

ANNO TRICESIMO TERTIO

Georgii III. Regis.

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Preamble.



WHEREAS the several Streets, Squares, Lanes, Ways, Passages, and Publick Places already made and built, and which are now making and building, within such Part of the Parish of Walcot, in the County of Somerset, as is not within the Circuit, Precinct, and Jurisdiction of the City of Bath, in the same County, are in many Parts incommodious and unsafe for Passengers, very ill paved, and not sufficiently cleansed, lighted, and watched, and are subject to various Nuisances, Annoyances, Encroachments, and Obstructions, and other Streets, Squares, Ways, Passages, and Publick Places, are intended to be, or may be made or built within the same Part of the said Parish, which may be subject or liable to the same or similar Inconveniences, and it would tend greatly to the Convenience, Benefit, and Safety of the Publick, as well as of the Owners and Inhabitants of Houses already built or building, and of such other Houses as may hereafter be built therein, and to all Persons resorting thereto, if such Streets, Squares, Lanes, Ways, Passages, and Publick Places, were properly paved, cleansed, lighted, watched, and regulated, and all Nuisances, Annoyances, Encroachments, and Obstructions removed and prevented, and if a proper and effective Police were established therein, and it would also tend greatly to the Convenience and Benefit of the Publick, as well as of the Inhabitants of the said City of Bath, and the Neighbourhood thereof, if a sufficient Number of Hackney Coaches and Chairs, and of Porters, Basket Men, and Basket Women, were licensed, and the same were respectively put under proper Regulations; but the several Purposes aforesaid cannot be effected without the Aid and Authority of Parliament; 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 Humphry Sumner Doctor in Divinity, Edward Wilmot, Henry Stanley, John Stackhouse, Henry White, John Anstey, Francis William Thomas Brydges, Charles Williams, Thomas Neate, the Reverend John Sibley, the Reverend Gervas Powell, the Reverend John Bowen, the Reverend James Wiggett, Clerks, John Symons, John Jelly, John Fielder, William Clarke, Thomas King, James Hooper (late of

Appointment of Commissioners.

Shockerwick, but now of Walcot), Daniel Tanner, Charles Spackman, John Lowder, David Hartley, William Pulteney, Harry Atwood Surgeon, John Salt, Wynell Mayow, Thomas Velley, and Thomas Baldwin, and their Successors, to be elected in the Manner herein-after directed (being respectively qualified, and taking the Oath in the Words or to the Purport herein-after mentioned and required) shall be, and they are hereby appointed Commissioners for putting this Act in Execution.

Commencement of the Act, and Appointment of the First Meeting.

II. And be it further enacted, That this Act shall commence and take Effect on the Second Tuesday after the passing thereof, on which Day there shall be a General Meeting of the said Commissioners, at the Vestry Room of the Parish Church of Walcot aforesaid, at the Hour of Eleven of the Clock in the Forenoon, when, if any Five of the said Commissioners shall be there assembled (but not otherwise) this Act may, and is hereby required to be proceeded on in the Execution thereof; and a General Meeting of the Commissioners shall be held for carrying the same into Execution, on every Tuesday Fortnight afterwards, at the same Hour and Place, unless some other Hour, Day or Days, in the Week or Year, or some other Place, within the Parish of Walcot aforesaid, shall be appointed by the Commissioners assembled at the said First Meeting, or any subsequent Meeting at which there shall be Five Commissioners assembled; and if at the Times when the said Meetings are hereby required, or shall be so as aforesaid appointed to be held, there shall not be at each such Meeting Five Commissioners present, then each such Meeting shall stand adjourned to the next Day on which a Meeting in pursuance of this Act would otherwise be, or at a prior Meeting shall have been appointed to be held as aforesaid; and no Act, Order, Rule, Resolution, or Proceeding of the Commissioners shall be valid or effectual, unless had, made, or done at a Meeting or Meetings to be held in pursuance of this Act, and unless at every such Meeting there shall be at least Five Commissioners present, that Number of Commissioners being at all Meetings requisite, but sufficient and fully competent to execute all the Purposes of this Act (except the Revocation, Suspension, or Alteration of any Order, Rule, Resolution, or Proceeding, made or done by or at a preceding Meeting, as herein mentioned; and that at such First Meeting for putting this Act into Execution, One of the Commissioners present thereat shall be appointed Chairman; to whom any One other of such Commissioners shall and is hereby authorized and required to administer an Oath or Affirmation in the

Words or to the Effect herein-after mentioned, and such Chairman shall immediately afterwards administer the like Oath or Affirmation to the other Commissioners then present; and at every other Meeting a Chairman shall in like Manner be appointed, and the Chairman for the Time being shall and is hereby alone authorized and required to administer the Oath or Affirmation hereby required to be taken by the said Commissioners and their Successors; and in all Cases where there shall arise a Difference of Opinion, the Question shall be decided by a Majority of Votes of the Commissioners then present, and if upon any Question there shall be an equal Number of Votes (including the Chairman's Vote) then the Chairman shall have the casting Vote; and that no Order, Rule, Resolution, or Proceeding, had, made, or done at any Meeting held in pursuance of this Act, at which there shall have been Five Commissioners present, shall be revoked, suspended, or altered, unless at some subsequent Special Meeting to be held for that Purpose (which any Five or more of the Commissioners are hereby impowered to call, and of which Seven Days previous Notice of the Time, Place, and Purport shall be given and inserted in Two at least of the Daily or Weekly Newspapers circulated at Bath, and affixed on the Door of the Parish Church of Walcot aforesaid) a greater Number of Commissioners than were present at the Meeting or Meetings at which such Order, Rule, Resolution or Proceeding, proposed or intended to be revoked, suspended, or altered, shall have been made, shall be present, and shall concur in the Revocation, Suspension, or Alteration thereof, and in such Case no other Meeting to proceed in the Execution of this Act shall be held, until after the Day expressed in such Notice; and at every Meeting the Commissioners present thereat shall defray their own Expences.

Provision for calling a Special Meeting of the Commissioners.

III. Provided nevertheless, and be it further enacted, That if there shall be any particular Occasion to hold a Meeting before the Time at which a Meeting is hereby required, or shall be so as aforesaid appointed to be held, then, and in any such Case, it shall and may be lawful to and for the Commissioners, or any Five or more of them, or for their Clerk for the Time being, and they or he are and is hereby required to call a Special Meeting, of which Seven Days previous Notice shall be given, in the same Manner as is herein-before mentioned in the Case and for the Purpose of calling a Meeting to revoke, suspend, or alter a former Order, Rule, or Proceeding, and in like Manner no Meeting to proceed in

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the Execution of this Act shall be held until after the Day expressed in the Notice for such last-mentioned Special Meeting.

IV. Provided always, and be it further enacted, That every Person shall be incapable of acting as a Commissioner in any Case in the Execution of this Act, who is a Victualler, or shall sell Ale, Wine, Cyder, or any other Spirituous Liquors by Retail, or during the Time he shall hold or enjoy any Office or Place of Profit under, or be concerned in any Contract made by virtue of this Act, or in any Case wherein he shall be in anywise personally or beneficially interested in the Matter in Question (except as a Creditor on the Rates or Assessments herein-after required to be levied) or who shall not in his own Right or in the Right of his then late, or present Wife, be in the actual Possession, Enjoyment, and Receipt of the Rents and Profits of Messuages, Lands, Tenements, or Hereditaments, for an Estate of Freehold or Copyhold, or both, situate or being in the said Parish of Walcot aforesaid, of the clear yearly Value of One hundred Pounds (above Reprizes and Incumbrances), or of Messuages, Lands, or Tenements, situate or being in the said Parish of Walcot aforesaid, under a Term of Years exceeding Sixty Years, either absolute, or determinable on a Life or Lives, of the clear yearly Value of One hundred and fifty Pounds, above Reprizes and Incumbrances, or who shall not be possessed of or entitled to a Personal Estate of the Value of Three thousand Pounds, over and above the Amount of his Debts, and shall reside and be a Housekeeper within such Part of the Parish of Walcot as aforesaid; and every Person shall be incapable of acting as a Commissioner in the Execution of this Act (except in administering an Oath or Affirmation to the Chairman of such First Meeting as aforesaid) until he shall have taken and subscribed an Oath or Affirmation in the Words or to the Effect following; (that is to say), Qualification of Commissioners.

I *A. B.* do swear, [*or, being One of the People called Quakers*, do solemnly declare and affirm], That I am really and *bonâ fide* in my own Right [*or* in Right of my Wife, late *or* present, *as the Case may be*] now in the actual Possession, Enjoyment, and Receipt of the Rents and Profits of Messuages, Lands, Tenements, or Hereditaments, for an Estate of Freehold, or Copyhold, or both, situate [*or* being, *as the Case may be*] in the Parish of *Walcot*, in the County of *Somerset*, of the clear yearly Value of One hundred Pounds, above Reprizes and Incumbrances Oath.

[*or, as the Case may be*], of Messuages, Lands, or Tenements, situate or being in the said Parish of *Walcot* aforesaid, under a Term of Years exceeding Sixty Years [either absolute, or determinable on a Life or Lives, *as the Case may be*] of the clear yearly Value of One hundred and fifty Pounds above Reprizes and Incumbrances [*or, as the Case may be*] possessed of or entitled to a Personal Estate to the clear Amount or Value of Three thousand Pounds, and that I do reside, and am a Housekeeper within such Part of the said Parish of *Walcot* as is not within the Circuit, Precinct, and Jurisdiction of the City of *Bath*], and that I will truly and impartially, according to the best of my Skill and Judgement, execute and perform all and every the Powers and Authorities reposed in me as a Commissioner, by virtue of an Act passed in the Thirty-third Year of the Reign of His Majesty King *George* the Third, intituled, An Act [*Here insert the Title of the Act*].

So help me GOD.

Penalty on persons not qualified acting as Commissioners.

And if any Person hereby made incapable to act as a Commissioner shall nevertheless presume to act as such in the Execution of the Powers hereby given, or any of them, every such Person shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds, to be recovered on the Information or Prosecution of any Person or Persons whomsoever, with full Costs of Suit, in any of His Majesty's Courts of Record at Westminster, by Action of Debt, or on the Case, or by Bill, Suit, or Information, wherein no Essoin, Protection, Privilege, or Wager of Law, or more than One Imparlance, shall be allowed; and every Person so sued or prosecuted shall prove that he was at the Time of acting qualified, or not disqualified as aforesaid, or otherwise shall pay the said Penalty, without any other Proof or Evidence being given on the Part of the Plaintiff or Prosecutor than that such Person had acted as a Commissioner in the Execution of this Act; and the Money so to be recovered shall, after Payment of the Costs and Expences attending the Recovery thereof, be paid, One Moiety to the Informer or Prosecutor, and the other Moiety applied to the Purposes of this Act.

Commissioners may act as Justices of the Peace.

V. Provided always nevertheless, That it shall be lawful for such of the Commissioners who are or shall be in the Commission of the Peace for the said County of Somerset, to act as Justices of the Peace in or relating to the Execution of this Act, notwithstanding their being Commissioners under this Act.

VI. And be it further enacted, That when any of the Commissioners shall die, or by Writing delivered to the Clerk for the Time being to the Commissioners, shall decline, or shall become incapable to act, it shall be lawful for the Commissioners, and they are hereby required, from Time to Time, by Writing under their Hands, to elect some other Person, qualified as herein-before is mentioned, to be a Commissioner in the Place of every Commissioner so dying, declining, or neglecting or becoming incapable to act, and so as often as there shall be a Vacancy to elect some fit Person to be a Commissioner for the Purposes of this Act, so that the whole Number of Commissioners shall always be kept up to at least Twenty-eight, and every Person so elected is hereby vested with the same Powers for putting this Act into Execution, and to act as Justices of the Peace in the Purposes of this Act (being in the Commission of the Peace as herein-before is mentioned) as if he had been named a Commissioner in or by this Act. For choosing new Commissioners.

VII. And be it further enacted, That if it shall at any Time be found expedient that the Number of Commissioners for executing this Act should be increased, and should exceed the Number of Commissioners hereby appointed, then and in such Case it shall be lawful for the Justices of the Peace assembled at any General Quarter Sessions to be holden for the said County of Somerset, and they are hereby required, from Time to Time, upon Application being made to them by the Majority of the Commissioners for the Time being, to nominate and appoint, within Three Calendar Months next after such Application shall be made, such Persons as they in their Discretion shall think fit and proper to be Commissioners for the Purposes of this Act, and the Commissioners so to be appointed are hereby vested with the same Powers for putting this Act into Execution, and to act as Justices of the Peace for the Purposes of this Act (being in the Commission of the Peace as before mentioned) as if they had been respectively named Commissioners in or by this Act. For increasing the Number of Commissioners.

VIII. And be it further enacted, That if the Commissioners under this Act for the Time being shall at any Time, for the Space of Six Calendar Months, neglect or refuse, upon any Vacancy, to nominate and appoint a new Commissioner, or if by the Number of Commissioners being reduced to less than Fifteen, or if for Want of a sufficient Number of Commissioners it shall at any Time become difficult to procure a Meeting or Meetings for executing this Act, then and in any of the said Cases In case the Number of Commissioners be ever reduced to 15, the Quarter Sessions on Complaint may appoint as many as are wanted to complete that Number.

it shall be lawful for any Commissioner or Commissioners for the Time being, or for any other Person or Persons residing within the Parish of Walcot aforesaid, from Time to Time to make Complaint thereof to the Justices of the Peace assembled at any General Quarter Sessions to be holden for the said County of Somerset; and it shall be lawful for the Justices to whom such Complaint shall be made, and they are hereby authorized and required to receive and hear the said Complaint, and upon due Proof being made to them of the Matter complained of, to nominate and appoint such Persons, as they in their Discretion shall think fit, to be Commissioners for the Purposes of this Act, and so as often as there shall be Occasion; and the Commissioners so to be appointed are hereby vested with the same Powers for putting this Act into Execution, and to act as a Justice of the Peace for the Purposes of this Act (being in the Commission of the Peace as before is mentioned) as if they had been respectively named Commissioners in or by this Act.

Power of administering Oaths and taking Affirmations.

IX. And be it further enacted, That in all Cases where the Commissioners, or any Justice or Justices of the Peace, are authorized to examine any Person or Persons on Oath or Affirmation, it shall be lawful for such Commissioners and Justices, and they are hereby required and empowered to administer such Oath or take such Affirmation.

For appointing Officers.

X. And be it further enacted, That the Commissioners shall and may, and they are hereby authorized and required, by Writing under their Hands, to elect and appoint a Treasurer and Clerk, and also an Assessor or Assessors, Collector or Collectors, Receiver or Receivers of the Rates or Assessments to be raised and levied, and the several Monies to be received by virtue of this Act, and by whom such Rates, Assessments, and Monies may from Time to Time be paid to the Treasurer for the Time being, or other Person or Persons appointed for that Purpose, in the Manner herein-after mentioned, and also all such Surveyors, Scavengers, Rakers, Cleansers, Water-keepers, and Lighters of Lamps, Beadles, Constables, Watchmen, and such other Officer or Officers, Deputies, and Assistants, for the Execution of this Act, as they shall from Time to Time think proper, and from Time to Time to remove, suspend, or displace all or any of such Officers as they shall see Occasion, and appoint others in the Room or Place of such of them as shall be so removed, suspended, or displaced, or shall die, or resign their Offices, and also from Time to Time, by and out

of the Monies to be raised or received by virtue of this Act, to pay such Wages or Salaries, and make such Allowances to such Officers, and to all other Persons by them the Commissioners employed in the Execution of this Act, as they shall think reasonable or proper; and the Commissioners shall and are hereby required to take such Security from every such Treasurer, Clerk, Collector, and other Officers so to be appointed as aforesaid, for the due Execution of their respective Offices or Duties, as the Commissioners shall think proper; and every Person who is hereby made liable to pay the several Rates or Assessments hereby directed and required to be levied and raised, or to pay any Sum of Money which is under this Act to be applied for the Purposes thereof, shall, and they are hereby required to pay the same to such Collector or other Persons as shall be so appointed to collect and receive the same in pursuance of this Act; who shall not at any Time retain in his or their Hands more than the Sum of One hundred Pounds, upon Pain of forfeiting to the Commissioners the Sum of Ten Shillings per Day for every One hundred Pounds collected and retained beyond the Sum of One hundred Pounds, and so after the same Rate for every less Sum than the Sum of One hundred Pounds; and every such Officer and Person so to be appointed as aforesaid shall, under his Hand, upon Demand, at such Time and Times, and in such Manner as the Commissioners shall direct, deliver to such Commissioners, or to such Person or Persons as they shall appoint, true and perfect Accounts in Writing of all Monies, Matters, and Things received and committed to their Charge by virtue and for the Purposes of this Act, and how much of such Monies hath been paid and disbursed, and for what Purposes, together with the proper Vouchers for such Payments, and also the Books, Papers, and Writings in their respective Custody or Power relating to the Proceedings to be had under this Act, and shall pay all such Monies as shall appear, upon Balance of their Accounts, to the Treasurer to the Commissioners, or to such Person or Persons, and at such Time and Place as the Commissioners shall appoint; and every such Officer and Person so accounting as aforesaid shall, upon Oath (or Affirmation, being a Quaker) if thereunto required by the Commissioners, verify their said Accounts, and in Default of any of the several Matters aforesaid, for the Space of Eight Days after being thereunto required as aforesaid, it shall be lawful for the Commissioners, and they are hereby authorized and empowered to

Commissioners to take Security from every Officer for the due Execution of his Office;

who are to deliver proper Accounts.

Commissioners may bring Actions

against Officers making Default in Payment of Monies in their Hands.

to bring, or cause to be brought, an Action or Actions in any of His Majesty's Courts of Record at Westminster, in the Name of their Clerk for the Time being, against the Officer or Officers, Person or Persons making such Default as aforesaid, for the Recovery of the Monies which shall be in the Hands of such Officer or Officers, Person or Persons respectively, with full Costs of Suit; or if Complaint shall be made by the Commissioners, or by such Person or Persons as they shall appoint to make Complaint of any such Default as aforesaid, to any Justice of the Peace for the County or Place wherein the Party making Default shall be and reside, such Justice may and is hereby authorized and required, by Warrant under his Hand and Seal, to cause the said Officer or Officers, Person or Persons so making or having made Default, to be brought before him, and upon his or their appearing (or not appearing) to hear and determine the Matter of Complaint in a summary Way; and if upon the Confession of the Party, or by the Testimony of One or more credible Witness or Witnesses upon Oath (or Affirmation, being a Quaker), it shall appear to such Justice 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, Person or Persons, or unaccounted for, then such Justice may, and is hereby authorised and required, by Warrant under his Hand and Seal, to order the Payment thereof, and upon Nonpayment thereof to cause such Money to be levied by Distress and Sale of the Goods of such Officer or Officers, Person or Persons respectively offending or making Default as aforesaid; and if no Goods or Chattels can be found sufficient to answer and satisfy the said Money, and the Charges of distraining and selling the same, and the other Expenses attending the requiring or compelling such Payment as aforesaid, or in case of Refusal to account as aforesaid, or that it shall appear to such Justice by the Confession of the Party so offending or making Default as aforesaid, or by the Testimony of any credible Witness or Witnesses upon Oath or Affirmation as aforesaid, that any Books, Papers, or Writings, relating to the Execution of this Act, or to the Proceedings to be had under the same, shall be in the Custody or Power of any such Officer or Person, and he shall refuse to deliver up the same as aforesaid, then and in any of the Cases aforesaid such Justice shall commit every such Offender to the Common Gaol or House of Correction of the County or Place where such Offender shall be and reside, there to remain, without Bail or Mainprize,

Officers not paying Balances,

or refusing to deliver up Papers, may be committed to Prison.

Mainprize, until he shall give and make a true and perfect Account and Payment as aforesaid, or until he shall have compounded with the Commissioners, and shall have paid such Composition in such Manner as they shall appoint, or until such Person shall have delivered up such Books, Papers, and Writings as aforesaid, or given Satisfaction in respect thereof: Provided always, that no Person who shall be committed for Want of sufficient Distress shall be committed for any longer Space of Time than Six Months.

Commissioners may appoint Officers occasionally in case of Death or Removal.

XI. Provided always, That as often as any Collector or Receiver of the Monies to be raised by virtue of this Act shall die, or be incapable, or neglect to perform his Duty, it shall be lawful for the Commissioners, or any Five or more of them, though not assembled at a Meeting pursuant to this Act, by any Writing under their Hands, to appoint another Person to collect the same, who shall give such Security for the due Execution of his Office during his Continuance therein as the Commissioners shall think proper, until the Commissioners shall, at a Meeting to be holden in pursuance of this Act, appoint a Collector or Receiver of such Monies, any Thing herein contained to the contrary notwithstanding.

Penalty on Officers taking any Fee or Reward besides the Salary.

XII. And be it further enacted, That if any Person who shall be employed as Treasurer, Clerk, Assessor, Collector, Receiver, Surveyor, or any other Officer or Servant who shall be anywise employed by the Commissioners in putting this Act, or any of the Powers thereof, in Execution, shall exact, take, or accept any Fee, Profit, or Reward whatsoever, other than such Salaries, Allowances, and Rewards, as shall be appointed, allowed, and approved of by the Commissioners, for or on Account of any Thing done or to be done by virtue of this Act, or on any Account whatsoever relative to putting the same in Execution, or shall anyways be directly or indirectly concerned or interested in any Sale, Purchase, Bargain, or Contract made or to be made by or by the Order of the Commissioners, for the Purposes of putting this Act in Execution, unless with their Consent or Approbation, every such Person so offending shall be incapable of ever serving or being employed in any Matter under this Act, and shall, over and above, forfeit the Sum of One hundred Pounds to any Person or Persons who shall sue for the same, by Action of Debt, Bill, Plaint, or Information, in any of His Majesty's Courts of Record at Westminster, within Six Calendar Months after the Offence committed, with full Costs of Suit, in which

Suit or Prosecution, no Essoin, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

Balance of Money received, and not paid over at the Time of the Receiver's Death, to be paid by the Executors of the Deceased's Estate.

XIII. And be it further enacted, That if any Collector or Receiver, or other Person employed by the Commissioners, who shall have received any Sum of Money by virtue or for any of the Purposes of this Act, shall die before he or they shall have fully paid and satisfied all the Money so received by him, then and in every such Case the Executors or Administrators, Executrixes or Administratrixes, or other Person or Persons possessing the late Estate and Effects of every such Person so dying, shall be liable to pay and make good all such Sums of Money by such Collector or Receiver, or other Person, so received and not paid, and the same shall be recoverable by Action or Suit in any of His Majesty's Courts of Record at Westminster, against such Executors or Administrators, Person or Persons as aforesaid, for the Recovery of the same.

Books to be kept of Proceedings.

XIV. And be it further enacted, That the Commissioners shall cause proper Books to be provided and kept, in which they shall, either by themselves or by their Clerk for the Time being, cause fair and regular Entries and Accounts to be made of the several Meetings held in pursuance of this Act, and of the Commissioners present thereat respectively, and of the Nomination of all Officers and Persons to act in the Execution thereof, and of all Acts, Orders, Rules, Resolutions, Proceedings, Matters, and Things relative to the Execution of this Act, and also an Account of all Monies to be assessed or raised, and to be received or payable by virtue hereof, and of the Payment and Application of the same, and of all Contracts to be made by any Person or Persons by virtue or in pursuance of this Act, all which said Accounts shall be examined, adjusted, and settled by the Commissioners assembled at any Meeting to be held in pursuance of this Act, quarterly at least, or oftener; and the Commissioners so examining, adjusting, or settling such Accounts, and also their Clerk for the Time being, shall subscribe their Names to the same; and such Commissioners assembled as aforesaid, and their said Clerk, shall also subscribe their Names at the End of their Proceedings at every such Meeting; and all Entries in their Books of such Proceedings, being signed by the Commissioners assembled thereat, and making or ordering the same in virtue or pursuance of this Act, and by their Clerk, shall be deemed Originals, and the same, or true and attested Copies thereof, shall be admitted to be read in Evidence in any Court whatsoever, in all Causes, Suits,

Suits, or Actions, and upon all Occasions whatsoever, touching any Thing done in pursuance or by virtue of this Act; and such Books shall be kept by the Clerk for the Time being to the Commissioners, or by such other Person or Persons, and at such Place as the Commissioners shall direct, and the same shall respectively, at all convenient and seasonable Times, without Fee or Reward, be open and liable to the Inspection of the Commissioners, and of all Persons rated and assessed for the Purposes of this Act, or otherwise affected thereby.

Actions to be in the Name of the Clerk;

XV And be it further enacted, That the Commissioners shall and may sue and be sued in the Name of their Clerk for the Time being, and that all Actions or Suits that it may be necessary to bring for the Recovery of any Penalty or Sum of Money due or payable in virtue of this Act, or for or in respect of any other Matter or Thing relating to this Act, shall be brought in the Name of their said Clerk (other than those which may concern any Owner or Driver of any Hackney Coach, or the Carrier of any Chair, or any Porter, Basket Man, or Basket Women), and that no Action or Suit which may be brought, commenced, or prosecuted by or against such Commissioners, or any of them, by virtue or on account of this Act, in the Name of their Clerk, shall abate or be discontinued by the Death, Suspension, or Removal of such Clerk, or by any Act or Default of such Clerk done or suffered without the Consent or Direction of the Commissioners, but the Clerk to the Commissioners for the Time being shall always be deemed Plaintiff or Defendant in every such Action or Suit (as the Case may be): Provided always, That every such Clerk, in whose Name any Action or Suit shall be commenced, prosecuted, or defended, in pursuance of this Act, shall always be re-imbursed and paid, out of the Monies to arise by virtue of this Act, all such Costs, Charges, and Expences as he shall be put to or become chargeable with by Reason of his being so made Plaintiff or Defendant therein, and shall not be personally answerable or liable for the Payment of the same, or any Part of them, unless such Action or Suit shall arise in consequence of his own wilful Neglect or Default, or have been brought or commenced, or be defended without the Order or Direction of the Commissioners.

who shall be reimbursed his Expences.

Streets, &c. to be properly paved, lighted, watched, cleansed, and freed from Nuisances.

XVI. And, in order that the Streets, Squares, Ways, Lanes, Passages, and other publick Places already made or built, as well as such as are now making or building, and may be hereafter made or built within such Part of the said Parish of Walcot aforesaid as is

not within the Circuit, Precinct, and Jurisdiction of the said City of Bath, may be properly paved, pitched, amended, cleansed, watched, and lighted, and all Annoyances and Obstructions, Nuisances, and Encroachments therein be removed, and the present and future Drains, Sinks, Gutters, and Watercourses for conveying the Water and Filth out of the said Streets, Squares, Ways, Lanes, Passages, and publick Places, into the common Sewers or Drains may be amended, repaired, cleansed, altered, and scoured, and new ones (if necessary) be made in such Manner as the Commissioners shall think proper; be it further enacted, That every Owner or Occupier of a House or Houses, or other Building or Buildings, Ground or Land, within the same Part of the Parish of Walcot aforesaid, and which shall be lighted, cleansed, or watched in virtue or pursuance of this Act, shall from Time to Time, at his or her own proper Expence, and within Three Days next after a Day to be expressed in a Notice given for that Purpose by the Commissioners, or their Surveyor or Surveyors for the Time being (such Notice being delivered or given at least Ten Days before the Day to be therein expressed), pitch and pave or pitch or pave, or cause to be pitched and paved or pitched or paved (as shall be expressed in such Notice) as much of the Foot Way and Carriage Way of or in the Street, Square, Way, Lane, Passage, or publick Place that is or shall be before, and if it shall so happen, behind, and at the Side of such his or their House or Houses, Building or Buildings, Ground or Land, as shall extend in Breadth of such Street, Square, Way, Lane, Passage, or publick Place, from the Area, Front, Outer Wall, or Boundary of such House or Houses, Building or Buildings, Ground or Land, into the Middle, or if the Case shall require, from such Area, Front, Outer Wall, or Boundary to the Extremity in Breadth of such Street, Square, Way, Lane, Passage, or publick Place, and in Length from the One extreme End or Party Wall or Boundary of such House or Houses, Building or Buildings, Ground or Land, to the other extreme End, Party Wall, or Boundary thereof, and shall from Time to Time, and at all Times afterwards, at his or her own proper Expence, and on a like Notice being given to him or her as aforesaid, repair, amend, raise, lower, alter, or place, or cause to be repaired, amended, raised, lowered, altered, or placed, the Pavement and Pitching of the same Part of such Foot Ways and Carriage Ways, and the Gratings or Openings in and over the same, with such Materials, with such

Inhabitants shall pave before their Houses.

Drains, Gutters, Sinks, or Watercourses for the Purposes herein-before mentioned, and with such new or other Grates or Gratings, on, from, or out of such Footways or Carriage-ways, over or into such Drains, Gutters, Sinks, or Watercourses, and in such Manner as shall be directed or required by the Commissioners, and shall be particularly expressed in such Notice or Notices, or by Reference to any Pavement or Pitching, Drain, Gutter, Sink, Watercourse, Grate or Grating then done and approved of by the Commissioners, and in Default thereof it shall and may be lawful to and for the Commissioners to cause the same to be pitched, paved, repaired, amended, raised, lowered, altered, made, or placed accordingly; and in case any such Owner or Occupier shall cause any such Pavement or Pitching, Drains, Gutters, Sinks, Watercourses, Grates or Gratings to be done, repaired, amended, lowered, altered, made, or placed otherwise than according to the Direction, Requisition, or Manner, for that Purpose expressed in such Notice or Notices, then it shall and may be lawful to and for the Commissioners to cause such Pavement, Pitching, Drains, Gutters, Sinks, Watercourses, Grates or Gratings, (as the Case may be), to be taken up, and relayed, made, or placed agreeably to such Direction, Requisition, or Manner, or in such other Manner as the Commissioners shall think proper or direct, and the Charges and Expences attending or relating to the taking up and relaying, making or placing the same as aforesaid, shall be reimbursed to such Commissioners by such Owner or Occupier making Default as aforesaid, or causing the several Matters and Things aforesaid to be done contrary to such Direction, Requisition, or Manner as aforesaid, and such Charges and Expences respectively shall be levied by Distress and Sale of the Goods and Chattels of such Owner or Occupier, in like Manner as the Rates herein-after directed and required to be raised and levied are directed to be recovered, the Overplus (if any) of the Monies to arise thereby, after deducting such Charges and Expences as aforesaid, and also the Costs and Expences attending such Distress and Sale, being returned to such Owner or Occupier: Provided always, That nothing herein contained shall extend to impower the Commissioners to order or direct the raising, lowering, or altering any of the Streets, Squares, Ways, Lanes, Passages, or publick Places, within such Part of the said Parish as aforesaid, as are already made and nearly finished (except as to necessary Repairs, and to the Gratings or Openings in or over the same).

To make void Covenants in original Building Grants, so far as the same respects Pitching, &c.

XVII. Provided always, and be it further enacted, That, from and after the Commencement of this Act, all Covenants and Agreements contained or expressed in the original or primary Grants, Conveyances, or Demises of such Houses, Buildings, Ground, or Land as aforesaid, or of the Ground and Land on which any such Houses or Buildings as aforesaid are or shall be built or erected, concerning the pitching and paving, or pitching or paving, repairing, amending, raising, lowering, or altering the Pavement or Pitching of such Foot Ways or Carriage Ways, or such Drains, Gutters, Sinks, Watercourses, Grates, or Gratings as aforesaid, or the lighting, cleansing, or watching of such Streets, Squares, Ways, Lanes, Passages, or publick Places as aforesaid, as shall be inconsistent with the Powers and Provisions herein contained, shall cease and be void.

Penalty on Persons altering the Form, &c. without the Consent of the Commissioners.

XVIII. And be it further enacted, That no such Owner or Occupier as aforesaid shall at any Time make, or cause or suffer to be made, any Alteration in the Form of the Pavement or Pitching of the Foot or Carriage Way before, behind, or at the Side of such his or her House or Houses, Building or Buildings, Ground or Land, nor any Opening in such Pavement or Pitching, for the Purpose of conveying Coal or other Things into any Vault or Cellar under the same, or for the Purpose of admitting Light into any Room, Chamber, or Cellar, or other Purpose whatsoever, without the Consent in Writing of the Commissioners, under their Hands first had and obtained; and that where any such Alteration or Opening shall be made with such Consent as aforesaid, such Alteration, or the Covering or Grating to or for such Opening, shall be made and from Time to Time repaired and altered at the Expence of the Person or Persons to whom such Consent shall be given, and shall be made of such Materials, of such Dimensions, and in such Manner and Form as the Commissioners shall think proper and direct; and in case any such Owner or Occupier shall cause such Alteration, Opening, Grating, or Covering to be made without such Consent as aforesaid, or, after such Consent had, shall cause the same to be made contrary to the Direction of the Commissioners, or shall not repair, amend, alter, or place the same, or cause the same to be repaired, amended, altered, or placed in such Manner, and within such Time as shall be expressed in a Notice to be given to him or her by the Order of the Commissioners, the Commissioners shall and may, and they are hereby authorized to cause such Alteration, Opening, Grating, or Covering to be removed, altered, repaired, or placed (as the Case may

may be) as they shall direct or think proper, and the Charges and Expences attending the same shall be raised, and paid, and recovered in the same Manner as is before by Reference expressed or declared, concerning the Charges and Expences of paving and pitching the Foot Ways and Carriage Ways, in the Case herein-before mentioned.

Act not to empower or compel Persons to pave, &c. any Turnpike Road.

XIX. Provided always, and be it further enacted, That nothing herein contained shall extend, or be construed to extend, to oblige or empower any Person or Persons whomsoever to pave, pitch, repair, alter, or cleanse (unless for the Purpose of making Foot Ways or Crossings) any Way, Lane, Passage, publick Place, or Road leading through such Part of the said Parish of Walcot as aforesaid, which is repaired, altered, or cleansed by virtue, or is under the Powers or Provisions of any other Act or Acts of Parliament, any Thing herein contained to the contrary thereof in anywise notwithstanding.

Notice to be given to the Commissioners Surveyor of taking up Pavements for altering Pipes.

XX. And be it further enacted, That when and as often as it shall be necessary that any Part of the Pitching or Pavement of any of the Streets, Squares, Ways, Lanes, Passages, and publick Places already made or built, or making or building, or which shall hereafter be made or built as aforesaid, should be taken up for the Purpose of making, altering, repairing, cleansing, or emptying of any Sewer, Vault, Drain, or Watercourse, or for any other Purpose whatsoever, except for the Purpose of laying, altering, or amending any Water Pipe or Plug, as is herein-after expressed, the Person or Persons so taking up such Pavement or Pitching, or causing the same to be so taken up, shall immediately give Notice thereof to the Surveyor to the Commissioners, in order that the same may, with all convenient Speed, be laid down and replaced, under the Inspection of such Surveyor, by the Person or Persons who shall so take up the same, or cause the same to be taken up; and in case such Person or Persons shall neglect or refuse, for the Space of Three Days next after Five Days Notice in Writing shall be given to him, her, or them to lay down or replace the same, or shall lay down or replace the same otherwise than as the Commissioners shall direct, then and in such Case it shall and may be lawful to and for the Commissioners to cause the same to be re-laid and re-placed in such Manner as they shall think proper and direct, and the Costs and Charges attending the same shall be reimbursed to the Commissioners by the Person or Persons making such Default as aforesaid, and shall be recovered in the same Manner as is before by Reference expressed and directed,

rected, concerning the Pitching and Paving, by the Owners and Occupiers of Houses or Buildings in the Case before mentioned.

Commissioners may contract with the Owners or Occupiers to pave at a certain Sum, and for all Works to be done under this Act.

XXI. And be it further enacted, That it shall and may be lawful for the Commissioners, if they shall think proper, from Time to Time to contract and agree with any such Owners or Occupiers as aforesaid, for the paving, pitching, placing, relaying, raising, lowering, altering, amending, or keeping in Repair the Pitching and Paving which such Owner or Owners are hereby made liable to, and for all or any of the several Works, Matters, and Things which they are hereby required to do or cause to be done, at their own Expence, at or for some certain Price or Sum of Money to be agreed on between the Commissioners and Owners and Occupiers for the doing the same respectively, and the Agreement to be made for that Purpose shall be reduced to Writing, and be valid and binding between the Persons making the same, and be signed by them respectively, and after such Agreements made, such Owners and Occupiers shall be and are hereby discharged from seeing to the doing such Works, Matters, and Things so contracted for, and agreed to be done by the Commissioners, and from all Payments, Costs, Charges, and Expences hereby inflicted or directed for the Non-performance or Neglect thereof; and it shall and may be lawful for the Commissioners to contract and agree with any Person or Persons for the doing, performing, and executing the several Works, Matters, and Things so by the Commissioners contracted for or agreed to be done by them as aforesaid, and also for cleansing, watering, watching, and lighting the Streets, Squares, Lanes, Ways, Passages, and publick Places already made or built, or making or building, and which shall hereafter be made or built within such Part of the said Parish of Walcot as aforesaid, and for performing all other or any of the Works, Matters, and Things hereby authorized or required to be done by the Commissioners, which Contract or Contracts so to be entered into shall be reduced into Writing, and signed by the Commissioners making the same, and the Person or Persons contracting to perform such Works, Matters, and Things, and shall specify the Works, Matters or Things to be done, and the Prices to be paid for the same, and the Time or Times when, and the Kinds and Sorts of Materials with which such Works, Matters, and Things shall be performed or completed, and the Penalties to be suffered in case of Non-performance thereof, provided that Six Days Notice at the least, previous to the Meeting

for entering into such Contract, be given and published by the Clerk for the Time being of the Commissioners, in the Manner herein-before directed or mentioned, or in such other Manner as the Commissioners shall direct or appoint, in which Notice shall be specified the Business to be contracted for at such Meeting, in order that Persons may give in their Proposals for contracting to perform the same; and provided also, that the Person or Persons offering or tendering the lowest Price or Prices for the doing the same, and being of sufficient Knowledge and Skill, in the Judgement of the Commissioners, and giving sufficient Sureties for the doing and performing such Works, shall always be preferred and entitled to have the Contract; and the Commissioners are hereby authorized and required to take, of every such Person or Persons so contracting, sufficient Sureties for the doing and performing the said Works.

Surveyors to inspect Works contracted for.

XXII. And be it further enacted, That it shall be lawful for the Commissioners, and they are hereby directed to cause the Works, Matters, or Things to be done in pursuance of such Contracts to be inspected by their Surveyor or Surveyors, or by such other Person or Persons, as they shall, from Time to Time, appoint; and in case the same shall not be well and sufficiently performed, according to the true Intent and Meaning of such Contract or Contracts, and shall not be finished or completed at or within the Time or Times to be by such Contract or Contracts limited for completing the same, the Commissioners shall and may bring an Action or Suit in any of his Majesty's Courts of Record at Westminster, against any Person or Persons so contracting and neglecting to perform and complete such Contract or Contracts accordingly, for any Penalty or Damage which shall be contained or expressed in such Contract or Contracts, or suffered or sustained on Account of the Nonperformance thereof; and upon proving the signing of the said Contract or Contracts, and that such Works, Matters, or Things have not been so performed, finished, or completed as aforesaid, the Plaintiffs shall be entitled to, and shall recover such Penalty or Damage, with full Costs of Suit.

Property of all Materials for the Purpose of this Act vested in Commissioners.

XXIII. And be it further enacted, That the Property of and in all Lamps, Lamp Irons and Posts, Rails, Posts, Chains, Iron, Timber, Furniture, Watch Boxes and Houses, Tools, Utensils, Implements, Materials, and other Things, which shall be fixed or placed, purchased, provided, or made use of for the Purposes of this Act, and the Soil, Dung, Manure, or Dirt which shall arise or be made in, and all such Dirt, Ashes, Cinders;

Dung, and Filth as shall be taken or carried away from the Houses within such Part of the said Parish of Walcot as aforesaid, shall belong to and be the Property of, and the same are hereby vested in the Commissioners; and they are hereby authorized and empowered to bring, or cause to be brought, any Action or Actions, or to prefer, or order and direct the preferring of any Bills of Indictment (as the Case shall require) against any Person or Persons who shall steal, take, or carry away, detain, spoil, injure, or destroy the same, or any Part thereof, or disturb them in the Possession thereof, and from Time to Time to sell and dispose of, for the Purposes of this Act, all or any Part thereof respectively, in such Manner as they shall think proper.

Power to provide Lamps.

XXIV. And be it further enacted, That it shall be lawful for the Commissioners, and they are hereby required and empowered from Time to Time to provide Lamp Irons or Lamp Posts to be set up or affixed into, upon, or against the Ground adjoining to, or the Walls, Pallisadoes, or Iron Rails of any of the Houses, Tenements, Bridges, or Buildings already built or building, and which shall hereafter be built within such Part of the said Parish as aforesaid, or in such other Manner, and at such Distances as they the Commissioners shall from Time to Time think proper and convenient, and also to cause such Number of Lamps of such Sizes and Sorts to be provided and affixed, or put upon such Lamp Irons or Lamp Posts, and to alter, take down, or remove any of the present or future Lamp Irons, Lamp Posts, and Lamps which shall be purchased, affixed, or provided, in virtue or for the Purposes of this Act, and to do such other Acts, Matters, and Things as they shall from Time to Time think proper and necessary for well and effectually lighting all or any of the Streets, Squares, Ways, Lanes, Passages, or other publick Places already made or built, or making or building, or which shall be hereafter made or built, within such Part of the said Parish as aforesaid; and if any Person or Persons shall wilfully or maliciously break, throw down, displace, take away, damage, or spoil any of the Lamps already put up, or to be put up by virtue of this Act, or by any Person or Persons at his, her, or their own Expence, or wilfully damage any of the Posts, Irons, or other Furniture thereof, or Materials belonging thereto, or used therewith, or extinguish the Light of any such Lamp, every Person so offending shall, for every such Offence, forfeit and pay any Sum not exceeding Forty Shillings, nor less than Ten Shillings, One Moiety whereof shall go to the In-

Penalty on Persons wilfully damaging Lamps.

former,

former, and the other Moiety for the Purposes of this Act, and such Offender or Offenders shall also pay such Sum of Money as shall be a full Satisfaction for the Damage so done; and in case any Person or Persons shall carelessly, negligently, or accidentally break, throw down, or otherwise damage, any of the said Lamps put up or to be put up as aforesaid, or the Irons, Posts, or other Furniture thereof, or extinguish the Lights thereof, and shall not, immediately upon Demand, make Satisfaction to the Commissioners, or to the Owner or Owners of such Lamp, Lamp Irons, Posts, or Furniture, as the Case may be, for the Damage done thereto, then and in any of the said Cases it shall be lawful for any Justice of the Peace for the said County of Somerset, upon Proof thereof made by Oath (or Affirmation being a Quaker) of One or more credible Witness or Witnesses, or by the Confession of the Party, to award to the Commissioners, or to such Owner or Owners (as the Case shall be), such Sum of Money by way of Satisfaction for such Damages as such Justice shall think reasonable, to be recovered as Penalties and Forfeitures are herein-after directed to be recovered. Carelessly damaging Lamps.

XXV. And be it further enacted, That the Scavengers or Person or Persons employed in, or contracting to clean such Streets, Squares, Lanes, Passages, and publick Places as aforesaid, shall Twice in every Week (that is to say), on every Wednesday and Saturday, between the Hours of Seven and Twelve in the Forenoon, and upon such other Days and at such other Hours as the Commissioners aforesaid shall from Time to Time appoint, sweep and collect together all Dirt, Dust, Filth, or Rubbish in such Streets, Squares, Lanes, Passages, and publick Places, and shall also bring, or cause to be brought a Cart or other proper Carriage into such Streets, Squares, Lanes, Passages, and publick Places, where such Cart or other Carriage can pass, and shall, at his or their Approach with such Cart or other Carriage, and not before, by Sound of Bell, Voice, or otherwise, give Notice to the Inhabitants of his or their coming, and give the like Notice in every Court, Passage, or Place into which such Cart or Carriage cannot pass, and abide and stay a convenient Time in or near the said Places respectively, so that the Inhabitants or Persons concerned may bring forth their Dust, Dirt, Ashes, and other Filth (except Filth from any Privy or Necessary House) to the Doors of their respective Houses and Premises, and there leave the same in some convenient Place near their Doors, from whence the said Scavenger's Duty.

Scavenger,

Scavenger, or other Person or Persons aforesaid, shall immediately take and put the same into such Cart or Carriage; all which Dust, Dirt, Ashes, and Filth (except as aforesaid), as well as all such Dust, Dirt, Dung, Ashes, and other Filth as shall be swept up and collected together as aforesaid, the said Scavenger or other Officer appointed for that Purpose shall then immediately, or as soon as may be, carry away, or cause to be carried away, to the Place or Places appointed for depositing the same, upon Pain of forfeiting Five Pounds for every such Offence or Neglect; and every Person acting as such Scavenger for the Time being, shall cause the Words Scavenger's Cart to be painted, in large Roman Letters, on the Front or other conspicuous Place of their Carts or Carriages used for the Purposes aforesaid, on Pain of forfeiting the like Penalty of Ten Shillings for every such Neglect therein; and if any such Scavengers, or other Persons acting as such, or employed as aforesaid, shall sweep or throw any Dust, Dirt, Ashes, or Filth, into the Sewers, Drains, Sinks, or Watercourses within such Part of the said Parish of Walcot as aforesaid, every Person so offending shall forfeit and pay the Sum of Five Pounds.

Persons not to throw Dirt into the Street, but to keep the same till the Scavengers come to take it away.

XXVI. And be it further enacted, That no Person or Persons whomsoever shall throw, cast, or lay, or cause to be thrown, cast, or laid, any Dust, Dirt, Dung, Ashes, or other Filth whatsoever, in the Streets, Squares, Ways, Lanes, Passages, or publick Places already made or built, or hereafter to be made or built, within such Part of the said Parish as aforesaid (except the Dirt, Ashes, and Filth to be collected and put together or placed as aforesaid, and except as is next herein-after mentioned), on Pain of forfeiting or paying for every such Offence the Sum of Ten Shillings; nor shall throw or cast any such Dust, Dirt, Dung, Ashes, or other Filth whatsoever, into any of the Rivers, Brooks, Sewers, Drains, Sinks, or Watercourses within the same, upon Pain of forfeiting and paying for every such last mentioned Offence, the Sum of One Pound, but shall, and he, she, and they are hereby required to keep or cause the same to be kept in their respective Houses, Cellars, or Yards, until such Times as the Scavenger or other Person or Persons appointed to take the same away as aforesaid, shall come by or near the Houses or Doors, with a Cart or other Carriage, for the Purpose of carrying the same away.

Penalty not to extend to Rubbish or Dirt

XXVII. Provided always, and be it further enacted, That no Person shall be subject to the said Penalty of

Ten Shillings for or on Account of any Rubbish or Dirt in such Streets, Squares, Ways, Lanes, Passages, or publick Places as aforesaid, occasioned by the building, pulling down, altering, or repairing his or her House or other Building, nor for making any Lime into Mortar to be used in or for the Purpose of building, altering, or repairing the same, in case there be full and sufficient Space, in the Opinion of the Commissioners, or their Surveyor for the Time being, left in or at the Side of the Street, Square, Way, Lane, Passage, or publick Place, where such Rubbish, Dirt, Lime, or Mortar shall lie or be placed, for Carriages to pass and repass, and a sufficient Way kept clean for Foot Passengers, by the Person or Persons laying or occasioning the same to be laid or placed, and so as a sufficient Light be, at his, her, or their own Expence, set and maintained at the Place where such Dirt or Rubbish shall be so laid or placed, between the Hours of Sun-set and Sun-rise, to prevent any Mischief happening to Passengers or Cattle, or so as (if the Commissioners shall think proper and so direct) the same be inclosed and fenced about, in such Manner, and within such Time, as they in any Notice to be by their Order given to, or left with such Person or Persons, shall direct, or if the same shall be removed at his or her own Expence, within a Time to be expressed in a Notice to be in like Manner given or left to remove the same.

occasioned by building or repairing Houses.

XXVIII. And be it further enacted, That no Person or Persons whomsoever shall take or carry away, or cause to be taken or carried away, any Dirt, Dust, Dung, Ashes, or other Filth, out of any of such Streets, Squares, Ways, Lanes, Passages, or publick Places as aforesaid, other than such Scavenger or other Officer or Person contracting or to be appointed for that Purpose as herein-before is mentioned, on Pain of forfeiting Forty Shillings for every such Offence.

No Person, other than a Scavenger or Person appointed for that Purpose, to remove any Dirt, Dust, &c.

XXIX. Provided always, That nothing herein contained shall extend to prevent any Person or Persons from preserving and keeping any Dirt, Dust, Ashes, Manure, Muck, Filth, or Rubbish, within his, her, or their Houses, Yards, or Gardens, or otherwise disposing of the same, for their own Use and Benefit, so as such Dirt, Dust, Dung, Ashes, Manure, Muck, Filth, or Rubbish be not laid down or placed in any of such Streets, Squares, Ways, Lanes, Passages, or publick Places as aforesaid, for any longer Time than shall be necessary for the loading and carrying away the same, or be suffered to annoy any of the Inhabitants of such said Part

Persons to be at Liberty to keep or dispose of Dust, &c. for their own Use.

of the said Parish as aforesaid; but in case any Person so reserving such Dirt, Dust, Ashes, Manure, Muck, Filth, or Rubbish, shall thereby annoy any of the Inhabitants, or shall permit or suffer the same to remain for any longer Time than from Sun-rising in the Morning to Sun-setting in the Evening, before the same shall be carried away or removed, after Notice in Writing given to him or her, under the Hands of the Commissioners, or by their Clerk by their Order, or left at such Person's Dwelling House, to remove the same, such Person shall forfeit and pay Five Shillings a Day for every Day that such Annoyance shall be suffered to remain after such Notice given as aforesaid.

Foot Ways to be swept.

XXX. And be it further enacted, That the respective Owners and Occupiers of Houses or other Buildings, or Ground, or Land, in the Streets, Squares, Ways, Lanes, Passages, or publick Places already made or built, or which shall hereafter be made or built, within such Part of the said Parish as aforesaid, shall, and they are hereby required, from and immediately after the passing of this Act, to cause to be well and sufficiently swept and cleansed the Footways or Foot Pavements, before, behind, and at the Side of the same (as the Situation thereof shall require) every Morning in the Year, between the Hours of Seven and Ten of the Clock in the Forenoon of each Day, and shall also cause the Dirt and Soil arising from such sweeping and cleansing to be collected and put together without obstructing the Way or Road, or creating any Nuisance or Annoyance thereby, in order that the same may be ready for the loading and taking away thereof by the Scavenger or other Person or Persons employed in cleansing such Streets, Squares, Lanes, Passages, and publick Places, upon Pain of forfeiting and paying, for every Neglect thereon, or Nuisance or Annoyance occasioned thereby, a Sum not exceeding Five Shillings.

Watchmen, Beadles, and Constables.

XXXI. And be it further enacted, That the Commissioners shall and may, and they are hereby authorized and required, from Time to Time, to order and establish such Number of Watchmen, Beadles, Constables, and other Officers, as they shall judge necessary or proper, to be kept or employed in or about such Part of the said Parish as aforesaid, and shall likewise direct and appoint how and where the several Watchmen, Beadles, Constables, and other Officers shall be stationed, and in what Manner they shall be armed, how often they shall go their Rounds, how long they shall continue upon Duty, and what Wages

Wages shall be allowed to such Watchmen, Beadles, Constables, and other Officers, for their Service, and shall and may also erect or provide proper Places, Boxes, or Watch Houses for the Reception of such Watchmen, Beadles, Constables, and other Officers as aforesaid, and shall make all such Orders and Regulations, in Writing, as the Nature of the respective Services shall to the Commissioners appear to require, and as shall be necessary for preserving and maintaining Peace and Order, and an effective Police within, and the Safety of the Inhabitants of such Part of the said Parish as aforesaid, and shall cause true Copies or Transcripts of all such Nominations, Orders, and Regulations as shall be made by them from Time to Time for the better Direction and Government of such Watchmen, Beadles, Constables, and other Officers, and for the other Purposes last mentioned, to be made, which Copies or Transcripts shall be signed by the Commissioners, or their Clerk for the Time being; and it shall be lawful for such Watchmen, Beadles, Constables, and other Officers, and they are hereby authorized and required to keep Watch and Ward within such Part of the said Parish as aforesaid, and to arrest, apprehend, and detain in the Watch House, or some other convenient Place of Security within the same Part of the said Parish, to be provided and appointed by the Commissioners, all Malefactors, Disturbers of the publick Peace, Exhibitors of Animals, Sights, or Shows, disorderly Persons, Ballad Singers, Vagrants, Beggars, Petitioners, and all such other Persons as shall be found misbehaving themselves, or who, not having wherewith to maintain themselves, live idle and without Employment, and refuse to work for the usual and common Wages given to other Labourers, and shall take them within Twenty-four Hours (or as soon after as conveniently may be) before any One of His Majesty's Justices of the Peace acting in and for the said County of Somerset, to be examined and dealt with according to Law; and the said Beadles, Constables, and other Officers shall, as often in every Night as shall be ordered by the Commissioners, go about their respective Districts and Rounds to take Notice whether all the Watchmen perform their Duty in their several Stations, according to such Orders and Regulations as shall be made and provided by the Commissioners; and in case any Watchman shall misbehave himself, or neglect his Duty, the said Beadles, Constables, or other Officers or Persons respectively, shall, as soon as conveniently may be, give Notice thereof to the Clerk

Transcripts of Regulations of Watchmen, Beadles, &c. to be signed by the Commissioners.

for

for the Time being to the Commissioners, who is hereby authorized to suspend such Watchman from the Execution of his Office, and appoint another Person to officiate therein, until the next Meeting of Commissioners, when the said Clerk shall acquaint the Commissioners assembled at such Meeting with the Complaint against such Watchman, in order that they may proceed to the Examination of the Offence or Charge, and such Watchman moreover shall be subject and liable to such Penalty for every such Neglect or Misbehaviour as is next hereinafter expressed.

Penalty on Beadles and others neglecting their Duty.

XXXII. And be it further enacted, That if such Watchman, Beadles, Constables, and other Officers, or any of them, shall not observe, perform, and keep the Orders, Rules, and Regulations which shall be made for the Purposes aforesaid by the Commissioners, or shall in any Manner neglect their Duty, or misbehave themselves, every Person so offending shall forfeit and pay, for every such Neglect or Offence, any Sum not exceeding Twenty Shillings, and also, if the Commissioners shall think proper, be immediately discharged from his or their respective Office or Employment.

Penalty on Publicans harbouring Watchmen during their Hours of Duty.

XXXIII. And be it further enacted, That if any Victualler, Publican, or other Person selling Spirituous or other Liquors, shall entertain or harbour in his, her, or their House or Habitation, or Shop, any Watchman to be appointed under this Act, during any of the Hours or Times appointed for such Watchman to be on Duty, in virtue or pursuance of this Act, then every such Victualler, Publican, or other Person shall forfeit and pay Twenty Shillings for the First Offence, Forty Shillings for the Second Offence, and Five Pounds for the Third and every other Offence.

Certain Acts not to be committed in the Streets.

XXXIV. And be it further enacted, That if any Person or Persons shall, upon any of the present or future Pavements of the Streets, Squares, Ways, Lanes, Passages, and publick Places now made or built, or which shall hereafter be made or built within such Part of the said Parish as aforesaid, which is now or at any Time hereafter shall be raised above the Carriage Way, and used as a Foot Way, or upon any other Foot Way designed and appointed for a Foot Way only (except in any Court or Place which shall be appointed as a Stand for Sedan Chairs, or where there is not nor shall be any Carriage Way) carry any Sedan Chair, not having a Person therein, or shall carry upon such Pavements any lighted Flambeau, Link, or Torch, other than for the Purpose of lighting a Sedan Chair having a Person therein,

therein, or for the Purpose of lighting the publick Lamps within the same Part of the said Parish, or shall run, draw, drive, or carry thereon any Truck, Wheel, Sledge, Wheel Barrow, Bier, Hand Barrow, or Carriage whatsoever, or shall roll any Cask, other than for the necessary loading or unloading thereof, in, upon, from, or out of any Carriage, or shall thereon wilfully ride, lead, or drive any Cattle of any Kind, or any Beast, whether loaded with Coal, Vegetables, or other Goods or Wares for Sale, or shall, in any of such Streets, Squares, Ways, Lanes, Passages, or publick Places as aforesaid, burn, dress, or cleanse any Cork, or shall hoop, fire, cleanse, wash, or scald any Cask, or empty any of the Contents of any Cask therein, or set any Cask, Tub, Pail, Bucket, or any other Matter or Thing on, or so as in any Manner to cause any Obstruction or Impediment in the Foot Way, or wash any Linen, Vegetables, or other Things, at any of the publick Pumps or Conduits therein, or shall hew, saw, or cut any Stone, Wood, or Timber, or bore any Timber (except for the Purpose of rebuilding, altering, or repairing any House or Building in the Manner hereinafter mentioned, or for any of the Purposes by this Act required or authorized to be done, in which Cases the same shall, if the Commissioners shall think proper and direct, be fenced and inclosed in the Manner herein-after mentioned), or shall make or repair any Coach, Waggon, Sledge, or other Carriage, in any of such Streets, Lanes, Passages, or publick Places (except such Carriages as may want immediate repairing from any sudden Accident on the Spot, or which cannot conveniently be removed for that Purpose), or shall shoe, bleed, or turn loose any Horse, Ass, or other Beast therein, or if the Driver of any Waggon, Cart, Sledge, or other Carriage, shall, in any Part of the said Parish as aforesaid, which is not within the Precinct, Circuit, and Jurisdiction of the said City of Bath, ride on the Shafts, or in or on any Part of such Waggon, Cart, Sledge, or other Carriage, without Reins, or on any of the Horses or Cattle drawing the same, or if any Person or Persons having the Care thereof, or driving the same (not being a Cart or Caravan driven by a Person with Reins, and sitting therein) shall suffer any Horse or Cattle drawing the same to go any Pace faster than a Walk, or shall bait, drive, or worry any Bull, Ox, Bear, or other Animal, with Dogs or otherwise, or if any Person shall drive any Cattle, or ride or drive any Horse or other Beast within such Part of the said Parish as aforesaid so

furiously as thereby to cause a personal Danger to any one whomsoever, or shall in any of the Streets, Squares, Ways, Lanes, Passages, or publick Places now made or built, or which shall hereafter be made or built within the same Part of the said Parish, and which shall be lighted, watched, or cleansed in Virtue or pursuance of this Act, or in any Streets, Squares, Ways, Lanes, Passages, or Places now making or building, and which shall adjoin or be contiguous or near to any that shall be so lighted, watched, or cleansed, shew or expose any Stallion or Stone Horse, or shall expose to Sale any Horse or other Beast, or shall ride, drive, or lead the same in any Carriage or otherwise by way of Exercise, or for the Purpose of breaking them in, or drive any Cow for the Purpose of selling Milk, or shall play at the Game of Foot Ball, or Fives, or any other Games troublesome to the Inhabitants, or shall make any Bonfire, or let off or fire any Crackers, Squibs, or other Fire Works, or shall use a Horn, Trumpet, Wind or other loud Instrument, for the Purpose of announcing News, or selling or announcing the Sale or Hire of any Newspapers or other Paper, (except the London Gazette, by the Permission of the Commissioners), or shall suffer his or her Mastiff or Bull Dog, or Mastiff or Bull Bitch, to go unmuzzled in any of such Streets, Squares, Ways, Lanes, Passages, or publick Places, after Notice given by any Person whomsoever to the Owner thereof, or any of his or her Servants, to confine the same, or if any Person shall sift, throw, cast, or lay any Ashes (except in the Time of Frost only, and to prevent Accidents), or any Dust, Muck, Dung, Soil, Filth, Rubbish, Refuse of Garden Stuff, Blood, Offal, Carrion, or any other offensive Matter or Thing, in any of the present or future Streets, Squares, Ways, Lanes, Passages or publick Places within the same Part of the said Parish, or shall hang up, place, or expose to Sale any Goods, Wares, or Merchandizes whatsoever, or any Fruit, Vegetables, or Garden Stuff, Butcher's Meat, or other Matter or Thing, on or projecting over the Foot or Carriage Way of such Streets, Squares, Ways, Lanes, Passages, or publick Places, or so as to obstruct or incommode the Passage of any Person or Carriage therein, or shall commit any other Kind of Obstruction or Annoyance in any Part of any of such Squares, Streets, Ways, Lanes, Passages, or publick Places aforesaid, the same shall be respectively considered as an Offence or Offences against this Act, and every Person so offending in any of such Cases shall, for every such Offence, forfeit

and

and pay the Sum of Twenty Shillings, over and above such Penalties as are inflicted on any of the said Offences by any other Law or Statute now in Force; and if any Person or Persons shall kill or slaughter, or shall singe, scald, dress, or cut up any Animal, either wholly or in Part, in any of such Streets, Squares, Ways, Lanes, Alleys, Passages, or publick Places, within the said Part of the said Parish, or cause or permit any Blood to run from any Slaughter House, Butcher's Shop, or Shambles, into the same, or any of them, every Person so offending in any of the Matters aforesaid shall, for every such Offence, forfeit and pay the Sum of Forty Shillings.

Beasts wandering in the Streets may be Impounded.

XXXV. And be it further enacted, That if any Horse or other Beast shall at any Time be found wandering about any of the Streets, Squares, Ways, Lanes, Passages, or publick Places, now made or built, or making or building, or which shall hereafter be made or built within such Part of the said Parish of Walcot as aforesaid, it shall be lawful for any Officer or Officers to be appointed by the Commissioners, and to and for any of the Inhabitants of the same Part of the said Parish, to seize and impound such Beast in the common Pound of the said Parish of Walcot, or in such other Place as the Commissioners shall appoint, and the same there to detain, until the Owner or Owners thereof shall, for each Beast impounded, pay the Sum of Twenty Shillings to the Treasurer for the Time being to the Commissioners, towards the Purposes of this Act, and also the Sum of Two Shillings to the Person impounding the same, besides the reasonable Charges and Expences of impounding and keeping the same; and in case the said Sums, Charges, and Expences shall not be paid within Seven Days after such impounding, it shall be lawful for the Pound Keeper, or such other Person as shall be appointed by the Commissioners for that Purpose, giving Seven Days previous Notice of the intended Sale to the Owner or Owners of such Horse or other Beast, to sell or cause the same to be sold, and the Money arising from such Sale, after deducting the said Sums, and the Charges and Expences aforesaid, and of such Notice and Sale, shall be paid to the said Treasurer, to be by him paid to the Person whose Property the Beast so sold shall appear to have been.

Carts and Carriages, &c. not to be left in the Streets.

XXXVI. And be it further enacted, That if any Cart, Waggon, Sledge, Trolley, Dray, or other Carriage used for the Purpose of conveying or carrying Goods, Merchandizes, or any other Materials or Things whatsoever,

ſoever, ſhall at any Time be left or ſuffered to ſtand or continue in any of the Streets, Squares, Ways, Lanes, Paſſages, or publick Places already made or built, or which ſhall hereafter be made or built within ſuch Part of the ſaid Pariſh of Walcot as aforeſaid, for any longer Time than ſhall be neceſſary for the loading or unloading thereof, or ſhall be ſet, placed, or left upon any Part of the Foot Croſſings of any of ſuch Street, Square, Way, Lane, Paſſage, or publick Place, or ſhall be ſet or placed athwart or acroſs any Part of ſuch Streets, Squares, Ways, Lanes, Paſſages, or publick Places aforeſaid (although for the Purpoſe of loading or unloading the ſame), ſo as that there ſhall not be ſufficient Room left for another Carriage to paſs; or if any Stage Coach, Poſt-chaiſe, or other Carriage let to hire (except Hackney Coaches and other Carriages ſtanding for hire, under the Authority of this Act, and ſuch Coaches or Chaiſes as ſhall be let as Jobs, or by the Day, or any ſtipulated Time), ſhall be ſuffered to ſtand in any of ſuch Streets, Squares, Ways, Lanes, Paſſages, or publick Places as aforeſaid, for a longer Time than ſhall be neceſſary for taking up and ſetting down Paſſengers or Travellers, or for loading or unloading their Luggage, or if any Wheel of any Carriage, ſeparated from a Carriage, be hauled, drawn, or rolled thereon, or through the ſame, without a Sledge or proper Carriage placed under the ſame, or if any Timber, Stone, or other Thing whatſoever, be drawn in any of ſuch Streets, Squares, Ways, Lanes, Paſſages, or publick Places, without the ſame being placed on a Sledge or Carriage for that Purpoſe, or if any Timber of Twenty Feet long or upwards ſhall be carried upon any Waggon, Cart, Sledge, or other Carriage, in or through the ſame, without being attended by One or more Perſon or Perſons beſides the Carter driving ſuch Carriage, for the Purpoſe of guiding the End of ſuch Timber, and preventing the ſame from ſtriking againſt any Perſon, Houſe, Shop, Wall, or Building, or if any Timber, Iron, Lead, Bricks, Stones, Lime, Mortar, Hay, Straw, Wood, Faggots, Coals, Boards, Tubs, Caſks, Goods, Wares, Merchandizes, Materials, or Things, Rubbiſh, Duſt, Dirt, Dung, Filth, or other Nuiſance or Annoyance whatſoever, ſhall be ſo thrown, laid, placed, or left in ſuch Street, Square, Way, Lane, Paſſage, or publick Place as aforeſaid (except in building, taking down, adding to, altering, or repairing any Houſe, Tenement, or Building, or for any of the

Purposes authorized or required to be done in virtue or pursuance of this Act, in which Cases the same shall, if the Commissioners shall think proper and direct, be fenced and inclosed in the Manner herein-after expressed), and the same (except as last aforesaid) shall be suffered to remain for a greater Space of Time than shall be necessary for the housing or removing thereof, or if any Wood or Faggot Pile shall be made or erected within Twenty Feet of any such Houses or other Buildings, then and in every such Case, the Owner or Driver of every such Waggon, Cart, Dray, Sledge, Trolley, Coach, Chaise, or other Carriage as aforesaid, and the Owner of any such Timber, Wood, Faggots, Iron, Bricks, Stone, Hay, Wood, Goods, Materials, and Things, Dirt, or Rubbish as aforesaid, or the Person or Persons causing such Annoyance as aforesaid, shall, for every such Offence, forfeit and pay the Sum of Forty Shillings.

Nuisances to be removed.

XXXVII. And be it further enacted, That in case any Slaughter House, Hogstye, Necessary House, or other noisome or offensive Building or Matter whatsoever, in or near any of the Streets, Squares, Ways, Lanes, Passages, and publick Places now made or built, making or building, or which shall or may hereafter be made or built within such Part of the said Parish of Walcot as aforesaid, as shall be watched, lighted, and cleansed in virtue or pursuance of this Act, shall be offensive to any of the Inhabitants thereof, or Persons residing therein, the same shall be deemed a Nuisance and an Offence against this Act, and it shall and may be lawful for the Commissioners, upon Complaint thereof to them made by any such Inhabitant, or other Person or Persons, under the Hands of the Commissioners, or under the Hand of their Clerk for the Time being, to order any such Nuisance or Offence to be removed, and in case the same shall not be removed within Fourteen Days 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 Ten Shillings daily, for every Day that the same shall continue unremoved after the Expiration of the Time mentioned in such Notice.

Penthouses, Signs, and other Things projecting into the Street, or which are inconvenient, to be removed.

XXXVIII. And be it further enacted, That, from and after the Commencement of this Act, the Water at the Tops or Roofs of all Houses and other Buildings now made or built, or making or building, or which shall hereafter be made or built within such Part of the said Parish of Walcot as aforesaid, shall be conveyed from the Tops or Roofs of all such Houses and Buildings in Pipes to

be fixed to the Sides or Fronts thereof respectively, in such Manner as to carry the Water down the Sides or Fronts thereof respectively, into the common Channel or Drain, and such Pipes shall be so fixed within Three Calendar Months after a Day to be expressed in a Notice, in Writing, under the Hands of the Commissioners, or their Clerk for the Time being, to be for that Purpose given to or left with the Owners or Occupiers of such Houses or Buildings, at least Three Calendar Months before the Day therein to be appointed for doing or completing the same; and that all such Penthouses, Bow Windows, Shutters, Flaps projecting, and which do or shall hereafter be suffered to project, unto or upon any of the Streets, Squares, Ways, Lanes, Passages, and publick Places already made or built, or which shall hereafter be made or built within the same Part of the said Parish, or the said Foot Ways or Carriage Ways thereof, and also all such Porches, Pales, Rails, and Projections standing or being, or which shall hereafter stand or be in any of such Streets, Squares, Ways, Lanes, Passages, or publick Places, and all such Steps and Doors opening into or leading from, or as shall hereafter open into or lead from, any of such Foot Ways or Carriage Ways, into any House, Shop, Vault, or Cellar, and all such Cellar Doors, or Flaps, or Grates, now made or being, or which shall hereafter be made or be, in any of such Streets, Squares, Ways, Lanes, Passages, and publick Places, as in the Judgement of the Commissioners shall be inconvenient to or incommode Passengers, and all Signs, Sign Posts, and Shew Boards, standing or being in or upon any of the present or future Foot Ways or Carriage Ways of such Street, Square, Way, Lane, Passage, or publick Place, and all Spouts and Water Pipes hanging or projecting over such Foot or Carriage Ways, so as to incommode Passengers, shall (within Fourteen Days after a Day to be expressed in a like Notice to be for that Purpose given to or left with the Owner or Occupier of the Houses or other Buildings, or Land, to which such Penthouses, Bow Windows, Shutters, Spouts, Porches, Posts, Pales, Rails, Steps, Doors, Signs, Sign Posts, and Shew Boards, or any of them, shall respectively belong, be taken down, filled up, removed, or altered, by or at the Expence of the Owner, in order that such Signs, Sign Posts, and Shew Boards, which shall or may be used or placed in lieu thereof respectively, may be in future fixed or placed to or upon the Front of the Houses, Shops, Warehouses, or Buildings whereunto they respectively

ſpectively belong, and ſuch Spouts and Pipes, projecting or hanging over as aforeſaid, be ſo affixed to the Sides or Fronts of the Houſes or Buildings to which they belong, as to convey the Water down the Side or Front of ſuch Houſes or Buildings, and ſo into the Common Channel or Drain as aforeſaid, and ſuch Penthouſes, Bow Windows, Shutters, Flaps, Porches, Poſts, Pales, and Rails, Steps, Grates, and Doors as aforeſaid, be made, altered, removed, or placed in ſuch Manner as not to be inconvenient or incommodious to Paſſengers; and in caſe the reſpective Owners ſhall refuſe or neglect to obey ſuch Notices, and to obſerve and perform the ſeveral Matters and Things hereby reſpectively required to be done, for the Space of Fourteen Days after the Expiration of the Day to be mentioned in ſuch Notice as aforeſaid, then ſuch Owner ſhall, for every ſuch Offence, forfeit and pay the Sum of Ten Shillings for every Week the ſame reſpectively ſhall ſo remain undone, and then alſo it ſhall and may be lawful to and for the Commiſſioners to cauſe ſuch Pipes to be made and fixed to ſuch Houſes or Buildings, in the Manner and for the Purpoſes aforeſaid, and ſuch Signs, Sign Poſts, Shew Boards, Penthouſes, Bow Windows, Shutters, Spouts, Porches, Poſts, Pales, Rails, Grates, Steps, Doors, and Projections to be taken down, filled up, removed, altered, and fixed in the Manner and for the Purpoſes aforeſaid, and ſhall return or cauſe to be returned to the reſpective Owners thereof, or to be left on the Spot from whence the ſame ſhall be ſo reſpectively removed, or as near thereto as conveniently may be, for ſuch Owners, ſo much of ſuch Signs, Sign Poſts, Shew Boards, Penthouſes, Bow Windows, Shutters, Spouts, Porches, Poſts, Pales, Rails, Grates, Steps, and Doors as aforeſaid, as ſhall not be affixed or ſet up, or otherwiſe made Uſe of, in the Alterations directed by this Act, and the Charges and Expences attending the ſame ſhall and may be recovered of the Owners thereof reſpectively, in the ſame Manner as the Penalties or Forfeitures inflicted by this Act are hereby directed to be recovered on Nonpayment; and if ſuch Owners ſhall cauſe ſuch Pipes for the Purpoſes herein-before mentioned to be fixed, or ſuch Signs, Sign Poſts, Shew Boards, Penthouſes, Bow Windows, Shutters, Spouts, Porches, Poſts, Pales, Rails, Grates, Steps, or Doors to be hung, placed, erected, built, or made contrary to the Directions of this Act, every ſuch Owner ſo offending ſhall, for every ſuch Offence, forfeit and pay the Sum of Twenty Shillings for every Week the ſame ſhall ſo remain;

main; and then it shall and may be lawful to and for the Commissioners, as aforesaid, to order the same to be taken down, filled up, removed, or altered, in such Manner as they shall think proper, without giving any Notice to the Owner or other Person offending therein, and the Charges and Expences attending the same shall or may be recovered of the Person or Persons so offending, in the same Manner as is last herein-before, by Reference, expressed or directed; provided that nothing herein contained shall extend to Projections made or to be made in the Nature of Bow Windows for the Convenience of Trade, in any of the present Streets, Squares, Ways, Lanes, Passages, or publick Places, in such Part of the said Parish of Walcot as aforesaid (except such Part of the Road or Way as leads from the Bottom of Guinea Lane to Walcot Parade), in case such Projections do not advance beyond the Areas of the respective Houses, or that they do not advance more than Nine Inches over the Foot Way, or in case there shall be no Area, do not advance more than Nine Inches beyond the Front Wall of the Premises to which such Projections adjoin.

To charge the Expences of the Alterations on the Inheritance.

XXXIX. Provided always, and be it enacted, That the Expence of such Alterations as are directed by this Act to be made at the Expence of the Owners, on any House or Houses in which any Person has not a greater Interest than as Tenant for Life, shall be deemed to be, and is hereby made a Charge upon the Inheritance, and the Tenant for Life, who shall be directed to make such Alterations, shall be entitled to be repaid the same, according to the Amount certified by the Commissioners, and shall only be obliged to keep down the Interest thereof during the Continuance of his, her, or their Right for Life; which Certificate of the Commissioners shall have the Effect of a Mortgage, and shall be a binding Charge on the Inheritance, and shall bear Interest at the Rate of Four Pounds per Centum per Annum.

To compel Tenants to give Notice to Landlords of their being required to make Alterations.

XL. And be it further enacted, That all Notices hereby directed to be given to the Owners or Occupiers respecting any Matter or Thing to be done under or by virtue of this Act, and which Matters or Things is or are to be so done at the Expence of the Owner or Owners, and in such Cases where such Notice or Notices shall be given to the Occupier or Occupiers, the same shall express the Alterations or Matters required to be done by the Commissioners, and also require such Occupier or Occupiers to give immediate Notice thereof to the Owner or Owners, and if such Occupier or Occupiers shall neglect or refuse, on receiving such Notice or Notices, to give proper

proper Intimation thereof, within Ten Days, to his, her, or their Landlord or Landlords, or to his, her, or their known Agent or Agents, then such Occupier or Occupiers shall be subject to, and shall pay all and every the Penalties and Forfeitures to be incurred by such Owner or Owners by Reason or Means of the Non-observance or Non-performance of the Matters and Things required to be done by such Notice or Notices.

On Refusal Tenant to alter Spouts and charge the Expence to Landlord.

XLI. Provided always, and it is hereby further enacted, That it shall be lawful for any Tenant or Occupier of any such House or Houses, or other Buildings or Yards aforesaid, and they are hereby required, in case such Sign, Sign Post, Shew Board, Penthouse, Bow Window, Shutter, Spout, Pale, Rail, Grate, Steps or Door, shall be taken down, fitted up, removed, or altered by the Commissioners, after such Notice given as hereinbefore is mentioned, to pay to their Treasurer all such Costs and Expences as they shall have expended in or about the same, and also the Penalty incurred by the Neglect or Refusal of their Landlord or Landlords, or the Owners thereof respectively, and to retain and deduct such Costs, Expences, Penalty or Forfeiture, or so much thereof as such Tenant or Occupier shall be obliged or liable to pay by any Agreement which may happen to subsist between him or her and his or her said Landlord or Landlords or the Owner, out of his or her Rent or Rents, and such Landlords or Owners are hereby respectively required to allow the same to such Tenant or Occupier.

Directions touching Necessary Houses.

XLII. And be it further enacted, That no Necessary House or Privy now being, or which shall hereafter be within such Part of the said Parish as aforesaid, shall be emptied at any other Time than between the Hours of Twelve at Night and Five in the Morning, and the Soil thereof shall be laid in such Places as shall be appointed for that Purpose by the Commissioners, and in no other Place; and if any Person or Persons shall empty any such Necessary House or Privy at any other Time, or shall lay the Soil thereof in any other Place than as aforesaid, then and in any such Case every Person so offending 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 such Necessary House or Privy in any of the Streets, Squares, Ways, Lanes, Passages, or publick Places already made or built, or making or building, or which shall hereafter be made or built, within the same Part of the said Parish, every Person so offending shall, for every

every such Offence, forfeit and pay the Sum of Twenty Shillings.

The Ground of Houses taken down or building, and of Houses taking down, to be inclosed.

XLIII. And be it further enacted, That the Ground or Place whereon any House or Houses, Wall or Building, within such Part of the said Parish as aforesaid formerly or lately stood, and which is or are now, or at any Time hereafter shall be either wholly or in Part taken down, and every House, Wall, or Building now making or building within the same Part of the said Parish, shall, by the Owners or Occupiers of such Ground, Place, House, or Building, immediately after the passing of this Act, be fenced and inclosed, at the Expence of such Owners or Occupiers respectively, in such Manner as the Commissioners shall think proper or necessary, in order to keep the Foot-ways and Carriage-ways, before or behind, or belonging to the same, as open and free from Impediment as the Nature of the Case will admit of, and effectually to guard and protect all Persons and Beasts passing by or near the same, or any Part thereof, from Danger or Accident from or in consequence of any Hole, Vault, Area, Timber, Stones, Materials, or Things, made, brought, placed, or used in, about, or relating to such Ground, Place, House or Building, and every House, Wall, or Building, now made or built, or which shall hereafter be made or built, within such Part of the said Parish as aforesaid, which shall be taken down, either in the Whole or in Part, or which shall be altered or repaired, or added to, or begun to be altered, or repaired, or added to, whereby, or in consequence whereof, the Carriage-way and Foot-way before, behind, or belonging to such House, Wall, or Building, or either of the said Ways, shall be in any Manner obstructed or rendered dangerous to, or unsafe for, or expose any Person or Beast passing by or near such House, Wall, or Building, or any Part thereof, to Danger or Accident as last mentioned, shall be in like Manner fenced and inclosed by and at the Expence of the respective Owners or Occupiers thereof; and the Fences and Inclosures to be made in Respect of any House, Wall, or Building, which shall or may hereafter be taken down, altered, repaired or added to, shall be made before such House, Wall, or Building shall be begun to be altered, repaired, added to, or taken down, and all the Fences and Inclosures hereby directed to be made for all or any of the Purposes aforesaid shall be continued standing and in good Condition during such Time as the Commissioners shall judge necessary for the Purposes aforesaid, or shall order or direct; and if the Owner of such Ground, Place, House, Wall,

or Building as aforesaid, shall refuse or neglect to erect and set up any such Fence or Inclosure as aforesaid, or shall not continue the same standing and in good Condition as aforesaid (then and in either of the said Cases every such Owner shall, for every Day such Offence shall be continued, forfeit and pay the Sum of Forty Shillings, and moreover, in case of such Refusal or Neglect, it shall be lawful for the Commissioners to cause such Ground, Place, House, Wall, or Building to be well and sufficiently fenced in or inclosed as aforesaid, or the Fence or Inclosures then erected and set up to be well and sufficiently repaired, as the Case shall require, and such Fence or Inclosure to be so continued standing as aforesaid; and the Person or Persons so refusing or neglecting as aforesaid shall, over and above the said Penalty of Forty Shillings, pay all such Charges and Expences of making such Fences and Inclosures, or repairing the same, upon Demand made by the Commissioners, or by their Clerk, and upon Refusal may, together with the Costs attending the Recovery, be recovered in such Manner as the Forfeitures and Penalties inflicted by this Act are herein-after directed and authorized to be recovered.

Penalty on Persons neglecting or refusing to make such Fence.

XLIV. And be it further enacted, That if at any Time hereafter any Stones, Timber, Mortar, Rubbish, Materials, or other Things, shall be laid or placed in, or any Hole or Opening shall be made in, any of the Streets, Squares, Ways, Lanes, Passages, or publick Places already made or built, or which shall hereafter be made or built within such Part of the said Parish as aforesaid, for any Purpose whatsoever not prohibited by or contrary to the true Intent and Meaning of this Act, the Owner of such Stones, Materials, or other Things, or Person or Persons causing such Hole or Opening as aforesaid to be made, shall, at his, her, or their own Expence, cause a Light to be affixed in or near the same respectively, for securing Passengers and Cattle from Accidents, every Night, from Sun-setting to Sun-rising, during the Time such Stone or other Materials, Hole or Opening, shall remain, and also, if the Commissioners shall think proper and direct, shall, at his, her, or their own Expence, cause such Stones, Materials, or other Things, Hole, or Opening, or either, as the Case may be, to be fenced and inclosed in such Manner as the Commissioners shall think proper, and continue the same so fenced and inclosed, until the Stones, Materials, or other Things, or Hole or Opening, as the Case may be, shall be removed, and in Default thereof shall forfeit and pay

Lights to be fixed for preventing Accidents.

pay Forty Shillings for every Day or Night such Neglect shall be continued; and the Commissioners, on such Default being made, are hereby empowered to cause such Light to be put at, and to fence and inclose such Stones, Materials, and Things, and continue the same so fenced and inclosed, and charge such Owners, or other Person or Persons as aforesaid, with the Expences thereof respectively, and to recover such Expences, on Refusal to pay the same to the Commissioners, and the Expences attending such Recovery, in the same Manner as is mentioned in the Case of Fences and Inclosures to be made on taking down or altering any House or Building as herein-before is mentioned.

Names of the Streets to be set up, and Houses numbered.

XLV. And be it further enacted, That the Commissioners shall and may, and they are hereby required to cause to be placed on some conspicuous Part of some House or Building, at or near each End, Corner, or Entrance of the several Streets, Squares, Ways, Lanes, Passages, and publick Places already made or built, and which shall hereafter be made or built within such Part of the said Parish as aforesaid, the Name of or by which every such Street, Square, Way, Lane, Passage, or publick Place is usually or shall be called or known, and also shall and may cause any House, Shop, Warehouse, or Building in the same Streets, Squares, Ways, Lanes, Passages, and publick Places, to be marked and numbered in such Manner as they shall think proper for distinguishing the same; and if any Person shall wilfully or maliciously destroy, pull down, injure, obliterate, or deface any such Mark or Number, or the Names of the same Streets, Squares, Ways, Lanes, Passages, and publick Places, or any of them, or any Part thereof, or cause or procure the same to be done, every such Person so offending shall, for every such Offence, forfeit and pay the Sum of Five Shillings.

Penalty on Persons interrupting or assaulting Workmen.

XLVI. And be it further enacted, That if any Person or Persons shall at any Time or Times obstruct, hinder, or molest any of the Commissioners, or any Surveyor or Surveyors, Watchmen, Beadle, Constable, or other Officer or Officers, Workman, Person or Persons whomsoever, who is, are, or shall be employed, by virtue of this Act, in the Performance or Execution of their Duty, or of any of the Matters and Things to be done in virtue or in pursuance hereof, every such Person so offending shall, for every such Offence, forfeit and pay the Sum of Forty Shillings, over and above such Penalties as are inflicted on any of the said Offences by any other Law or Statute now in force.

Power to provide a proper Place for the Chief or Principal Constable.

XLVII. And whereas it would be of great Accommodation to the Inhabitants of such Part of the said Parish of Walcot as aforesaid, if a proper House and Office within the same Part of the said Parish were provided, where the Commissioners might from Time to Time meet for the Purpose of putting this Act into Execution, and for the Transaction of Business, and where the Books, Papers, and Writings belonging to the Commissioners may be always safely lodged and deposited, and the Inhabitants of the same Part of the said Parish, and other Persons interested, may from Time to Time resort to inspect the same, and also if a proper House or Place were provided, where the Principal or Chief Constable, or other Peace Officer to be appointed by the Commissioners, might reside or repair, and be ready to answer on all publick Occasions, and also if proper Buildings were provided within the same Part of the said Parish, where all Persons whom the Watchmen, Beadles, Constables, or other Officers appointed by the Commissioners, are hereby authorized and required to apprehend as aforesaid, might safely keep and detain such Persons during and until such Time as the same Persons can or may be taken before some One of His Majesty's Justices of the Peace in and for the said County of Somerset, in the Manner and for the Purposes hereinbefore mentioned, and where an Engine or Engines for extinguishing of Fire, and for depositing or keeping any Water Carts for watering the said Streets and other publick Places, and for the depositing of the Materials, Tools, or Implements belonging to the Commissioners or their Officers, and also One or more Piece or Pieces of Land, lying within or near the same Part of the said Parish, where the Dirt, Dust, Rubbish, Ashes, Soil, and Filth of the Streets, Squares, Ways, Lanes, Passages, and other Places to be cleansed in virtue of this Act, and the Soil from Necessary Houses may, under or by the Order, Permission, and Direction of the Commissioners, be removed, carried, and laid; be it therefore enacted, That it shall be lawful for the Commissioners, by and out of the Monies to be raised in pursuance hereof, to purchase, hire, or contract for, or otherwise provide a House or Houses, Room or Rooms, or a Piece or Pieces of Land or Ground, for the Purpose of building a House or Houses, Room or Rooms, or such other proper and convenient Place or Places, in such Situation, in the same Part of the said Parish of Walcot, for all or any of the several Purposes first mentioned, and also a Piece or Pieces of Land, either within the same Part of

the said Parish, or out of the said Parish, for the Purpose of depositing such Rubbish and Filth as last mentioned, as they shall think proper, such House or Houses, Room or Rooms, Place or Places, or Piece or Pieces of Land, to be holden either in Fee Simple at a Ground Rent, or without, or by Lease or Leases on a Life or Lives renewable at a Fine or Fines certain, or for Terms of Years certain, or Years determinable and renewable on a Life or Lives, and from Time to Time to surrender, give up, sell, exchange or dispose of the same, either by publick Auction or private Contract, and to purchase, take, hire, or provide any other House or Houses, Room or Rooms, Place or Places, Piece or Pieces of Land, of the like or the same Tenure, to be used, employed, and enjoyed for the Purposes hereinbefore mentioned concerning the same respectively, as and when and as often as they shall think proper, and the Commissioners are hereby authorized and empowered to take a Conveyance, Grant, or Assignment, of such House or Houses, Room or Rooms, Place or Places, Piece or Pieces of Land to them the Commissioners and their Successors for the Purposes aforesaid, and in like Manner to make a Conveyance thereof respectively, or such of them respectively as they may think proper to sell, or exchange or dispose of as aforesaid; and such purchased House or Houses, Room or Rooms, Place or Places, Piece or Pieces of Land, as well those which shall be taken or had in Exchange as aforesaid, shall be, and the same when so purchased, or taken or had in Exchange as aforesaid, shall be vested in the Commissioners for the Time being, and their Successors, for the Purposes of this Act, and the Commissioners are hereby authorized to apply any Part of the Monies so to be raised in pursuance of this Act in the furnishing, repairing, altering, or adding to the House or Houses, Room or Rooms, Place or Places so to be purchased, or taken or had in Exchange as aforesaid, or in building or erecting convenient or necessary Buildings on the Piece or Pieces of Land or Ground for any of the Purposes aforesaid, and shall also thereout pay and keep down all Ground, or Quit or reserved Rents due or payable in respect of such Premises, and all Fines or Renewals of Leases (if any), and the Monies which shall arise from the Sale or Sales of such purchased Premises, or any Part thereof, or of such Furniture and Buildings as aforesaid, shall be applied as the other Monies to be raised and levied in pursuance of this Act are hereby directed to be applied, or such of them as the Commissioners shall think proper or convenient.

XLVIII. And,

XLVIII. And for raiſing Money for anſwering and defraying the Expences attending the ſoliciting, making, and obtaining this Act, and carrying into Execution all the ſeveral Purpoſes thereof (except thoſe herein-after mentioned and excepted); be it further enacted, That the Commiſſioners aſſembled at any Meeting to be held by virtue or in purſuance of this Act, after the ſame ſhall have received the Royal Aſſent, ſhall and they are hereby authorized and required, once or oftener in every Year, as they ſhall ſee Occaſion, to cauſe ſuch Sum of Money to be raiſed by a Rate or Aſſeſſment upon the ſeveral Tenants or Occupiers of Houſes, Warehouſes, Shops, Cellars, Vaults, Stables, Coach Houſes, Brew Houſes, Granaries, Malt Houſes, and other Buildings which are already made or built, or ſhall hereafter be made or built within ſuch Part of the ſaid Pariſh as aforeſaid, and upon the ſeveral Gardens, Yards, or Lands thereto reſpectively belonging and adjoining, and upon all Gardens, Orchards, Paddocks, Cloſes, Tenements, and Hereditaments adjoining to or upon any of the Streets, Squares, Ways, Lanes, Paſſages, or publick Places which are already made or built, and making or building, and which ſhall hereafter be made or built, within the ſame Part of the ſaid Pariſh, and which ſhall be lighted, watched, and cleanſed by virtue or in purſuance of this Act, according to the annual Rent or Value of the ſame reſpectively, not exceeding in any One Year the Sum of One Shilling in the Pound upon ſuch annual Rent or Value, as the Commiſſioners ſhall think proper and neceſſary for paying and defraying the ſeveral Charges and Expences attending the ſoliciting, making, and obtaining this Act, and cleanſing, watching, and lighting ſuch Streets, Squares, Ways, Lanes, Paſſages, and other publick Places as aforeſaid, and for keeping the ſame, from Time to Time, under the Orders and Regulations by this Act provided and directed to be obſerved and made, and all other Charges and Expences incidental to and attending the Execution of this Act (except ſo far as relates to the paving and pitching, altering, amending, or repairing the preſent and future Foot-ways and Carriage-ways of the ſame Streets, Squares, Ways, Lanes, Paſſages, and publick Places, and which laſt-mentioned Charges are not to be included in, or diſcharged or defrayed by ſuch Rate or Aſſeſſment as aforeſaid), ſuch Annual Rent or Value to be from Time to Time ſettled, aſcertained, and fixed according to the reſpective Rents which ſuch Houſes, Warehouſes, Shops, Cellars, Vaults, Stables, Coach Houſes, Brew Houſes, Granaries, Malt Houſes, Rates.

Houſes, Buildings, Gardens, Orchards, Paddocks, Cloſes, Tenements, or Hereditaments, are or ſhall be rated or taxed at for the Relief of the Poor; but if in any ſuch Poor Rates any Perſon or Perſons ſhall be omitted to be rated, then the Name or Names of ſuch Perſon or Perſons ſo omitted ſhall be added to the Rate or Aſſeſſment hereby directed to be made, and he, ſhe, or they ſhall be rated and aſſeſſed according to the juſt and true Value or Letting of the Premiſes by him, her, or them occupied, and where any ſuch Premiſes lie intermixed, or are jointly held with any other Premiſes that ſhall not be rated in purſuance or in virtue of this Act, then the ſame ſhall be rated and aſſeſſed in Proportion as the whole Premiſes are rated in any ſuch Poor Rates, and in caſe of ſuch Omiſſion as aforeſaid, then in Proportion to the juſt and true Value in letting of the whole Premiſes; and where in any Caſe the Rates or Aſſeſſments to be raiſed and levied as aforeſaid, in reſpect of any of the Premiſes hereby made liable to be rated, cannot be ſettled, fixed, or aſcertained by either of the Ways aforeſaid, then the Commiſſioners ſhall rate and aſſeſs ſuch Premiſes as laſt aforeſaid at ſuch annual Sum as the Commiſſioners ſhall think juſt and reaſonable; and for the Purpoſes aforeſaid, or any of them, it ſhall be lawful for the Commiſſioners yearly and every Year, as often as they ſhall ſee Occaſion, by Writing under their Hands to nominate and appoint One or more of the Inhabitants of the ſaid Parish of Walcot to be the Aſſeſſor or Aſſeſſors of ſuch Rates or Aſſeſſments as aforeſaid, and as ſoon afterwards as may be to iſſue their Order thereupon to ſuch Aſſeſſor or Aſſeſſors, who ſhall accordingly, and he and they is and are hereby empowered and required to make ſuch Rate or Rates, Aſſeſſment or Aſſeſſments, in all Caſes except where the Rates or Aſſeſſments ſo to be raiſed cannot be ſettled, aſcertained, and fixed in either of the Ways herein-before mentioned; and the Firſt Year for which ſuch Rates or Aſſeſſments ſhall be made ſhall commence at and be computed from and after the Twenty-fourth Day of June One thouſand ſeven hundred and ninety-three, and the Money ſo to be rated and aſſeſſed ſhall from Time to Time be paid by ſuch ſeveral Tenants or Occupiers as aforeſaid, and they are hereby required to pay the ſame by equal quarterly Payments to the Collector or Collectors to be appointed by the Commiſſioners as aforeſaid, but no Rate or Aſſeſſment to be made in purſuance of this Act ſhall be valid until the ſame ſhall be allowed and ſigned by Five of the Commiſſioners at the leaſt; and the ſaid Aſſeſſor

or Assessors shall appear at such Time and Place as the Commissioners shall, by Writing signed by them, order and direct, and then and there produce and deliver to them Two Copies or Duplicates of the Assessment made and subscribed by such Assessor or Assessors, and shall from Time to Time, upon reasonable Notice to him or them given by the Commissioners, attend the Commissioners on any of their Meetings, then and there to explain such Rates and Assessments, and that after such Rate or Assessment shall be made, allowed, and signed, settled, ascertained, and fixed as aforesaid, the Money thereby made payable shall be collected and received by the Collector or Collectors to be appointed as aforesaid, as soon as may be, of and from the respective Persons who shall be so rated or assessed, and the Commissioners shall from Time to Time, as soon as may be after such Rate or Assessment shall be made, allowed, and signed, settled, ascertained, and fixed as aforesaid, cause a Duplicate thereof, signed by them, to be delivered to the said Collector or Collectors, and shall also issue their Orders to the said Collector or Collectors requiring him or them to collect and receive the respective Sums of Money made payable by such Rate or Assessment, and such Collector or Collectors is and are hereby authorized and required to collect and receive the same accordingly, and also Once at least in every Month, or oftener if directed so to do by the Commissioners, by Writing signed by their Clerk for the Time being, to pay the Money so to be collected and received by him by virtue of this Act to the Treasurer for the Time being to the Commissioners, or to such Person or Persons as the Commissioners shall appoint to receive the same, to be applied to and for the Uses and Purposes herein-before mentioned, and all and every such Collector and Collectors shall, and is and are hereby required, at the Time of making every such Payment of the Money so respectively collected as aforesaid, to deliver to the Person and Persons empowered to receive the same, a true and exact Account of all Sums of Money received by them respectively, and also of such Sums of Money, Rates, or Assessments (if any) which shall remain uncollected, together with the Reasons why the same have or had not been collected, to the End that it may appear whether such Nonpayment or Noncollection happened through the Insolvency of the Person rated, or through the Default of the Collector or Collectors; and if any Person who shall be appointed or accept the Office of Assessor or Collector in virtue hereof shall afterwards refuse or neglect to take upon himself and execute his said

Office, without shewing some reasonable Cause, to the Satisfaction of the Commissioners, for such Refusal or Neglect, or shall wilfully make Default in the Performance of the Duty of his said Office, or over-rate any Person or Persons, or collect more than the Sum which shall have been so rated or assessed as aforesaid, or otherwise misbehave himself therein, he shall, for every such Refusal, Neglect, Default, or Misbehaviour, forfeit and pay any Sum not exceeding Five Pounds, and also be discharged from his said Office, if the Commissioners shall think fit.

Commissioners in order to ascertain the Rates may order the Parish Rate Books or Land Tax Book to be produced, and Copies thereof made.

XLIX. And, in order to ascertain the Rates and Assessments to be made by virtue of this Act, be it further enacted, That the Commissioners shall and may, and they are hereby authorized and empowered to cause any of the Books of Assessment of Rates towards the Relief of the Poor of the said Parish of Walcot, and, if they shall think fit, any of the Books of Assessment of the Land Tax, to be brought before them, and to take Copies of such Books, or of any Part thereof, without Fee or Reward; and if any Person or Persons in whose Custody or Power any of the said Books shall be shall refuse or neglect to attend the Commissioners with such Book or Books, or to permit them to take Copies thereof, then and in every such Case such Person who shall so refuse or neglect shall, for every such Offence, forfeit and pay the Sum of Ten Pounds.

If Assessors assess the Rates improperly, Commissioners may amend or alter the old Rates.

L. And be it further enacted, That if such Assessor or Assessors shall at any Time or Times hereafter, in any Rates or Assessments by him or them to be made by virtue or in pursuance of this Act, neglect or omit to rate or assess any Person or Persons liable to pay or to be charged with such Rates or Assessments, or shall in such Assessments under-rate any such Person or Persons liable to pay such Rates or Assessments, then and in every such Case it shall be lawful for the Commissioners to rate and assess, in the said Rates or Assessments, such Person or Persons so omitted to be rated or assessed, and to raise such Person or Persons so under-rated, or amend such Rates or Assessments as aforesaid, in such Manner as to the Commissioners shall seem just and reasonable, and that the Commissioners shall and may, and they are hereby empowered to strike out the Name or Names of any Person or Persons whom they shall determine not to be liable to the Payment of the Rates hereby directed to be made, and that all such Additions to, or Alterations in the old or former Rates or Assessments, shall be as valid and effectual to all Intents and Purposes whatsoever, as

if

if the same had been Part of the original, or old or former Rates or Assessments, any Statute, Law, Usage, or Custom to the contrary in anywise notwithstanding.

Tenant to pay the Rates.

LI. And be it further enacted, That if the Tenant or Occupier of any Messuage, House, Warehouse, Shop, Cellar, Building, Garden, Land, Tenement, or Hereditament, upon or in respect of which any Rate or Assessment shall be charged or imposed by virtue of this Act, shall at any Time neglect or refuse to pay the Rates or Sums of Money which shall be so rated or assessed as aforesaid, for the Space of Fourteen Days after the same shall be due, and Demand made thereof, by Notice in Writing under the Hand or Hands of the Collector or Collectors of the said Rates, to be delivered to such Tenant or Occupier, or left at his or her Dwelling House, or usual or last Place of Abode, or at the Tenement occupied, then upon Proof thereof upon Oath (or Affirmation, being a Quaker) before any Justice of the Peace for the said County of Somerset, the same shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of every such Tenant or Occupier, by Warrant under the Hand and Seal of any such Justice, rendering the Overplus (if any), after deducting the Sum or Sums due in respect of such Rates or Assessments, and all Costs and Charges attending the Recovery thereof, to the Owners of such Goods and Chattels, upon Demand.

How Rates to be paid by Tenants quitting or entering.

LII. And be it further enacted, That in all Cases where any Person shall remove from or quit any Messuage, Warehouse, Building, Garden, Land, Tenement, or Hereditament which shall be rated or assessed by virtue of this Act, such Person shall be liable to pay such Rates or Assessments in Proportion to the Time that he or she occupied the same, in like Manner as if such Person or Persons had not removed or quitted the same; and in all Cases where any Person shall come into or occupy any such Messuage, Warehouse, Buildings, Gardens, Lands, Tenements, or Hereditaments as aforesaid, out of or from which any other Person who shall have been rated or assessed for the same shall be removed, or which at the Time of making any such Rate or Assessment was or were empty or unoccupied, the same shall, for and in respect of his, her, or their Occupation thereof, be liable to any such Rate or Assessment, in Proportion to the Time that he or she shall occupy the same, in the same Manner as if he or she had been originally rated or assessed for such Messuage, Warehouse, Buildings, Gardens, Lands, Tenements, or Hereditaments, which said respective Proportions,

portions, in case of Dispute, shall be settled and ascertained by the Commissioners in such Manner as they shall judge reasonable; and in case any Person who having been so rated and assessed as aforesaid shall quit his or her Messuage, Warehouse, Building, Garden, Land, Tenement, or Hereditament, before he or she shall have paid such Rate or Rates, or proportionable Part or Parts thereof, by him or her due and payable, and shall afterwards refuse or neglect to pay the same when demanded, it shall and may be lawful for the said Collector or Collectors, by Warrant under the Hand and Seal of any Justice of the Peace for the said County of Somerset, or for the City, County, Riding, Division, Liberty, Town, or Place where such Person shall remove to or reside, or where any Goods or Chattels of such Person shall be found, (which Warrant such Justice is hereby required to grant, upon Proof made of the Sum so due before him upon Oath of a credible Witness or Witnesses, or Affirmation, being a Quaker), to levy such Rate or Rates, or proportionable Part or Parts thereof, by Distress and Sale of the Goods and Chattels of such Person, rendering the Overplus, and the Goods and Chattels remaining (if any be), after Payment of the Money due in respect of such unpaid Rate or Rates, or proportionable Part or Parts, and all Expences relating to the Recovery thereof, unto the Person or Persons whose Goods and Chattels shall have been so distrained and sold.

Persons removing.

If more than One Tenant or Occupier, any One may be liable to pay the Rates.

LIII. And be it further enacted, That where any Messuage, Warehouse, Building, Garden, Land, Tenement, or Hereditament, which shall be rated or assessed by virtue of this Act, shall be let or demised to more than One Tenant or Occupier, any One or more of such Tenants or Occupiers shall be deemed the Occupier or Occupiers thereof for the Purposes of this Act; and the said Rates or Assessments shall be levied by Distress and Sale, in Manner last herein-before mentioned, of all or any of the Goods and Chattels in such Messuage, Warehouse, Building, Garden, Land, Tenement, or Hereditament.

Exemption from Rates.

LIV. Provided always, and be it further enacted, That no Person shall be rated, or pay the Rates or Assessments which will be made by virtue or in pursuance of this Act, who shall occupy a House or Houses within such Part of the said Parish as aforesaid, of less than the yearly Value of Five Pounds, and no Rate or Assessment shall, by virtue of this Act, be charged or made payable by any Person who, by reason of his or her Poverty only, is or shall be excused from paying any Rate

made for the Relief of the Poor, nor shall any Person be charged or rated in or by such Rate or Assessment as aforesaid, in or on Account of any Lands whatsoever, which shall, at the Time of making any such Rate or Assessment, be used as Arable Land, Meadow or Pasture Ground only, and shall not adjoin to some Street, Square, Way, Lane, Passage, or publick Place which shall be lighted, watched, and cleansed, in virtue or pursuance hereof.

Houses, &c. unoccupied, not to be rated.

LV. Provided also, and be it further enacted, That no Messuage, Warehouse, Building, Garden, Tenement, or Hereditament hereby made liable to be rated or assessed, shall be charged or chargeable with any Rate or Assessment as aforesaid, during the Time the same be empty or unoccupied.

Commissioners, with the Approbation of Justices, to adjudge what Houses, &c. shall not be rated.

LVI. And whereas there are and may be several Messuages, Buildings, Tenements, Lands, and Grounds, which, by Reason of their Distance from Streets, Squares, Ways, Lanes, Passages, or publick Places, can receive little or no Advantage from the general lighting, watching, or cleansing thereof, and others which are or may be so situated or circumstanced as to render it unnecessary or inexpedient to light, watch, or cleanse the same; be it therefore enacted, That it shall be lawful for the Commissioners to adjudge and determine, with the Approbation of Three or more Justices of the Peace for the said County of Somerset, not being Commissioners under this Act, how far it may be expedient to light, watch, or cleanse such distant Place or Places so situated as aforesaid, and which of the Messuages, Buildings, Tenements, Lands, and Grounds, shall or shall not be liable to be rated and assessed as herein-before is directed, and that it shall not be lawful for the Commissioners to lay any Rate or Assessment on such Messuages, or other Premises as aforesaid, as they shall so adjudge and determine, with such Approbation as aforesaid, to be at such Distance, or to be so circumstanced as not to receive adequate Advantage from the general lighting, watching, and cleansing directed by this Act.

Persons aggrieved by Rates, may apply to Commissioners.

LVII. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Rate or Assessment, Rates or Assessments, which shall be made in pursuance of this Act, such Person or Persons shall and may first apply for Relief to the Commissioners, at the first or Second Meeting to be holden next after Demand shall be made of such Rate or Assessment, and the Commissioners are hereby authorized and impowered, if they shall think the Person or Per-

sons aggrieved, to give such Relief in the Premises as to them shall seem reasonable; and if any Person or Persons so applying to such Commissioners shall not be satisfied with their Order or Determination, or such Application shall not be attended to by the Commissioners at such First or Second Meeting as aforesaid, then such Person or Persons shall nevertheless be obliged to pay such Rate, and then, and not before, may appeal, in the Manner herein-after mentioned, to the General Quarter Sessions of the Peace to be holden in and for the said County of Somerset, for Relief in the Premises.

The Pavements of Publick Buildings to be under the same Regulations as those of private ones.

LVIII. And be it further enacted, That the present and future Foot Ways and Carriage Ways of or belonging to any Bridge or Publick Building now making or building, or which shall hereafter be made or built, within such Part of the said Parish of Walcot as aforesaid, shall be paved and kept in Repair at the Expence of the Person or Persons in whom such Bridge or Publick Building is or shall for the Time being be vested, and that the present and future Foot Way and Carriage Way of or belonging to, or before, behind, and at the Side of any Building now made or erected, or which shall or may hereafter be made or erected within the same Part of the said Parish as aforesaid, and set apart or used for the Amusement of the Inhabitants thereof, or for the said City of Bath, or of the Publick in general, shall be paved and kept in Repair at the Expence of the Owners or Proprietors thereof for the Time being, and that the present and future Foot Ways and Carriage Ways of or belonging to, or before, behind, and at the Side of any Church or Chapel now made or built, or making or building, or which hall hereafter be made or built within the same Part of the said Parish as aforesaid, in Ease of the Parish Church of Walcot aforesaid, and to the Church Yard or Burial Ground belonging to such Church or Chapel of Ease, and belonging to the said Parish, shall be paved and kept in Repair at the Expence of the Churchwardens of the said Parish; but if such Church or Chapel, or Burial Ground, shall be built or made by any private Person or Persons, then the same Foot Ways and Carriage Ways shall be paved and kept in Repair by the Owner or Proprietor, Owners or Proprietors for the Time being of the same Church or Chapel, or Burial Ground, and that the present and future Foot Ways and Carriage Ways of or belonging to, before, behind, or at the Side of any Meeting House or Meeting House Yard, Chapel or Burial Place or Ground, now made or built, or making or building, as well

well as such as shall hereafter be made or built within the same Part of the same Parish, shall be paved and kept in Repair at the Expence of the respective Ministers and Deacons, or other Persons usually officiating therein, or having the Care or Management of the same, and all the same Foot Ways and Carriage Ways, and the paving and pitching thereof, shall be made, paved, pitched, repaired, amended, cleansed, lighted and watched, and be subject to the same Regulations and Penalties respectively, and such Penalties shall be recoverable respectively in the same Manner as is and are herein-before expressed, provided, and inflicted, concerning or with respect to the other Foot Ways and Carriage Ways in or of the Streets, Squares, Ways, Lanes, Passages, and public Places now made or built within the same Part of the said Parish of Walcot.

Commissioners impowered to borrow Money on the Credit of the Rates.

LIX. And, for the more effectually enabling the Commissioners to execute the Purposes of this Act in the most expeditious Manner; be it further enacted, That it shall be lawful for the Commissioners, and they are hereby impowered, from Time to Time, when they shall judge it necessary, to borrow and take up at Interest any Sum or Sums of Money, upon the Credit of the Rates or Assessments to be made by virtue of this Act, for the Purposes aforesaid, and by any Writing or Writings, upon Vellum or Parchment, signed by the Commissioners, to assign the said Rates or Assessments, or a competent Part thereof, to such Person or Persons as shall advance and lend such Money thereupon, as a Security or Securities for the several Sums so borrowed, with lawful Interest for the same, which Interest shall be payable and paid, half-yearly, by the Treasurer for the Time being to the Commissioners, out of the Monies to arise or be levied by or from the said Rates or Assessments; and all and every Sum and Sums of Money so to be advanced and lent, and the Interest thereof, shall be, and are hereby charged upon, and shall be paid and payable from Time to Time, free from all Charges, Taxes, and Deductions, out of the Money arising from the said Rates or Assessments hereby authorized or directed to be made and levied as aforesaid, and of all Charges, Taxes, and Deductions whatsoever of the same Principal Money or the Interest thereof, and all Persons who shall be possessed of the said Securities shall be Creditors on the said Rates or Assessments in equal Degree, without Preference in respect to the Time of his, her, or their advancing Money thereon, or otherwise howsoever; and every such Grant, Assignment, or Security

Security shall be in the Form or to the Effect following; (that is to say):

Form of the Grant or Security.

BY virtue of an Act of Parliament made in the Thirty-third Year of the Reign of King *George* the Third, intituled [*Set forth the Title of the Act*], we of the Commissioners appointed by virtue of the said Act, in Consideration of the Sum of advanced and paid by to the Treasurer appointed in pursuance of the said Act, upon the Credit and for the Purposes of the said Act, do grant and assign unto the said his Executors, Administrators, and Assigns, such Proportion of the Rates or Assessments arising by virtue of the said Act, as the said Sum of doth or shall bear to the whole Sum which is or shall be borrowed upon the Credit of the same Act, to be had and holden from this until the said Sum of with Interest, at *per Centum per Annum* for the same, to be paid half-yearly, shall be repaid and satisfied. In Witness whereof we have hereunto set our Hands and Seals, this Day of

And every such Grant or Mortgage shall be good, valid, and effectual in Law.

Notice to be given before Money shall be borrowed.

LX. Provided nevertheless, and be it further enacted, That before any such Money shall be so borrowed at Interest as herein-before mentioned, Fourteen Days Notice, signifying the Intention of borrowing such Money at Interest as aforesaid, shall be given, and published in the Manner first herein-before mentioned, and the total Sums to be borrowed and raised on the Credit of the said Rates or Assessments, shall not exceed at any Time in the Whole the Sum of One thousand five hundred Pounds.

Securities may be transferred.

LXI. And be it further enacted, That it shall be lawful for any Person or Persons entitled to any of the Securities aforesaid, and his, her, or their Executors, Administrators, and Assigns, at any Time or Times, by Writing, under his, her, or their Hand or Hands respectively, to assign or transfer such Securities, by Indorsement, to any Person or Persons whomsoever; and the Person or Persons to whom such Assignment or Transfer shall be made, or the Person or Persons for the Time being entitled to such Securities, may in like Manner assign or transfer the same; and every such Assignment or Transfer, after the same shall respectively be entered

entered by the Clerk for the Time being to the Commissioners in the Manner herein-after directed, and which he is hereby required to do, for such Fee or Reward as is herein-after mentioned, shall entitle the Person or Persons to whom they shall be respectively made, or who shall be for the Time being entitled thereto, and his, her, or their Executors, Administrators, and Assigns, to the Benefit of the Security or Securities so assigned or transferred; and the Form of such Assignment or Transfer shall be in the Words or to the Effect following; (that is to say):

Form of Assignment or Transfer.

I [*or*, we] being entitled to the Sum of payable with Interest after the Rate of payable to me [*or* us] my [*or* our] Executors, Administrators, or Assigns, by virtue of a Mortgage [*or* Assignment] bearing Date the Day of under the Hands and Seals of of the Commissioners acting in the Execution of a certain Act of Parliament, made in the Thirty-third Year of the Reign of King *George* the Third, intituled [*Set forth the Title of the Act*] upon the Credit, or arising out of the Rates or Assessments granted by the said Act, do hereby transfer all my [*or* our] Right and Title in and to the same, and the Money now due, and to grow due thereon, unto his Executors, Administrators, and Assigns, subject to such Right of Redemption of the same Sum and Interest as by the said Act the same is liable or made subject to. Dated this Day of in the Year

Mortgages may be redeemed by Commissioners.

LXII. Provided always, and be it further enacted, That every Grant, Assignment, or Mortgage, which shall be made by virtue of this Act, for any Sum of Money which shall be borrowed by the Commissioners on the Credit of the said Rates or Assessments, as herein-before is mentioned, shall be made liable or subject to, and may be redeemed by the Commissioners, at such Times and in such Manner as the Commissioners shall think fit, Six Calendar Months previous Notice having been given to the Person or Persons entitled to such Sum lent on the Credit of such Rates or Assessments, by the Commissioners, of their Intention of redeeming the same, and full Payment of the principal Sum so borrowed, and Interest after the Rate at which the same shall be so borrowed being made to such Person or Persons, and he, she, or they may and are authorized to call for the

Payment thereof as he, she, or they shall think fit, giving the like Notice to the Commissioners, or their Clerk.

Interest of Mortgages how to be recovered.

LXIII. And be it further enacted, That in case the Interest for the said Mortgages, or any Part thereof, shall be behind and unpaid by the Space of Thirty Days next after the same shall become due and payable as aforesaid, and have been demanded, then it shall and may be lawful for the said Commissioners, and they are hereby required, on Application to them made by any Creditor or Creditors whose Interest shall be so in Arrear, by an Order under their Hands and Seals, to appoint One or more Person or Persons to receive the Whole, or any Part or Parts of the said Rates or Assessments, and that the Money so to be received by such Person or Persons shall be so received to and for the Use and Benefit of the Person or Persons to whom such Interest in Arrear shall be due, and shall be paid to him, her, or them accordingly, and the Interest so in Arrear, as well as the Interest which shall incur and grow due whilst the Person or Persons so to be appointed as aforesaid shall be in the Receipt of such Rates and Assessments, together with the Costs and Charges of recovering, receiving and paying over the same in Manner aforesaid, shall be fully satisfied and paid, the Power and Authority of such Receiver or Receivers for the Purposes aforesaid shall cease and be at an End, or otherwise, if such Creditor shall think proper, such Interest so due and in Arrear as aforesaid shall and may be sued for and recovered by him, her, or them, with Costs of Suit, by an Action of Debt or on the Case, in any of his Majesty's Courts of Record at Westminster.

Commissioners may order Money in the Hands of the Treasurer undisposed of, to be laid out in the Purchase of Stock.

LXIV. And whereas it may happen that there may from Time to Time be in the Hands of the Treasurer for the Time being to the Commissioners, a Sum or Sums of Money or Balance unapplied or undisposed of, for the Purposes of this Act, which may be insufficient to make any considerable or general Reduction of the Rates or Assessments to be made in pursuance hereof, or which it may be convenient or advisable not to apply in the Reduction thereof; be it therefore further enacted, That it shall be lawful for the Commissioners, if they shall think fit, to order such Sum or Sums of Money, or Balance, to be from Time to Time placed out or invested in the Names of the Commissioners, or any Eight or more of them, in the Purchase of Stock in any of the publick Stocks or Funds, or in Government Securities, the Interest or Dividends of which shall be from Time to Time applied, as the same shall become payable, in the same Manner as the Monies to be received by the Rates

and

and Assessments to be made as herein-before mentioned are hereby directed to be applied, and the Commissioners are hereby fully authorized and impowered to order, direct, and cause such Stock or Securities so to be purchased to be from Time to Time altered, transferred, varied, or sold, and the Produce thereof again invested and placed in the like Manner, or in the Redemption of any Grants or Mortgages for Sums of Money lent on the Credit of the said Rates or Assessments as aforesaid, or in the general Reduction of such Rates or Assessments, or for any other Purposes for which the said Rates or Assessments are hereby directed to be raised and levied, as to the Commissioners shall seem expedient or proper, and such Stocks and Securities, and the Interest and Dividends, shall be charged with and liable to the Payment of the Monies to be borrowed on the Credit of the said Rates or Assessments as aforesaid, in the same Manner as is herein-before directed concerning such Rates or Assessments; and the Commissioners in whose Names such Stocks or Securities shall have been purchased or invested are hereby required, on Ten Days Notice being given to them for that Purpose, to alter, transfer, vary, sell, or dispose of the same, in such Manner and for such Purposes as shall be required or directed, in Writing, by the Commissioners; and if any such Commissioner in whose Name any such Stocks or Securities shall have been purchased or invested shall refuse or neglect so to do for the Space of Ten Days after being thereunto required as aforesaid (the Books of the Governor and Company of the Bank of England, or other Books in which such Purchase or Investment shall have been made or entered being then open for the Purpose of making Transfers or Sales thereof,) then every such Commissioner shall, for every such Offence, forfeit and pay the Sum of Twenty Pounds.

Clerk to enter all Securities for Money borrowed.

LXV. And be it further enacted, That the Clerk for the Time being to the Commissioners shall enter in a Book to be for that Purpose provided and kept, Copies of all Securities for Monies borrowed on Mortgage, by virtue or in pursuance of this Act, and Extracts or Memorials of all Assignments or Transfers thereof, expressing, in Words at Length, the Names, Surnames, Additions, Places of Abode, and other Descriptions of all such Persons as shall from Time to Time be entitled to such Securities by Mortgage, and also an Account of all such Stocks or Securities which shall be purchased by or by the Order of the Commissioners, and in whose Names the same shall have been so purchased, and of every Transfer,

Transfer, Alteration, Sale, or other Disposition thereof, to which Book and Books the Person and Persons interested shall at all seasonable Times have Access, with free Liberty to inspect the same, without Fee or Reward; and for the Entry of every such Transfer of the Grant or Assignment of the said Rates or Assessments the said Clerk shall be paid, by the Person to whom such Transfer shall be made, the Sum of Two Shillings and Sixpence, and no more, and after every such Entry made of any such Transfer, every such Transfer so entered shall entitle the Person to whom the same shall be made, and his, her, or their Executors, Administrators, or Assigns, to the Benefit of the Security thereby transferred.

Application of the Money received, and the Treasurer to pay the same as Commissioners direct.

LXVI. And be it further enacted, That the Monies to be received by virtue of this Act shall be from Time to Time applied and disposed of for the several Purposes of this Act (except as herein-before is mentioned), or in such other Manner as the Commissioners shall direct, and the Treasurer for the Time being to the Commissioners shall and is hereby authorized and required to pay and apply all such Monies as he or they shall respectively receive by virtue hereof to such Person or Persons, and in such Manner, and at such Time and Times as the Commissioners shall from Time to Time, by any Order or Orders under their Hands, direct and appoint, and the Commissioners are hereby empowered to make such Order or Orders accordingly.

Sewers.

LXVII. And be it further enacted, That when any Sewer, Sink, or Drain in any of the Streets, Squares, Ways, Lanes, Passages, and publick Places already made or built, or now making or building, or which shall hereafter be made or built within such Part of the said Parish as aforesaid, shall require to be made new, repaired, altered, cleansed, or emptied, then and in any of such Cases it shall be lawful for the Clerk for the Time being to the Commissioners, upon Complaint made to him by Two or more of the Inhabitants of any such Street, Square, Way, Lane, Passage, or publick Place, to summon Two or more of the Commissioners to hear and consider such Complaint, and they are hereby authorized and required to survey, or cause to be surveyed, such Sewer, Sink, or Drain, within Three Days next after the Delivery of such Summons, accordingly, and the Result of such Survey shall be by them reduced to Writing, and given to the said Clerk, who shall enter the same in some Book belonging to the Commissioners, in order that the Commissioners assembled at the next

Meeting that shall be held in pursuance of this Act after such Survey shall have been so made, or the Commissioners assembled at any Special Meeting to be called and held for that Purpose, in the Manner herein-before mentioned, shall and may proceed to direct such Sewer, Sink, or Drain to be new made, repaired, altered, cleansed, or emptied, in such Manner as such Owner or other Person or Persons as aforesaid ought, or by any Covenant or Agreement is liable to repair the same, and within such Time as the Commissioners shall, in a Notice in Writing to be for that Purpose given or left with such Owner or other Person as aforesaid, at his usual or last Place of Abode, think proper and direct; and if such Sewer, Sink or Drain shall not be new made, repaired, altered, cleansed, or emptied, in such Manner as aforesaid, and finished within such Time as shall be expressed in such Notice, and no Reason, to the Satisfaction of the Commissioners, shall be given why the same was not so done, then in Default thereof, and no such Reason having been given as aforesaid, it shall be lawful for the Commissioners assembled as aforesaid to cause such Sewer, Sink or Drain to be forthwith new made, repaired, altered, cleansed, or repaired, in such Manner as such Owner or other Person as aforesaid shall have been directed or required to do the same, or so much thereof as shall be unfinished, and the Commissioners shall pay the Charges and Expences attending the same, and shall be repaid, on Demand, by such Owners or other Persons as aforesaid; and in case such Owners or other Persons as aforesaid shall refuse to pay the same on Demand to the Treasurer for the Time being to the Commissioners, then upon Fourteen Days Notice in Writing being given to such Owners or other Persons as aforesaid, or left at their, his, or her last or usual Place of Abode by the said Clerk, such Charges and Expences shall and may be recovered, with full Costs of Suit, by any Action or Suit to be brought against such Owners or other Persons as aforesaid for such Charges and Expences, in any of his Majesty's Courts of Record at Westminster, in which no Essoin, Protection, or Wager of Law, or more than One Imparlance, shall be allowed; or such Charges and Expences, and also the Costs, Charges, and Expences attending the Recovery thereof by the Means hereby referred to, may be recovered in such Manner as the Penalties and Forfeitures by this Act inflicted are herein-before directed to be recovered by either of the said Ways, as the Commissioners shall think proper and direct.

For making new Sewers.

LXVIII. And be it further enacted, That the Commissioners shall, and they are hereby empowered to order and direct a proper Common Sewer or Sewers to be made under such Streets, Ways, Lanes, Passages, or publick Places, within the same Part of the said Parish of Walcot as aforesaid, where the same shall be found necessary and expedient for carrying off the Filth, foul and other Water, from the Houses built or to be built adjoining to such Streets, Squares, Ways, Lanes, Passages, or publick Places, and the Commissioners are hereby empowered to charge the several Owners of such Houses or Buildings as now are or shall hereafter be built adjoining to and making use of such Common Sewer or Sewers, with the Expences of making and keeping in Repair such Common Sewer or Sewers, and on Refusal or Nonpayment of such Charges and Expences, the Commissioners shall and they are hereby invested with the same Powers, Remedies, and Means of recovering the same, as are provided and given for recovering the Charges and Expences of repairing, or new making the Common Sewers already made, as herein-before mentioned.

Commissioners to pay for altering Pipes.

LXIX. And be it further enacted, That if at any Time or Times it shall be found necessary to raise, sink, or in any other Ways alter the Position of any of the Water Pipes or Water Plugs within such Part of the said Parish as aforesaid, or to remove any of the Leaden or other Pipes which shall be laid into or from the same, for the Purpose of conveying Water into any House, Area, or other Place within the same, or to do any other Matter or Thing whereby it may or shall be necessary to take up the Pavement, or any Part thereof, then and in any such Case it shall be lawful for the Owners or Proprietors of such Water Pipes or Water Plugs, Leaden or other Pipes, to take up the Pavement or Pitching, or cause the same to be taken up, as often and in such Places as such Owners or Proprietors shall think proper, such Owners or Proprietors relaying or replacing, or causing to be relayed and replaced the Pavement or Pitching that shall have been so taken up, and the Hole or Opening to be made in Consequence thereof to be fenced and inclosed, and such Light to be put up while the same shall remain open, and the Materials to be taken out of such Hole or Opening, to be made for the Purposes aforesaid, to be placed in such Manner, and within or for such Time as the Commissioners shall require or direct, and in Default thereof it shall be lawful for the Commissioners, and they are hereby authorized

and required to cause such Pipes or Plugs to be repaired or amended, or such other Thing for the doing which such Pavement or Pitching shall be so taken up, to be made or finished, and also to relay or replace such Pavement or Pitching, make such Fences or Inclosures, put up such Lights, and dispose of such Materials, in such Manner as they think proper, and charge such Owners or Proprietors with the Expences attending the same respectively, and reimburse themselves, or recover such Expences, and the Costs and Expences attending the Recovery thereof, in either of the Ways last herein-before by Reference mentioned or directed.

This Act not to make void Agreements between Landlord and Tenant.

LXX. Provided always, and be it further enacted, That nothing in this Act contained shall be deemed or taken to make void any Contract, Covenant, or Agreement between any Landlord and Tenant, touching or concerning the paving, pitching, or repairing, lighting, watching, or cleansing the Streets, Squares, Ways, Lanes, Passages, and publick Places now or hereafter to be made or built within the same Part of the said Parish of Walcot as aforesaid, or any Part thereof, but that every such Landlord or Tenant who is now by virtue of any such Contract or Covenant obliged to pave, pitch, and keep in repair any of the Streets, Squares, Ways, Lanes, Passages, and publick Places now or hereafter to be made or built within such Part of the said Parish as aforesaid, shall, in lieu thereof, be obliged to pave and pitch the same, and keep the same in Repair, and pay such Rates or Assessments in respect of the lighting, watching, and cleansing the same as aforesaid, for and during such Time as he would (in case this Act had not been passed) have been liable or obliged to do, according to the true Intent and Meaning of such Contract, Covenant or Agreement, but nevertheless the paving, and pitching, and repairing thereof, shall be done in such Manner, and within such Time as shall be directed or appointed by the Commissioners; and in case any Dispute shall arise concerning such Contract, Covenant, or Agreement, the Commissioners shall and are hereby authorized and required to hear and finally determine the same, and their Determination shall be final and binding on the Parties between whom such Dispute shall have arisen.

Bye Laws.

LXXI. And be it further enacted, That it shall be lawful for the Commissioners from Time to Time to make such other Rules, Orders, Regulations, and Bye Laws as the Nature of each particular Circumstance shall seem to them to require, and from Time to Time to alter, vary,

vary, revoke, or make void any of such Rules, Orders, Regulations, and Bye Laws, at their Discretion, and do such other Things as to them shall seem necessary and expedient for putting this Act, and every Part thereof, into Execution, which Rules, Orders, Regulations, and Bye Laws so as aforesaid 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 as aforesaid shall observe and obey the same in all Things touching the respective Offices, on Pain of forfeiting any Sum not exceeding Five Pounds for every Default in the due Observance thereof; and all Justices of the Peace before whom such Bye Laws, Rules, or Orders shall come, in any Matter consequent or arising out of this Act, or any Thing herein contained, are hereby required to take Cognizance thereof, and not to dispute the Propriety of the same.

Bye Laws to be signed by the Clerk to the Commissioners, and inserted in the Newspapers.

LXXII. And be it further enacted, That a Copy of the several Rules, Orders, Regulations, and Bye Laws by this Act authorized to be made (other than any Bye Laws, Rules, and Regulations, to be made as herein-after mentioned, by the Mayor, Aldermen, and Common Council of the City of Bath) shall be fairly written out and printed, and signed by the Clerk to the Commissioners, and that publick Notice thereof shall be given by publishing the same in the Manner first herein-before mentioned, or in such other publick Manner as the Commissioners shall direct, Ten Days at least before such Rule, Order, Regulation, or Bye Law shall be executed or take Effect.

To repeal so much of Acts 30 *Geo.* II, and 9 *Geo.* III, as relates to regulating Chairmen in the City of *Bath*.

LXXIII. And whereas, by an Act of Parliament made in the Thirtieth Year of his late Majesty King George the Second, intituled, An Act for cleansing, paving, and lighting the Streets of the City of *Bath*, and Liberties thereof, and for regulating the Chairmen, and also for keeping a sufficient and well-regulated Watch in the Night Time in the said City and Liberties, and to oblige all Owners of Houses and other Buildings within the said City and Liberties, to bring down the Water from the Roofs of their Houses and other Buildings by proper Pipes down the Sides or Walls of such Houses and Buildings, and also to oblige all Coal Carriages to pass by the Borough Walls of the said City during the Night Season, various Provisions were made for licensing Hackney Chairs within, and regulating the Chairmen of the said City of Bath: And whereas by another Act of Parliament, made in the Ninth Year of his present Majesty, for empowering the Trustees of the Will of the late General Pulteney, and

other

other Trustees appointed by the said Act, to purchase and exchange Lands in the Manor of Bathwick, in the County of Somerset, and for other Purposes in the said Act mentioned, it was amongst other Things enacted, That the Powers and Authorities given and granted to the Mayor and Aldermen of the said City, for the better Regulation of the Chairmen carrying Fares within the same by the said Act of the Thirtieth Year of His late Majesty King George the Second, should extend over such Part of the said Manor of Bathwick as is in the said now reciting Act particularly described: And whereas there has been for some Years past a great Increase of Buildings and of Population in the said City of Bath, and in and about the Neighbourhood or Circuit of the same City; and it would be of great Convenience, Ease, Benefit, and Safety to Persons residing or dwelling in the said City of Bath, and in and about the Neighbourhood, Circuit, or District thereof, as herein-after mentioned, if new and effectual Powers and Authorities were given for licensing and regulating Hackney Coaches, Chairs, Porters, Basket Men, and Basket Women, within and over all Parts of the said City, and round and about the same, and the Neighbourhood thereof, to the Extent of the several Distances herein-after mentioned and provided, and for that Purpose to repeal so much of the said Act of the Thirtieth Year of His late Majesty King George the Second, and the Ninth Year of His present Majesty, as relates to Chairs and Chairmen, which are found by Experience to be now greatly inadequate to the End for which they were respectively made: Be it therefore enacted, That so much of the said Act of the Thirtieth Year of his late Majesty King George the Second as relates to licensing and regulating Chairs, and to regulating Chairmen, or contains any Provision relative to Chairmen, and also so much of the said Act of the Ninth Year of His present Majesty, as extends the Powers and Authorities given and granted to the Mayor and Aldermen of the said City for the better Regulation of Chairmen carrying Fares under the said Act of the Thirtieth Year of His late Majesty King George the Second, shall be, and so much of those Two Acts respectively as aforesaid, are hereby repealed and made void.

That the Act shall not revive Provisions relative to Chairmen repealed by any former Act.

LXXIV. Provided always, and be it further enacted, That nothing herein contained shall revive any such Provisions relative to Chairmen within the said City of Bath, or the Circuit or Districts thereof, as are contained in any Act or Acts of Parliament recited in the said Act of the Thirtieth Year of King George the Second, and

thereby repealed, but the same Provisions contained in such recited Acts shall remain repealed as if this Act had not been made.

Authorizing the Mayor, &c. of *Bath* to make Bye Laws for regulating Hackney Coaches, Chairs, Porters, &c.

LXXV. And be it further enacted, That in lieu and instead of those Powers in the said Acts, the Parts whereof are hereby repealed, it shall be lawful for the Mayor, Aldermen, and Common Council of the said City of Bath for the Time being, or the major Part of them in Common Council assembled, to make, constitute, ordain, and provide, from Time to Time, such Bye Laws, Rules, and Orders as they the said Mayor, Aldermen, and Common Council for the Time being shall think fit for licensing and authorising a sufficient Number of Hackney Coaches, Sedan Chairs, Porters, Basket Men, and Basket Women, to ply for Hire, and for regulating and ordering such Hackney Coaches and Sedan Chairs, Porters, Basket Men, and Basket Women, and in what Manner the Owners, Drivers, and Carriers thereof respectively shall conduct and demean themselves in their several Employments; and also in what Manner and Order, and how such Hackney Coaches and Sedan Chairs shall be furnished, provided, kept, and numbered, and what Number of Persons may be carried and conveyed in each of such Coaches, and what Number of Horses are to draw the same; and concerning the Letters, Parcels, Goods, Things, and Messages to be carried by such Porters, Basket Men, and Basket Women, or any of them, and the respective Numbers which each of them shall have and keep; and for ascertaining, fixing, altering, and removing the Stands of such Coaches, Chairs, Porters, Basket Men, and Basket Women, or any of them, from Time to Time; and for punishing the Misconduct and Misbehaviour of Hackney Coachmen, Chairmen, Porters, Basket Men, and Basket Women plying for Hire within the said City, and the Distances hereby provided within which they are respectively to go and come; and for ascertaining and defining what Rates, Fares, and Prices, as well for Time as Distance, shall be allowed to be taken by such Hackney Coachmen, Chairmen, Porters, Basket Men, and Basket Women plying for Hire, and to what Distances such Hackney Coachmen, Chairmen, Porters, Basket Men, and Basket Women shall be obliged to drive, go, and come, in, over, and round, and about every Part of the City of Bath, and the Neighbourhood, Circuit, or District thereof, not exceeding for such Coachman Ten Miles, to be measured from the Front Door of the Guildhall of the said City of Bath as a Centre,

and not exceeding for such Chairmen Two Miles, to be measured from the same Place, and not exceeding for each Porter, Basket Man, and Basket Woman, Three Miles, to be measured from the same Place as a like Centre, and the Rates and Fares to be taken for the same; and the said Mayor, Aldermen, and Common Council, in Common Council assembled, may from Time to Time, as they shall think fit, repeal, alter, or amend, and new make such Bye Laws, Rules, and Orders, or any of them, and shall ascertain and set down what pecuniary Penalties or Forfeitures shall be incurred by Persons breaking or avoiding the same, or any of them, provided that no such Penalty or Forfeiture shall exceed the Sum of Forty Shillings for One Offence.

That no Bye Law shall be valid until One Month after publick Notice given thereof.

LXXVI. Provided always, and be it further enacted, That no such Bye Law, Rule, or Order shall be made, unless the same shall have been proposed and formed at a Common Council of the said Mayor, Aldermen, and Common Council, in Common Council assembled, held at some Time not less than One Month before the making of such Bye Law, Rule, or Order, and shall have been publickly hung up in the Pump Room of the said City of Bath, and also affixed on the outer Door thereof, and Notice thereof Once given in One of the Bath Newspapers Three Weeks before the holding the Common Council at which such Bye Law, Rule, or Order shall be finally made and agreed on.

Punishing Persons plying without being duly licensed.

LXXVII. And be it further enacted, That if the Driver of any Coach, or the Carrier or Carriers of any Sedan Chair, or any Porter, Basket Man, or Basket Woman, shall be found standing or plying for Hire, or using such Coach or Sedan Chair, or carrying any Matter or Thing for Hire, directed to be carried by a licensed Porter, Basket Man, or Basket Woman, in any Part of the Limits or Districts before mentioned, without such Licence aforesaid, or having such Licence, shall be found plying for Hire contrary to and against the Rules or Regulations which shall be made by the said Mayor, Aldermen, and Common Council, for licensing and regulating the Persons aforesaid, the Owner or Owners of, or the Person or Persons driving, or offering to drive, such Coach, and the Owner or Owners, Carrier or Carriers of such Sedan Chair, and every such Porter, Basket Man, and Basket Woman so offending shall, for every such Offence, forfeit and pay the Sum of Twenty Shillings.

Charging certain Sums on the Licences to be granted.

LXXVIII. And be it further enacted, That every Licence to be granted to any of the Persons aforesaid, for

for the Purposes aforesaid, under this Act, shall be signed by Three of His Majesty's Justices of the Peace for the Time being of and for the said City, whereof the Mayor for the Time being to be always One, and every Licence not so signed shall be void; and every Licence so granted and signed for the Purposes aforesaid shall express the Number to which such Person is licensed; and every such Licence shall continue and be for One whole Year from the Day of the Date of such Licence, or until the next General Annual Licensing of such Persons, for the Purposes aforesaid; and any One Licence shall not include both Coach and Chair, nor more than One Coach or Chair, Porter, Basket Man, and Basket Woman; and every such Licence shall be made out by the Town Clerk of the said City of Bath for the Time being, and be duly entered in a Book to be provided and kept for that Purpose in his Office, with the Name of the Person to whom licensed, and his or her Number and Place of Residence; and in such Book shall be contained Columns or Places of Entries to be made of every Offence committed by any Driver or Chairman, or any Porter, Basket Man, or Basket Woman, for each of which Licences, and doing the Business aforesaid, there shall be paid to the Town Clerk of the said City of Bath for the Time being, for his Trouble and Charge, the following Sums; (that is to say),

For each Licence for a Hackney Coach, the Person or Persons to whom such Licence shall be granted shall pay, on granting the same, the Sum of Ten Shillings:

And for each Licence for a Hackney Chair, the Persons to whom such Licence shall be granted shall pay, on granting the same, the Sum of Three Shillings:

And for each Licence to be a Porter, Basket Man, or Basket Woman, the Person to whom such Licence shall be granted shall pay, on granting the same, the Sum of One Shilling.

And every Owner or Driver of any Coach, or the Carrier of any Chair, shall affix and keep such Figure or Number as shall be respectively appointed by such Justices on some conspicuous Part of such Coach and Chair; and every such Porter shall affix and keep on his outward Garment such Ticket or Number thereon, as he shall be respectively licensed to by such Justices; and every Basket Man and Basket Woman shall affix and keep on his or her Basket the Number to which he or she shall be licensed

censed as aforesaid; and every Owner or Driver of any Coach, or the Carrier of any Chair, and every Porter, Basket Man, and Basket Woman, changing his or her Place of Residence, after the granting the Licence to them respectively, for the Purposes aforesaid, shall, within the Space of Seven Days next after, and as often as any such Change shall be made, during the Continuance of such Licence, deliver in Writing his or her Name, and to what Street or Place he or she is removed, to the Town Clerk, or his Deputy or Assistant for the Time being, to the End the same may be duly entered in such Book, to be kept by the Town Clerk for the Purposes aforesaid, and the Person more easily discovered if any Complaint made against him, her, or them; and every Owner or Driver of such Coach, or Carrier or Carriers of such Chair, and every Porter, Basket Man, and Basket Woman shall, for every Refusal or Neglect to do the Matters and Things herein-before directed to be done by him, her, or them, forfeit the Sum of Twenty Shillings.

Inflicting a Penalty on Persons not paying Hackney Coachmen, &c. or injuring any Coach, Chair, or Basket.

LXXIX. And be it further enacted, That if any Person or Persons shall refuse or neglect to pay on Demand any licensed Hackney Coachman or Hackney Chairmen, Porter, Basket Man or Basket Woman, the Money justly due to him, her, or them, for the Fare, Hire, or Service done under or in pursuance of any Licence or Bye Law made in pursuance of this Act, or shall wilfully cut, deface, break, or injure any such licensed Coach, Horse or Horses, or the Harness of the same, or any licensed Chair or Basket within all or any Part of the Districts or Circuits to which such Hackney Coach, Chair, or Basket is or shall be licensed and compellable to go, drive, or carry, it shall and may be lawful to and for any One or more Justice or Justices of the Peace of and for the said City of Bath for the Time being, upon any Complaint thereof made to him or them, to grant his or their Summons against the Person or Persons complained of, to appear before him or them at some Time and Place to be mentioned in such Summons, to answer the Matter of the said Complaint; and on Proof on Oath of the Service thereof, to proceed in and to hear the Matter of the said Complaint on Oath, whether the Person summoned appears or not, and to make such Order therein as to such Justice or Justices shall appear to be just; and if the Person or Persons against whom such Order shall be made, do not immediately pay down, or cause to be paid down the Money (if any) that shall be ordered as a Satisfaction to the Person or Per-

sons for the Service or Injury done, it shall be lawful for such Justice or Justices, and he and they are and is hereby required and directed to grant his or their Warrant of Distress against the Goods and Chattels of the Person or Persons so refusing or declining to pay, to be taken in any Place wherever found, within or without the City of Bath, and the same to sell and dispose of, and out of the Monies arising by or from such Sale, to pay the Monies so awarded to the Person or Persons to whom awarded, together with such Costs as such Justice or Justices shall think reasonable, returning the Overplus, if any, to the Owner of the Goods and Chattels so distrained; and if no Distress can be found, then to commit the Person or Persons against whom such Order shall be made, to the Common Gaol of the said City, for any Time not exceeding One Month, nor less than One Day, there to remain, without Bail or Mainprize, unless the Money is sooner paid.

Prescribing the Mode of punishing Offenders.

LXXX. And be it further enacted, That all Offences, Misbehaviour, Punishments, Penalties, and Forfeitures, that may arise, happen, or be incurred, committed, or done, by any Owner or Driver of any Hackney Coach, or any Carrier or Carriers of any Sedan Chair, or any Porter, Basket Man or Baket Woman, whether licensed or not, against any of the Provisions of this Act, for licensing or regulating all or any of the Persons, Matters, or Things aforesaid, or against any Bye Law to be made by the said Mayor, Aldermen, and Common Council, for the Purposes of licensing and regulating the several Persons aforesaid, shall be tried, heard, and determined by any One or more Justice or Justices of the Peace for the Time being of and for the said City of Bath, who, on Complaint thereof made to him or them, are and is hereby authorized and required to grant or issue his or their Warrant or Summons in Writing against the Person or Persons so complained of, specifying therein the Complaint so made, to appear personally before him or them, on some Day or Time to be mentioned in such Summons, to answer the said Complaint; and if such Person or Persons, being served with such Summons, or left at his or her House or last Place of Abode, shall not appear at the Time and Place appointed by such Summons, and no reasonable Excuse appearing to the Satisfaction of the Justice or Justices why he or she did not appear, to be allowed of by such Justice or Justices, and on Oath being made of the due Service of such Summons on the Person or Persons summoned in Manner aforesaid, it shall be lawful for such Justice

or

or Justices to grant his or their Warrant for apprehending such Person or Persons, and to bring him, her, or them before such Justice or Justices, to answer the said Complaint; and upon the said Complainant, and the said Person or Persons so complained of, appearing before such Justice or Justices, or in case the said Person or Persons so complained of cannot be found or apprehended, then and in either of the said Cases, it shall be lawful for such Justice or Justices to proceed in, hear, and determine the Matter of the said Complaint on Oath, and the Testimony of the said Complainant on Oath is hereby made competent, where no Part of the Penalty is to go or be applied to and for his or her Use, and to make such Order therein as to him or them shall appear to be just, together with the Costs attending the Application, hearing, and determining the same; and such Person or Persons so complained of, are and is hereby required to obey such Order; and in case of any Disobedience to such Order, or in case any such Person or Persons shall be convicted before such Justice or Justices of any of the Penalties or Forfeitures under this Act, or any Bye Law to be made as aforesaid, and shall not immediately pay down such Money or Penalty of which he or she has been convicted before such Justice or Justices, on Demand, to be applied to the Uses after mentioned, that then, and in case of Nonpayment thereof, it shall be lawful for such Justice or Justices before whom any such Complaint hath been heard and determined, to grant his or their Warrant of Distress against the Goods and Chattels of such Person or Persons, and to seize and distrain the same in whatsoever Place the same may be found, whether within the said City of Bath, or in any other Place without the said City of Bath, and the same to sell and dispose of for raising such Monies, and all Costs attending the same, and the same Money to pay and apply to and for the Uses and Purposes herein-after directed; and after Payment and full Satisfaction thereof, together with the Costs attending the same, to return the Overplus Money or Goods, if any, to the Person or Persons whose Goods and Chattels shall be so distrained on and sold for the Purposes aforesaid; and in case such Person or Persons against whom any such Order shall be made for the Payment of such Monies, shall not have any Goods or Chattels to distrain on, to pay the same, or none shall be found sufficient to answer and pay the same, or in case of any Disobedience to such Order, it shall, in either Case, be lawful for such Justice or Justices to commit such Person

or

or Persons so convicted as aforesaid, to the Prison or Common Gaol of and for the said City, for any Time not exceeding One Month, nor less than One Day, there to remain, without Bail or Mainprize, unless such Order, if for the Payment of any Money, the Money is sooner paid, or to suspend such Person or Persons from using or exercising his, her, or their Licence or Licences, for all or any of the Purposes aforesaid, for all or any Part of the Remainder of the Time for which such Licence or Licences was or were granted, or to take away wholly such Licence or Licences, at the Option of such Justice or Justices.

Application of the Penalties.

LXXXI. And it is hereby further enacted and declared, That all Monies, pecuniary Fines and Forfeitures, which any Driver or Owner of any Hackney Coach, or any Chairman, Porter, Basket Man or Basket Woman shall be convicted of as aforesaid (after the necessary Costs are first deducted thereout in prosecuting for and recovering the same), where no other particular Direction has directed it to go and be applied, shall go and be paid to or to the Use of, or for the Benefit, Maintenance, and Support of the Charitable House for the Time being in the said City of Bath, commonly called The Casualty Hospital, and of the Persons and Patients put or to be placed therein for Cure or Relief from Accidents and Injuries happening to them, and to no other Use.

Directing Copies of the Bye Laws to be affixed on the Guildhall and in the Pump Room.

LXXXII. And be it further enacted, That a Copy of all Bye Laws, Rules, and Orders, to be from Time to Time made by the Mayor, Aldermen, and Common Council of the said City of Bath for the Time being, in pursuance of this Act, for the licensing and regulating the Owners and Drivers of every Coach for Hire, and of the Chairmen carrying any Chairs for Hire, and of Porters, Basket Men, and Basket Women to be employed and licensed as aforesaid, shall be fairly written or printed, and be hung up or placed in some open Place in the Guildhall of and for the said City, and also in the Pump Room at or near the King's Bath, signed by the Mayor and any Two Justices of the Peace of and for the said City for the Time being, and there to remain, to the End that all Persons may see and resort to, and know the same, that may be desirous thereof.

LXXXIII. Provided always, That this Act, or any Thing herein contained, or in any Bye Law, Rule, or Order to be made by the said Mayor, Aldermen, and Common Council for the Time being, for any of the Purposes aforesaid, shall not extend, or be construed to

extend, to prohibit or hinder any Person or Persons from having or using his, her, or their own Coach or Chair within the Districts aforesaid, so as the same be not used for Hire, or plying for Hire.

Persons not to be prevented from employing their own Servants or others as Porters, &c.

LXXXIV. Provided also, and be it enacted, That nothing herein contained shall prevent any Person from employing occasionally his or her own Servant, or the Servant of any other Person or Persons, or any Labourer or Person who does not follow the Business of a Driver of a licensed Coach, or the Business of a Carrier, Chairman, Porter, Basket Man, or Basket Woman, in or about the Matters or Things herein-before directed to be carried or done by any such licensed Porter, Basket Man, or Basket Woman, any Thing herein contained to the contrary notwithstanding.

For Mitigation of Penalties.

LXXXV. Provided always, and be it further enacted, That any Justice or Justices of the Peace of and for the said City of Bath only, before whom shall be recovered any of the pecuniary Penalties or Forfeitures imposed by this Act on any Owner or Driver of any Coach, or the Carrier or Carriers of any Chair, or on any Porter, Basket Man, or Basket Woman, or on any other Person relating thereto, or which shall be imposed on him, her, or them, by any Bye Law, Rule, or Order to be made by the said Mayor, Aldermen, and Common Council, under and by virtue of this Act, for all or any of the Purposes aforesaid, may mitigate, lessen, or compound for any of such Penalties or Forfeitures, as they or he in their or his Discretion shall think fit, so as the same be not mitigated or reduced to less than One Moiety or Half Part thereof.

For recovering and Application of Costs, Penalties, and Forfeitures.

LXXXVI. And be it further enacted, That all Penalties and Forfeitures by this Act to be incurred or imposed, and all Costs, Charges and Expences allowed, ordered, or directed to be paid by the Authority of this Act, or of any Rules, Orders, or Bye Laws made or to be made in pursuance thereof (other than those that may be incurred by or imposed on any Driver or Owner of any Hackney Coach, or the Carrier of any Sedan Chair, or any Porter, Basket Man, or Basket Woman, for which there is a separate Provision hereby made for recovering, levying, and ascertaining the same, or where the Manner of levying and recovering, or settling the same, is not otherwise particularly directed by this Act) shall from Time to Time be levied, recovered, or ascertained and settled as follows; that is to say, all such Costs shall, in case any Difference shall arise, be ascertained and settled by any Two of His Majesty's Justices

of the Peace for the said County of Somerset, who are hereby authorized and required to ascertain and settle the same accordingly, and all such Costs, Penalties, and Forfeitures shall or may, in case the same shall not be paid on Demand, be levied and recovered by Distress and Sale of the Goods and Chattels of the Person or Persons offending, or directed to pay the same, by Warrant under the Hands and Seals of any of such Justices of the Peace as aforesaid, or of any Two Justices of the Peace acting in or for the City, County, Riding, Division, Liberty, Town, or Place where such Offender or other Person shall be or reside, or where his or her Goods and Chattels shall be found, which Warrant such Justices of the Peace are hereby authorized and required to grant and issue, upon the Confession of the Party offending, or upon the Information of One or more credible Witness or Witnesses upon Oath (or Affirmation being a Quaker), and in case sufficient Distress shall not be found, and such Costs, Charges, and Expences, or any of them, shall not be paid on Demand, it shall be lawful for such Justices, and they are hereby authorized and required, by Warrant under their Hands and Seals, to commit such Person or Persons to the Common Gaol or House of Correction in and for the said County of Somerset, or of the City, County, Riding, Division, Liberty, Town, or Place where such Offender shall be or reside, as the Case may be, there to remain, without Bail or Mainprize, for any Time not exceeding Two Months, nor less than One Month, unless such Costs, Charges, and Expences shall be sooner paid and satisfied; and in all Cases of Distress and Sale as aforesaid, the Overplus (if any) of the Monies to arise thereby, after deducting the Costs and Charges attending the Recovery of such Penalties, Forfeitures, and Costs, and all other Expences incident thereto, shall be paid to the Party or Parties whose Goods and Chattels shall have been so distrained and sold as aforesaid.

Directing the Application of Penalties, Forfeitures, and Costs.

LXXXVII. And be it further enacted, That the respective Penalties, Forfeitures, and Costs, when recovered by virtue of this Act (other than those that may arise from or in respect of any Owner or Driver of any Hackney Coach, or the Carrier of any Sedan Chair, or any Porter, Basket Man, or Basket Woman, or any of them, hereby otherwise directed to be applied) shall be paid to the Treasurer for the Time being to the Commissioners, or to such other Person or Persons as the Commissioners shall think proper and direct, and shall be

applied and disposed of for the Purposes of this Act, and to and for no other Use, Intent, or Purpose whatsoever.

Penalties may be mitigated.

LXXXVIII. Provided always, and be it further enacted, That it shall be lawful for the Commissioners, or for any Justice or Justices of the Peace before whom any of the Penalties or Forfeitures, imposed by this Act, or which shall be imposed by any Rules, Orders, or Bye Laws to be made in pursuance thereof, shall be recovered (other than those that may arise or be incurred from or by any Owner or Driver of any Hackney Coach, or Carrier of any Sedan Chair, or any Porter, Basket Man, or Basket Woman, for which there is a distinct or separate Provision for or concerning the mitigating or lessening any of the Penalties, Forfeitures, or Offences to be done or committed by them, or any of them, or where no other Manner of Mitigation of any such Penalty or Forfeiture is directed by any such Rules, Orders, or Bye Laws), to mitigate, lessen, or compound for any of such Penalties or Forfeitures as they or he in their or his Discretion shall think fit, so as the same shall not be mitigated or reduced to less than One Moiety or Half Part thereof.

For rewarding Informers.

LXXXIX. Provided always, and be it further enacted, That it shall be lawful for the Commissioners, from Time to Time, if they shall see Cause, to pay and apply such Part of the said Penalties and Forfeitures hereby made payable, or any of them, as they shall think proper, not exceeding One Moiety thereof respectively, to and for the Use of the Informer or Informers of any Offence or Offences against this Act (other than and except Penalties and Forfeitures arising from or by any Matter or Thing respecting Hackney Coaches, Chairs, Porters, Basket Men, and Basket Women, or the Owners, Drivers, or Carriers of such Hackney Coaches or Chairs, or either of them), any Thing herein contained to the contrary notwithstanding.

Directing the Manner of serving Notices.

XC. And be it further enacted and declared, That in all Notices and Summonses which are directed or required to be given by this Act, or which are or may be directed or required to be given by any Rules, Orders, or Bye Laws, made or to be made in pursuance of this Act, or which shall or may be necessary for carrying into Execution any of the Powers of the same, or any of such Rules, Orders, or Bye Laws, (other than such Notices and Summonses for or in respect of any Hackney Coach, Chair, or any Owner, Driver, or Carrier of the same,

or

or any Porter, Basket Man, or Basket Woman, or any other Person respecting those Matters, or any of them, or where the Manner of serving such Notices or Summonses is not particularly or otherwise directed by this Act), the Service of any such Notice or Summons, either on the Person to whom the same ought to be given, or leaving the same, or a true Copy thereof (signed by the Clerk for the Time being to the Commissioners), at his or their Dwelling House, or usual or last Place of Abode, shall be good and sufficient Service of any such Notice or Summons, and that in all Cases whatsoever where any such Notice or Summons ought to be given to Two or more Persons for or respecting any Offence or Offences against this Act, or the joint Act, Omission, Offence, or Default of any Persons who shall be in Partnership, or jointly concerned in such Act, Omission, Offence, or Default, the like Service of any such Notice or Summons on any One of such Partners or Persons shall be a good and sufficient Service thereof.

Proceedings to be within Six Months.

XCI. Provided always, and be it further enacted, That no Person or Persons shall be subject or liable to the Payment of any of the Penalties or Forfeitures inflicted by virtue of this Act for any Offence or Offences against this Act, or against any Rule, Order, or Bye Law to be made in pursuance thereof, unless some Proceeding, or Notice of some intended Proceeding, shall be had or given according to the Direction of this Act, or of such Rule, Order, or Bye Law, respecting such Offence or Offences, within Six Calendar Months next after such Offence committed.

In Cases of Verdicts in Favour, Persons convicted to pay Double Costs.

XCII. And be it further enacted, That if any Action or Actions shall be brought by Order of the Commissioners, or by the Order of the said Mayor, Aldermen, and Common Council, or any Justice or Justices of the said City of Bath for the Time being, against any Person or Persons for any Thing relating to this Act, or the Powers herein contained, and a Verdict shall be had and given against the Person or Persons against whom such Action or Actions shall be brought, such Person or Persons shall pay Double Costs; and the Plaintiff or Plaintiffs in such Action or Actions shall have such Remedy and Remedies for recovering the same, as any Plaintiff or Plaintiffs may have for his, her, or their Costs in any other Cases by Law.

Declaring that Inhabitants shall be competent Witnesses in all

XCIII. And it is hereby further enacted, That in all Actions, Prosecutions, Informations, and Causes of Proceedings whatsoever relating to or concerning the Execu-

tion of this Act, or of any Rule, Order, or Bye Law made in pursuance thereof, any Inhabitant of the said Parish of Walcot, or within the said City of Bath, or other the Districts or Circuits aforesaid, shall and may be admitted to give Evidence notwithstanding his or her being such Inhabitant. Actions, &c. concerning the Execution of this Act.

XCIV. And be it further enacted, That if any Person or Persons shall be summoned as a Witness or Witnesses to give Evidence before the Commissioners, or any Justice or Justices of the Peace in and for any County, or any Justice or Justices of the Peace of and for the said City of Bath, touching any Matter of Fact contained in any Information or Complaint for any Offence against this Act, or against any Rule, Order, or Bye Law made in pursuance thereof, whether on the Part of the Prosecutors, or of the Person or Persons complained of, (and which Summonses the Commissioners and such Justices as aforesaid are hereby authorized to issue), where and in such Cases only as such Commissioners, or such Justice or Justices of the said City or County (as the Case may be), are made competent by this Act to hear and determine the same, or if any Person or Persons shall be summoned as a Witness or Witnesses to give Evidence at any General Quarter Sessions of the Peace for the said County of Somerset, or the said City of Bath, or Adjournment thereof, upon any Appeal by virtue of this Act as hereinafter is mentioned, whether upon the Part of the Appellant or of the Respondent, and any such Person or Persons so summoned as aforesaid, shall refuse or neglect to appear at the Time and Place to be for that Purpose appointed, without a reasonable Excuse for such his, her, or their Refusal or Neglect, to be approved of by such Justice or Justices, Commissioners, or other Person or Persons hereby authorized to receive such Evidence, or appearing shall refuse to be examined on Oath (or on solemn Affirmation, being a Quaker), and to give Evidence before such Justice or Justices of the Peace, or Commissioners as aforesaid, or at any such Sessions or Adjournment thereof, then, and in either of the said Cases, every such Person shall forfeit, for every such Offence, the Sum of Forty Shillings. For compelling the Attendance of Witnesses.

XCV. And, for the more easy Conviction of Offenders against this Act, be it further enacted, That every Justice of the Peace before whom any Person or Persons shall be convicted of any Offence against this Act, or against any Rule, Order, or Bye Law to be made in virtue or pursuance hereof, and over which such Justice or Justices has or have Conusance, shall and may cause the

Conviction, if made by the Justices of or for the said County of Somerset, to be drawn up in the Form of Words, or to the Effect herein-after mentioned:

Form of Conviction.

County of *Somerset*, to wit. } BE it remembered, That on the Day of in the Year of the Reign of His Majesty King One thousand seven hundred and ninety is [*or* are] convicted before me [*or* us, *as the Case shall be*] One [*or* Two, *as the Case shall be*] of His Majesty's Justices of the Peace for the said County of by virtue of an Act of Parliament, passed in the Thirty-third Year of the Reign of His Majesty King *George* the Third, intituled, [*Here insert the Title of the Act*] of [*Specifying the Offence, and the Time and Place when and where the same was committed, as the Case shall be*], contrary to a certain Bye Law made on the Day of One thousand seven hundred and ninety pursuant to the said Act; for which Offence I [*or* we, *as the Case shall be*] adjudge the said to have forfeited the Sum of [*but if mitigated*] which I [*or* we, *as the Case shall be*] mitigate to the Sum of Given under my Hand and Seal [*or* our, *as the Case shall be*, Hands and Seals], the Day and Year first above written.

But if any such Order or Conviction is made by a Justice or Justices of the said City of Bath, then the Conviction is to be made in the following Form, or Words to that Effect:

City of *Bath*. } BE it remembered, That on the Day of in the Year of the Reign of His Majesty King One thousand hundred and *A. B.* is [*or* are, *as the Case shall be*] convicted before me [*or* us, *as the Case shall be*] One [*or* Two] of His Majesty's Justices of the Peace of and for the said City of *Bath* [*as the Case shall be*] by virtue of an Act of Parliament, passed in the Thirty-third Year of the Reign of His Majesty King *George* the Third, intituled, [*Here set out the Title of the Act*], of [*Here specify the Offence, and Time and Place when and where committed, as the Case shall be*] contrary to the said Act [*or* contrary to a certain Bye Law, *as the Case shall be*] made on the Day of pursuant

pursuant to the said Act; for which Offence, I [*or* we, *as the Case shall be*] adjudge the said *A. B.* to have forfeited the Sum of
[*but if mitigated*] which I [*or* we, *as the Case shall be*] mitigate to the Sum of
Given under my Hand and Seal [*or* our, *as the Case shall be*, Hands and Seals] the Day and Year first above written.

Distress not to be deemed unlawful for want of Form.

XCVI. And be it further enacted, That when 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 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 or committed by the Party or Parties 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; but no Plaintiff or Plaintiffs shall recover in any Action for any such Irregularity or other Proceeding, unless Notice in Writing shall be given to the Clerk for the Time being to the Commissioners, or to the Town Clerk of the said City of Bath for the Time being, in case such Action or Suit is to be brought against any Justice or Justices of the said City of Bath, or any Person or Persons acting under him or them, Twenty-one Days before such Action shall be brought or commenced, of such intended Action for such Irregularity, by the Attorney for the Plaintiff or Defendant, specifying the Cause of Action, nor shall the Plaintiff or Plaintiffs recover in such Action, if Tender of sufficient Amends shall be made by or on the Behalf of the Party or Parties who shall have committed, or caused to be committed, any such Irregularity or wrongful Proceeding before such Action brought; and in case no such Tender shall have been made, it shall be lawful 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 such Court such Sum of Money as he, she, or they shall see fit, whereupon such Proceedings, 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.

XCVII. And

Proceedings not to be quashed for Want of Form.

XCVII. And be it further enacted, That no Proceedings to be had and taken in pursuance of this Act shall be made void, quashed, or vacated 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, or elsewhere, any Law or Statute to the contrary notwithstanding.

Limitation of Actions.

XCVIII. And be it further enacted, That no Action, Suit, or Information shall be commenced against any Person or Persons for any Thing done or to be done in pursuance of this Act, or of the Orders and Directions herein-before given and granted, or in Execution of the Powers and Authorities hereof, until Twenty-one Days Notice thereof shall be first given in Writing to the Clerk to the Commissioners for the Time being, or to the Town Clerk of the said City of Bath for the Time being, in case such Action is to be brought against any Justice or Justices of the Peace of and for the said City of Bath, or any Person or Persons acting under him or them, signed by the intended Plaintiff or Plaintiffs, of the Cause and Intention of and for commencing such Action or Suit, and the Time when such Action or Suit will be commenced, nor at any Time whatsoever after sufficient Satisfaction, or Tender thereof, shall have been made to the Party or Parties aggrieved, nor after Six Calendar Months next after the Fact committed for which such Action or Actions, Suit or Suits, shall be so brought; and in case there shall be a Continuation of Damages, then not after Six Calendar Months next after the doing or committing such Damage shall cease, and not otherwise; and all such Actions and Suits shall be laid and tried in the County of Somerset, and not in any other County or Place; and that the Defendant or Defendants in every such Action or Suit 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, or of some Rule, Order, or Bye Law made in pursuance thereof; And if the said Matter or Thing shall appear to have been so done, or if it shall happen that such Action or Suit was brought before Twenty-one 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 herein-before for that Purpose limited, or shall be laid or brought in any other County or Place than as aforesaid, then the

General Issue.

Jury shall find for the Defendant or Defendants therein; and also if the Plaintiff or Plaintiffs shall become nonsuited, or suffer a Discontinuance of such Action or Actions, or Judgement, after the Defendant or Defendants shall have appeared thereto, or if Judgement shall be given for the Defendant or Defendants therein, or if any Verdict shall pass upon the Plaintiff or Plaintiffs, or if upon Demurrer or otherwise Judgement shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have Treble Costs, and shall have such Remedy for recovering the same as any Defendant or Defendants hath or may have for his, her, or their Costs in any other Cases by Law. Treble Costs.

XCIX. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Rate or Assessment to be laid or assessed, or by any other Order or Judgement made or given, or any other Thing done in pursuance of this Act, or of any Rule or Bye Law to be made in virtue thereof, such Person or Persons shall and may, within Six Calendar Months next after the Cause of Complaint shall have arisen, under or from any Act or Acts made or done by the Commissioners, or of any Justice or Justices acting in and for the said County of Somerset, and not of the said City of Bath, appeal to the Justices of the Peace at the General Quarter Sessions of the Peace to be holden in and for the said County of Somerset, but if the Appeal is from any Act made or done by any Justice or Justices of the said City of Bath, then the Appeal in that Case is to be to the next General Quarter Sessions of the Peace to be holden and kept at the Guildhall in and for the said City of Bath, or any Adjournment thereof (at which not less than Three Justices shall be present), such Appellant, in either Case, first giving or causing to be given Twenty-one Days Notice at the least, in Writing, of his, her, or their Intention to bring such Appeal, and of the Matter thereof, to the Clerk for the Time being to the Commissioners, in case such Appeal is from any Act or Acts made or done by the Commissioners, or of any Justice or Justices acting in and for the said County of Somerset, but if such Appeal is from any Act or Acts made or done by any Justice or Justices of the Peace of and for the said City of Bath, then every such like Notice of Appeal is to be given to the Town Clerk of the said City of Bath for the Time being, and in either of the Cases of the said Appeals, to the Person or Persons who is or are intended to be, or may be affected by any such Appeal, and within Twenty-one Days after such Notice entering into a Recognizance Persons aggrieved may appeal to the Sessions.

cognizance before some Justice of the Peace of the said County of Somerset, or the City of Bath, as the Case of such Appeal shall be, with Two sufficient Sureties, conditioned to try such Appeal, and to abide such Order as shall be made, and to pay such Costs as shall be awarded by the Justices at either of such Quarter Sessions; and any Justice of the City of Bath, or the County of Somerset, according as such Appeal may be, either to the Sessions of the City, or to the Sessions of the County, or at any Adjournment thereof, shall and may summons the Witnesses, both on the Part of the Appellant and Respondent, to appear at such Sessions, and upon due Proof of Notice having been given, and of entering into Recognizance as aforesaid, shall hear and finally determine the Causes and Matters of every such Appeal in a summary Way, and shall award such Restitution, Damages, and Costs to the Party or Parties appealing against, and with or without the Whole or any Part of the Costs, Charges, and Expences of prosecuting or defending such Appeal, as the said Justices shall think proper, and the Determination of the said Justices at such Sessions or Adjournment shall be final, binding, and conclusive, to all Intents and Purposes.

Publick Act. C. And be it further enacted, That this Act, and every Thing herein contained, 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 whomsoever, without specially pleading the same.

FINIS.