof, an Account (gratis) of the Names and Places of Abode of the Persons for whom such Superintendant or Superintendants hath or have made any Entry or Entries for Coals, and to whom he, she, or they hath or have made out and delivered any Ticket or Tickets the preceding Day, and also the Name or Names of the Leader or Leaders to whom such Ticket or Tickets was or were delivered, together with an Account of the Quantity of Coals set down or mentioned in such Ticket or Tickets.

Superintendant to deliver Accounts to Mr. Brandling's Agent daily, of Coals delivered.

XIII. And be it further enacted, That such Superintendant or Superintendants shall for any Matter or Thing done contrary to the Provisions and Directions of this Act, on being convicted thereof before any One or more of His Majesty's Justices of the Peace for the said Borough of *Leeds*, upon the Oath of any credible Witness, (which Oath such Justice or Justices is and are hereby empowered to administer, and to issue forth his or their Summons or Warrant for the Offender or Offenders to appear before him or them), be discharged and be incapable of holding the said Office; and the said Justice or Justices shall, and he and they is and are hereby empowered to appoint, by Writing under his Hand and Seal, or their Hands and Seals, One other proper Person or Persons in the Room or Stead of the Person or Persons so discharged, who shall act as such Superintendant or Superintendants, and be subject to the like Regulations and Restrictions, and have the same Powers in dividing and measuring the said Coals, until some other Person or Persons, as Superintendant or Superintendants

Removing Superintendants for Misbehaviour.

Superintendants for dividing, delivering, and measuring the said Coals, shall have been nominated and appointed by the Justices of the Peace at the next Quarter Sessions to be holden for the said Borough of *Leeds*, and then and in every such Case all such Nominations and Appointments by the said Justice or Justices of the Peace shall be void and cease.

Mayor may
appoint in case
of Death.

XIV. And be it further enacted, That when and as often as it shall so happen that any Superintendant or Superintendants shall die, or be unable or unwilling to discharge the said Office or Offices, in the intermediate Time between the holding of the last Quarter Sessions for the said Borough of *Leeds* and the next ensuing Quarter Sessions, that then and in every such Case it shall and may be lawful to and for the Mayor of *Leeds* for the Time being, by Writing under his Hand and Seal, to nominate and appoint One other proper Person or Persons as Superintendant or Superintendants, who shall be subject and liable to the like Regulations and Restrictions, and have the same Powers and Authorities as the Superintendant or Superintendants had or enjoyed, in whose Room or Stead he, she, or they shall be so nominated or appointed, until some Person or Persons, as Superintendant or Superintendants, shall be nominated and appointed at the next Quarter Sessions to be holden for the said Borough; and then and in every such Case all such Nominations and Appointments by the said Mayor shall be void and cease.

Regulating
the Delivery
of Coals by
Superintend-
ants.

XV. And be it further enacted, That such Superintendant or Superintendants shall and he, she, and they is and are hereby directed to deliver or cause to be delivered One Waggon of Coals to any Person or Persons not having had One Waggon of Coals in any One Day, and who shall apply for the same, in Preference to any other Person or Persons who shall have had One or more Waggon or Waggon in the same Day; and the said Superintendant or Superintendants shall not for so acting be deemed or adjudged to be guilty of any undue Preference whatsoever; any Thing in the said recited Acts or this Act contained to the contrary thereof in anywise notwithstanding.

Any Persons
to lead Coals
for Hire.

XVI. And be it further enacted, That it shall and may be lawful to and for any Person or Persons to lead Coals for Hire from the said Repository in *Casson Close*, and from any other Place near thereto to be used as a Repository for Coals instead thereof, to and for any of the Inhabitants of the said Town and Parish of *Leeds*, such Leader or Leaders having first entered his, her, or their Name or Names and Place or Places of Abode with such Superintendant or Superintendants, and permitting such Superintendant or Superintendants to measure and mark or cause to be marked on some conspicuous Part of his, her, or their Cart or Carts, Wain or Wains, Waggon or Waggon, the Quantity of Corves such Cart or Carts, Wain or Wains, Waggon or Waggon may contain or hold within the Body thereof, without any Sideboard or Sideboards.

Leaders shall
be ready with
their Carts.

XVII. And be it further enacted, That when and as often as it shall so happen that any publick Leader or Leaders shall not be ready to take and carry away the said Coals, with his, her, or their Cart or Carts, Wain or Wains, Waggon or Waggon, in the Turn or Turns of the Person or Persons by whom they may be employed to take and carry away the said Coals, or if any Purchaser or Purchasers leading their own Coals shall
not

not be ready with his, her, or their Cart or Carts, Wain or Wains, Waggon or Waggon with the full Team or Teams of Horses, or other Cattle used to draw the same, when it shall be his, her, or their Turn or Turns to take and carry away the said Coals, then and in every such Case the Person or Persons next entitled in regular Course and Order, according to such Entry made as aforesaid, being so ready with his, her, or their said Carriage or Carriages in the said Repository, or in any other Place to be used as a Repository for Coals instead thereof, may take the Turn or Turns of the Person or Persons so neglecting to be ready, and the Turn or Turns of the Person or Persons so neglecting to be ready shall be postponed, until he, she, or they shall be ready; any Thing in the said recited Acts or this Act contained to the contrary thereof in anywise notwithstanding.

XVIII. And be it further enacted, That if any Person or Persons, so entering his, her, or their Name or Names, and Place or Places of Abode with such Superintendant or Superintendants as aforesaid, as a Leader or Leaders of Coals from the said Repository, or from any other Place near thereto to be used as a Repository for Coals instead thereof, for Hire, shall take, lead, or carry away any Coals from the said Repository, or from any other Place near thereto to be used as a Repository for Coals instead thereof, without demanding, receiving, and paying for such Ticket or Tickets, herein-before directed to be delivered by the said Superintendant or Superintendants, or shall after receiving the same in any Manner alter or change the same, or shall refuse or neglect to deliver the same to the Person or Persons for whom such Coals are thereby directed to be delivered, or shall refuse or neglect to deliver the said Coals mentioned and ascertained in such Ticket or Tickets to such Person or Persons, or shall fraudulently diminish, sell, or otherwise dispose of for his, her, or their own Benefit or otherwise, any Part or Parts of the said Coals so mentioned or ascertained in such Ticket or Tickets, or shall demand and take any larger or greater Sum or Sums of Money for Leading the same than such as shall from Time to Time be fixed and ascertained in Manner directed by this Act; or shall alter or cause or procure to be altered or defaced the Mark fixed by the said Superintendant or Superintendants, expressing the Quantity which such his, her, or their Cart or Carts, Wain or Wains, Waggon or Waggon may contain in the Body thereof, or shall put or place any Sideboard or Sideboards to, in, or upon such Cart or Carts, Wain or Wains, Waggon or Waggon, or shall lead or deliver any Coals received at the said Repository, or at any other Place near thereto to be used as a Repository for Coals instead thereof, to any Person or Persons not residing or dwelling, or being an Inhabitant within the said Town and Parish of *Leeds*, he, she, and they shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings, nor less than Ten Shillings.

Leaders guilty of Fraud, to be punished.

XIX. And be it further enacted, That it shall and may be lawful to and for His Majesty's Justices of the Peace for the Borough of *Leeds*, at any General Quarter Sessions to be holden next after the passing of this Act, when and as often as they shall think proper, to fix and ascertain the Rates and Prices to be demanded and taken for leading and carrying away the said Coals from the said Repository, or from any other Place near thereto to be used as a Repository for Coals instead thereof, to all and

Justices to fix the Rates for Leading.

[*Loc. & Per.*]

O o

every

every Part or Parts of the said Town and Parish of *Leeds*, whether Twenty-four Corves of Coals shall be led or carried away in One Cart, Wain, Waggon, or other Carriage, in One Draught, or in more than One Cart, Wain, Waggon, or other Carriage, at more than One Draught; and also that it shall and may be lawful to and for the said Justices, from Time to Time and at all Times during the Continuance of the said recited Acts and this Act, at any Quarter Sessions of the Peace to be holden for the said Borough, to advance, lower, alter, or change such Rates or Prices for leading or carrying Coals, and a Copy or Copies of all such Rates or Prices when and as often as the same shall be so ascertained, fixed, advanced, lowered, altered, or changed, shall from Time to Time be wrote or painted upon a Table or Board, to be fixed or placed in or upon some conspicuous Place in the said Repository in *Casson Close* afore said, or in such other Place near thereto to be used as a Repository for Coals instead thereof; and such Table or Board of such Rates and Prices for leading or carrying of Coals shall be and be deemed to be full and conclusive Notice to all the Leaders for Hire of such Rates or Prices.

Recovery and
Application of
Penalties.

XX. And be it further enacted, That all Penalties and Forfeitures by virtue of the said recited Acts, or of this Act imposed, (the Manner of levying and recovering whereof is not hereby otherwise particularly directed), shall be levied and recovered by Distress and Sale of the Goods and Chattels of the Offender or Offenders, by Warrant under the Hand and Seal of any Justice of the Peace for the said Borough, (which Warrant such Justice is hereby empowered to grant upon the Confession of the Party, or upon the Evidence of any credible Witness upon Oath), and the Overplus (if any) of the Money arising by such Distress and Sale shall be returned upon Demand to the Owner of such Goods and Chattels, after deducting the Costs and Charges of making, keeping, and selling the Distress; and the Penalties and Forfeitures when recovered (if not directed to be otherwise applied) shall be paid, One Moiety to the Informer or Informers, and the other Moiety to the Poor of the Parish or Place where the Offence shall be committed; and in case sufficient Distress shall not be found, or such Penalties and Forfeitures shall not be paid forthwith, it shall and may be lawful to and for such Justice, and he is hereby authorized and required, by Warrant under his Hand and Seal, to cause the Offender to be committed to the House of Correction at *Wakefield*, or to the Common Gaol of the said Borough of *Leeds*, there to remain, without Bail or Mainprize, for any Time not exceeding One Calendar Month nor less than Seven Days, unless such Penalties and Forfeitures, and all reasonable Charges attending the Recovery thereof, shall be sooner fully paid and satisfied.

XXI. And be it further enacted, That every Justice of the Peace, before whom any Person shall be convicted of any Offence against the said recited Acts or this Act, shall and may cause the Conviction to be drawn up in the following Form; (*videlicet*),

Form of
Conviction.

BE it remembered, That on the _____ Day of _____
in the Year of our Lord _____
A. B. is convicted before _____
of His Majesty's Justices of the Peace for the Borough of _____
Leeds,

Leeds, [specifying the Offence, and the Time and Place when and where committed, as the Case may be], contrary to an Act made in the Year of the Reign of King George the Third, intituled, [here set forth the Title of the Act]. Given under my Hand and Seal [or, our Hands and Seals] the Day and Year first above mentioned.

XXII. Provided always, and be it enacted, That if any Person or Persons shall think himself, herself, or themselves, aggrieved by any Thing done in pursuance of this Act, such Person or Persons may appeal to the Justices of the Peace at the First General or Quarter Sessions of the Peace to be holden for the said Borough of Leeds, next after the Expiration of One Calendar Month from the Time such Matter of Appeal shall have arisen, the Person or Persons appealing having first given Six Days Notice at least of his, her, or their Intention to bring such Appeal, and of the Matter thereof, to the Person or Persons appealed against, and within Two Days after such Notice, entering into a Recognizance before some Justice of the Peace for the said Borough, with Two sufficient Sureties conditioned to try such Appeal, and to abide the Order and Decision of the said Court therein; and the said Justices at such Sessions, upon due Proof of such Notice and Recognizance being given and entered into, are hereby authorized and required to hear and determine the Matter of Appeal in a summary Way, and to make such Determination therein, and to award such Costs to either of the Parties, or otherwise as they shall judge proper; and such Determination shall be final, binding, and conclusive, to all Parties, to all Intents and Purposes whatsoever.

XXIII. And be it further enacted, That where any Distress shall be made for any Sum of Money to be levied by virtue of the said recited Acts or 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 Defect or want of Form in the Summons, Conviction, Warrant of Distress, or other 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 so distraining; but the Person or Persons aggrieved by such Irregularity, shall and may recover full Satisfaction for the special Damage in an Action upon the Case.

Distress not to be unlawful for want of Form.

XXIV. And be it further enacted, That no Order, Verdict, Assessment, Judgement, or other Proceedings made touching or concerning any of the Matters aforesaid, or touching or concerning the Conviction of any Offender or Offenders against the said recited Acts or this Act, shall be quashed or vacated for want of Form only, or be removed or removeable by *Certiorari*, or by any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*; any Law or Statute to the contrary thereof in anywise notwithstanding.

Proceedings not to be quashed for Want of Form, or removeable by *Certiorari*.

XXV. And be it further enacted, That no Plaintiff or Plaintiffs shall recover in any Action to be commenced against any Person or Persons for any Thing done in pursuance of the said recited Acts or this Act, unless Notice in Writing shall have been given to the Defendant or Defendants Twenty-one Days before such Action shall be commenced of such intended Action, signed by the Attorney for the Plaintiff or Plaintiffs, specifying the

Plaintiffs not to recover after Tender of Amends,

the Cause of such Action; nor shall the Plaintiff or Plaintiffs recover in any such Action, if Tender of sufficient Amends hath been made to him, her, or them, or to his, her, or their Attorney, by or on Behalf of the Defendant or Defendants, 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, after such Action shall have been brought, at any Time before Issue joined, to pay into Court such Sum of Money as he, she, or they shall think fit, whereupon such Proceedings, Order, and Judgement, shall be made and given in and by such Court, as in other Actions where the Defendant is allowed to pay Money into Court.

Limitation
of Actions.

XXVI. Provided always, and be it enacted, That no Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of the said recited Acts or of this Act, after Six Calendar Months next after the Fact committed; and every such Action or Suit shall be brought and tried in the County of *York*; and not elsewhere; and if any such Action or Suit shall be brought before Twenty-one Days Notice shall have been given, or after a sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or shall be brought in any other County than as aforesaid, then and in every such Case the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Suit, after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgement shall be given against the Plaintiff or Plaintiffs, then and in every such Case the Defendant or Defendants shall recover Treble Costs, and have such Remedy for recovering the same as any Defendant hath for Costs of Suit in other Cases by Law.

Publick Act.

XXVII. And be it further enacted, That this Act shall be deemed, adjudged, and taken to be a publick Act, and shall be judicially taken Notice of as such by all Judges, Justices, and other Persons, without being specially pleaded.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1803.