ANNO TRICESIMO QUARTO

Georgii III. Regis.

CAP. LXXXIX.

An Act for paving the Footways in the Town of *Abingdon*, in the County of *Berks*; for better cleanſing, lighting, and watching, the Streets, Lanes, Paſſages, and Places, in the ſaid Town; for removing and preventing Encroachments, Obſtructions, Nuiſances, and Annoyances therein; and for otherwiſe improving the ſaid Town.

[17th *April* 1794.]

WHEREAS the Footways in the ſeveral Streets, Lanes, and other publick Paſſages and Places within the Town of *Abingdon*, in the County of *Berks*, are very ill paved, and the ſaid ſeveral Streets, Lanes, Paſſages, and Places, are not ſufficiently cleanſed, lighted, and watched, and are ſubject to various Encroachments, Obſtructions, Nuiſances, and Annoyances; and are alſo, in ſome Places, very incommodious and unſafe for Travellers and Paſſengers: And whereas it would tend greatly to the Benefit, Convenience, and Safety, of the Inhabitants Preamble.

bitants of the said Town, and all Persons resorting to and passing through the same, if the said Footways were properly paved, and the said several Streets, Lanes, Passages, and Places, were well and sufficiently cleansed, lighted, watched, and regulated, and all Encroachments, Obstructions, Nuisances, and Annoyances, removed, and prevented in future: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Mayor of the Borough of *Abingdon* for the Time being, the Justices of the Peace of the said Borough for the Time being, the Chamberlain of the Corporation of *Abingdon* for the Time being, *William Allder*, *James Almond*, *Thomas Baker*, *Edward Beasley*, *John Bedwell*, *Thomas Bedford*, *William Blagrove*, *Richard Blake*, *John Bowles*, *William Bowles*, *Richard Bowles* Clerk, *Richard Bradfield*, *William Buswell*, *Edward Child*, *John Cleoburey* Clerk, *Samuel Cripps*, *William Curtis*, *Richard Edgington*, *William Eldridge*, *Thomas Fletcher* the younger, *Richard Fletcher*, *Joseph Fletcher*, *John Gallaway*, *John Guinle* the elder, *Coventry Hardyman*, *Henry Harding*, *Charles Hatt*, *George Hawkins*, *Joseph Barney Hughes*, *Edmund Hutchins*, *Thomas Jones*, *Christopher Keen*, *George Knapp*, *Henry Knapp*, *Richard Knight*, *Thomas Knight* the younger, *John Lempriere* Clerk, *Hugh Ley*, *Benjamin Morland*, *Thomas Nash*, *James Penn*, *William Pickman*, *James Powell*, *Thomas Prince*, *Dudson Rawlins*, *Nathaniel Roberts*, *Samuel Sellwood*, *George Shepherd*, *John Shury*, *John Francis Spenlove*, *Edmund Thomas*, *Joseph Tombs*, *Joseph Tomkins*, *William Tomkins* the elder, *William Tomkins* the younger, *John Tomkins* Banker, *John Tomkins* Mercer, *Benjamin Tramplet*, *James Tyrrell* Clerk, *James Williams*, and *John Williams*, and their several and respective Successors, to be elected as herein-after mentioned, shall be and are hereby appointed Commissioners for putting this Act into Execution.

Commissioners Names.

Election of new Commissioners.

II. And be it further enacted, That when and as often as any of the Commissioners hereby appointed, (not being Commissioners by virtue of their Offices), or to be, from Time to Time, elected as herein-after is mentioned, shall die or refuse to act, or shall remove from and reside out of the said Town, it shall be lawful for the surviving or remaining Commissioners, or any Nine or more of them, from Time to Time, at a Meeting to be held for that Purpose, by Writing under their Hands, to elect another Person inhabiting within the said Town in the Place of each Commissioner so dying, refusing to act, or removing, as aforesaid; but Notice of the Time and Place of Meeting for every such Election shall be given by the Clerk to the said Commissioners, by fixing the same on the principal Church Doors or Entrances of the Two Churches in the Town of *Abingdon* aforesaid, and by advertising such Notice in the *Reading Mercury*, (if it shall at that Time be published, and if not, then in some other Newspaper circulated in or near the said Town), at least Ten Days before the Meeting for every such Election; and every Person so elected shall have the same Powers and Authorities for putting this Act in Execution, in all Respects whatsoever, as if he had been named a Commissioner in and by this Act.

Qualification of Commissioners.

III. Provided always, and be it further enacted, That no Person shall be capable of acting as a Commissioner in the Execution of this Act, unless

leſs at the Time of his acting he ſhall be, in his own Right, or in the Right of his Wife, in the actual Poſſeſſion and Enjoyment, or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear Yearly Value of Sixty Pounds, or ſhall be Heir Apparent of ſome Perſon having an Eſtate in Lands, Tenements, or Hereditaments, of the clear Yearly Value of One hundred Pounds above Repriſes, or ſhall be poſſeſſed of, or entitled to, a Perſonal Eſtate, of the Value of One thouſand five hundred Pounds clear of all Deductions; and if any Perſon, not being ſo qualified, ſhall preſume to act as a Commiſſioner, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay the Sum of One hundred Pounds to any Perſon or Perſons who ſhall ſue for the ſame, to be recovered in any of His Majeſty's Courts of Record, by Action of Debt, or on the Caſe, or by Bill, Plaint, or Information, wherein no Eſſoign, Protection, or Wager of Law, or more than One Imparlance, ſhall be allowed; and every Perſon ſo ſued or proſecuted, ſhall prove that he is qualified 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 hath acted as a Commiſſioner in the Execution of this Act.

Commiſſioners Oath.

IV. Provided alſo, and be it further enacted, That no Perſon ſhall be capable of acting as a Commiſſioner in the Execution of this Act, (except in adminiſtering the Oaths herein-after mentioned), until he ſhall have taken and ſubſcribed, before any Five or more of the ſaid Commiſſioners, at a Meeting to be held by virtue of this Act, (they being hereby authorized and required to adminiſter the ſame to each other), Oaths, in the Words or to the Effect following:

'I *A. B.* do ſwear, that I am truly and *bona fide*, in my own Right, or in the Right of my Wife, in the actual Poſſeſſion and Enjoyment, or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear Yearly Value of Sixty Pounds, or that I am Heir Apparent of ſome Perſon having an Eſtate in Lands, Tenements, or Hereditaments, of the clear Yearly Value of One hundred Pounds above Repriſes, or that I am poſſeſſed of, or entitled to, a Perſonal Eſtate, of the Value of One thouſand five hundred Pounds clear of all Deductions.

'So help me GOD.'

'I *A. B.* do ſwear, 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, by virtue of an Act paſſed in the Thirty-fourth Year of the Reign of His Majeſty King *George* the Third, intituled, *et cetera*, [*Here ſet forth the Title of this Act*].

'So help me GOD.'

No Commiſſioner to act where intereſted, or when holding any Place of Profit.

V. Provided alſo, and be it further enacted, That no Commiſſioner appointed or to be elected by virtue of this Act, ſhall be capable of acting or voting as ſuch in any Caſe wherein he ſhall be perſonally intereſted, or during the Time he ſhall enjoy any Office of Profit under, or be concerned in, any Contract made by virtue of this Act, but that it ſhall be lawful for ſuch of the ſaid Commiſſioners, who ſhall be Mayor or Juſtice or Juſtices of the Peace of or for the Borough of *Abingdon*, in

the ſaid County, to act as Juſtice or Juſtices in the Execution of this Act, within his or their Juriſdiction, notwithſtanding his or their being a Commiſſioner or Commiſſioners (except in ſuch Caſes where they are reſpectively concerned in Intereſt); and that in all Caſes where Cognizance is given by this Act to any Juſtice or Juſtices of the Peace, it ſhall be lawful for ſuch Juſtice and Juſtices to adminiſter an Oath to any Perſon or Perſons for more certain Information in the Matter depending; and in all Caſes where the Commiſſioners are hereby authorized to bring or inſtitute any Action or Suit at Law, the ſame ſhall and may be brought or inſtituted in the Name of the Treaſurer, Surveyor, or Clerk, appointed by virtue of this Act; and in every ſuch Action and Suit, as well as in every Information or Complaint before ſuch Juſtice or Juſtices, and alſo upon all Appeals, any Inhabitants of the ſaid Town ſhall be and are hereby declared to be competent Witneſſes, notwithſtanding they may be charged to and pay any of the Rates and Duties impoſed by virtue of this Act, or any other Rates or Duties within the ſaid Town.

Juſtices may adminiſter Oaths.

Suits may be brought in the Name of the Treaſurer, &c.

Inhabitants may be Witneſſes.

VI. And be it further enacted, That the ſaid Commiſſioners, or any Five or more of them, ſhall and may meet and aſſemble at the Guildhall in the ſaid Town of *Abingdon*, on *Wedneſday* the Seventh Day of *May* One thouſand ſeven hundred and ninety-four, between the Hours of Eleven of the Clock in the Forenoon, and Two of the Clock in the Afternoon, in order to put this Act in Execution, and ſhall and may then, and from Time to Time afterwards, adjourn themſelves to and meet at the Place aforeſaid, or at any other convenient Place within the ſaid Town, as they, or they major Part of them preſent at ſuch Meeting, ſhall appoint; and if it ſhall happen that there ſhall not appear at any ſuch Meeting a ſufficient Number of Commiſſioners to act and to adjourn to another Day, (Three Commiſſioners being always to be deemed ſufficient for the Purpoſe of Adjournment), or if they ſhall at any Time neglect or refuſe to adjourn, then, and in every ſuch Caſe, their Clerk, or any Three or more of the ſaid Commiſſioners, ſhall and may call a Meeting at the Place where the laſt Meeting was appointed to be holden, publick Notice thereof being given by the Common Crier of the ſaid Town by the uſual Mode of Proclamation, and affixed in Writing on the principal Church Doors or Entrances of the ſaid Two Churches, at leaſt Seven Days before ſuch Meeting; and at all Meetings to be held in purſuance of this Act, the Commiſſioners ſhall defray their own Expences; but no Act of the ſaid Commiſſioners (except that of Adjournment or calling a Meeting in Default of Adjournment as aforeſaid) ſhall be valid, unleſs made or done at ſome publick Meeting held by virtue of this Act, except in ſuch Caſes as are herein particularly provided for.

Time and Place of Firſt Meeting.

Power to adjourn.

Power to appoint a Meeting where no Adjournment.

Commiſſioners to pay their own Expences.

No Act of Commiſſioners valid but at a Meeting.

VII. And be it further enacted, That all the Powers and Authorities by this Act granted to or veſted in the ſaid Commiſſioners, ſhall and may, from Time to Time, be exerciſed by the major Part of them preſent at any publick Meeting to be holden as herein mentioned, ſuch major Part not being leſs than the Number by this Act authorized to do ſuch Buſineſs; and a Chairman ſhall and may in the Firſt Place, be appointed at every ſuch Meeting; and in all Caſes the ſaid Commiſſioners ſhall vote by Ballot, in caſe the ſame is deſired by any Three or more of the ſaid Commiſſioners then preſent, and, in caſe of an equal Number of Votes upon

Powers to be exerciſed by a Majority of the Commiſſioners.

Chairman to be appointed.

Ballot.

Caſting Vote.

upon any Occaſion, (including the Chairman's Vote), the Chairman ſhall have the caſting Vote.

Manner of revoking Orders.

VIII. And be it further enacted, That no Order made by the ſaid Commiſſioners at any of their Meetings ſhall be revoked or altered, unleſs at ſome Meeting to be held for that Purpoſe, (of which Seven Days Notice ſhall be given by the Crier and by Writing on the Church Doors as aforeſaid, therein expreſſing the Occaſion of ſuch Meeting), and alſo unleſs Nine Commiſſioners ſhall attend at ſuch Meeting, and Two Thirds of them ſhall agree to revoke or alter the ſame; any Thing in this Act contained to the contrary notwithſtanding.

Proceedings to be entered in Books, &c.

IX. And be it further enacted, That the ſaid Commiſſioners ſhall cauſe to be provided and kept proper Books, and ſhall, either by themſelves or by their Treaſurer or Clerk, cauſe fair and regular Entries to be made in ſuch Books of all their Acts, Orders, and Proceedings relative to the Execution of this Act, and of the Names of all ſuch Commiſſioners as ſhall be preſent at any Meeting, and Five or more of the ſaid Commiſſioners, or their Treaſurer or Clerk, ſhall always ſubſcribe his or their Name or Names at the End of the Orders or Proceedings of the ſaid Commiſſioners, at every Meeting to be held in purſuance of this Act; and all Entries in ſuch Books, being ſigned as aforeſaid, ſhall be deemed Originals, and the ſame, or true Copies thereof, ſhall be allowed to be read in Evidence in all Suits, Actions, Informations, Appeals, and other Proceedings, touching any Thing done in purſuance or by virtue or colour of this Act, or touching any Penalty or Forfeiture hereby made recoverable, or any other Matter relating to the Execution hereof; and ſuch Books ſhall, at any of the Meetings of the ſaid Commiſſioners, and at all other ſeaſonable Times in the Day Time, be open and liable to the Inſpection of all and every the ſaid Commiſſioners, and of all and every Perſon and Perſons rated and aſſeſſed for the Purpoſes of this Act, and alſo of all and every the Creditors on the Rates and Duties hereby granted and made payable.

Books, &c. to be Evidence.

Books may be inſpected.

Commiſſioners may appoint Officers.

X. And be it further enacted, That the ſaid Commiſſioners, or any Five or more of them, ſhall and may at their Firſt or any ſubſequent Meeting, appoint One or more Treaſurer or Treaſurers, Clerk or Clerks, and One or more Aſſeſſor or Aſſeſſors, and Collector or Collectors of the Rates or Aſſeſſments herein-after mentioned, and alſo a Surveyor or Surveyors, Scavenger or Scavengers, and ſuch other Officers for the Execution of this Act, as the ſaid Commiſſioners, or any Five or more of them, ſhall think proper, and may from Time to Time remove him or them, and appoint others in the Room of ſuch of them as ſhall be ſo removed, or ſhall die, or ſhall otherwiſe relinquiſh or diſcontinue, or be incapable of performing their reſpective Offices; and out of the Monies to be raiſed by virtue of this Act, ſhall and may make and pay ſuch Salaries, Wages, and Allowances, to the ſaid Officers, and to all other Perſons by the ſaid Commiſſioners employed in the Execution of this Act, as they or any Five or more of them ſhall think reaſonable; and the ſaid Commiſſioners, or any Five or more of them, may, and they are hereby required to take ſuch Security from ſuch Officers for the due Execution of their reſpective Offices, as the ſaid Commiſſioners, or any Five or more of them, ſhall think proper; and all ſuch Officers and Perſons ſo to be appointed as aforeſaid

Officers to give Security, and account;

aforeſaid ſhall, under their Hands, (at ſuch Time and Times and in ſuch Manner as the ſaid Commiſſioners, or any Five or more of them, ſhall direct), deliver to the ſaid Commiſſioners, or any Five or more of them, or to ſuch Perſon or Perſons as they, or any Five or more of them, ſhall appoint, a true and perfect Account or Accounts in Writing of all Matters and Things committed to their Charge reſpectively by virtue of this Act, and alſo of all the Monies which ſhall have been by ſuch Officers and Perſons reſpectively received by virtue of or for the Purpoſes of this Act, and how much thereof hath been paid and diſburſed, and for what Purpoſes, and to whom, together with the proper Vouchers for ſuch Payments, and ſhall pay all ſuch Monies as ſhall remain in their reſpective Hands to the ſaid Commiſſioners, or any Five or more of them, or to ſuch Perſon or Perſons as they ſhall appoint to receive the ſame; and all the ſaid Officers and Perſons ſo accounting as aforeſaid, ſhall, upon Oath, if thereunto required by the ſaid Commiſſioners, or any Five or more of them, (which Oath the ſaid Commiſſioners, or any One or more of them, is or are hereby empowered and required to adminiſter), verify their ſaid Accounts; and if any of ſuch Officers or Perſons ſhall neglect or refuſe to deliver any ſuch Accounts as aforeſaid, or to verify the ſame upon Oath as aforeſaid, or to produce and deliver up the Vouchers relative to the ſame, or to make Payment as aforeſaid, or ſhall neglect or refuſe to deliver to the ſaid Commiſſioners, or any Five or more of them, or to ſuch Perſon or Perſons as they ſhall appoint, within Seven Days next after being thereunto required by the ſaid Commiſſioners, or any Five or more of them, by Notice in Writing given to or left at the laſt or uſual Place of Abode of any ſuch Officer or Perſon, all Books, Papers, and Writings, in his or their Cuſtody or Power, relating to the Execution of this Act, or give Satisfaction to the ſaid Commiſſioners reſpecting the ſame, then, and in any of the Caſes aforeſaid, the ſaid Commiſſioners, or any Five or more of them, may, and are hereby authorized and empowered, to bring or cauſe to be brought, any Action or Actions againſt the Officer or Officers, Perſon or Perſons, ſo neglecting or refuſing as aforeſaid, in order for the Recovery of the Monies that ſhall be in the Hands of ſuch Officer or Officers, Perſon or Perſons reſpectively, with Coſts of Suit; or if Complaint ſhall be made by the ſaid Commiſſioners, or any Five or more of them, or by ſuch Perſon or Perſons as they ſhall appoint for that Purpoſe, of any ſuch Neglect or Refuſal as aforeſaid, to any One or more of the Juſtices of the Peace of the Borough, County, or Place, wherein ſuch Officer or Officers, Perſon or Perſons, ſo neglecting or refuſing, ſhall be or reſide, ſuch Juſtice or Juſtices may, and is and are hereby authorized and required, by a Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to cauſe the Officer or Officers, Perſon or Perſons, ſo neglecting or refuſing, to be apprehended and brought before him or them, and upon his or their appearing, or in caſe the Conſtable or other Officer to whom ſuch Warrant or Warrants ſhall be directed, ſhall make Return on Oath, that he or they is or are not to be found, then, and in either ſuch Caſe, the ſaid Juſtice or Juſtices ſhall and may hear and determine the Matter in a ſummary Way; and if upon the Confeſſion of the Party or Parties, or by the Teſtimony of any credible Witneſs or Witneſſes upon Oath, it ſhall appear to ſuch Juſtice or Juſtices, that any of the Money which ſhall have been raiſed, received, or collected, under or by virtue of this Act, ſhall be in the Hands of ſuch Officer or Officers, Perſon or Perſons, ſuch Juſtice or Juſtices may, and is and are hereby authorized and required, upon

and pay what remains in Hand;

and to verify Accounts on Oath.

On Refuſal to render Accounts, &c.

Commiſſioners may ſue, or a Magiſtrate may give Relief.

Non-payment thereof before him or them, by a Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to cauſe ſuch Money and all Charges to be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Officer or Officers, Perſon or Perſons reſpectively, and paid to the ſaid Commiſſioners, or as they ſhall appoint; and if no Goods or Chattels of ſuch Officer or Officers, Perſon or Perſons, can be found ſufficient to anſwer and ſatisfy the ſaid Money, and the Charges of ſuch Diſtreſs and Sale, or if it ſhall, upon ſuch Hearing, appear by ſuch Confeſſion or Teſtimony as aforeſaid to ſuch Juſtice or Juſtices, that any ſuch Officer or Officers, Perſon or Perſons, hath or have neglected or refuſed to deliver any ſuch Account as aforeſaid, or to verify the ſame as aforeſaid, or to produce and deliver up the Vouchers relating thereto, or that any Books, Papers, or Writings, relating to the Execution of this Act, were in the Cuſtody or Power of any ſuch Officer or Officers, Perſon or Perſons, and he or they hath or have neglected or refuſed to deliver or give Satisfaction reſpecting the ſame as aforeſaid, then and in any of the Caſes aforeſaid, ſuch Juſtice or Juſtices ſhall commit every ſuch Offender or Offenders to the Common Gaol for the Borough, County, or Place, where ſuch Offender or Offenders ſhall be or reſide, there to remain, without Bail or Mainprize, until he or they ſhall make Payment to the ſaid Commiſſioners, or whom they ſhall appoint, of ſuch Money as aforeſaid, or ſhall compound with the ſaid Commiſſioners, or any Five or more of them, for the ſame, and ſhall have paid ſuch Compoſition in ſuch Manner as they ſhall appoint (which Compoſition the ſaid Commiſſioners, or any Five or more of them, are hereby empowered to make and receive), or until he or they ſhall deliver every ſuch Account as aforeſaid, or verify the ſame as aforeſaid, or produce and deliver up ſuch Vouchers as aforeſaid, or ſhall deliver or give Satisfaction reſpecting ſuch Books, Papers, and Writings reſpectively as aforeſaid, according as the Circumſtances of each reſpective Caſe ſhall require; but no Perſon who ſhall be committed on Account of his not having ſufficient Goods or Chattels, ſhall be detained in Priſon for any longer Term than Six Months.

For want of Diſtreſs, &c. Officers may be committed.

XI. And be it further enacted, That in caſe of the Death of any ſuch Officer or other Perſon to be appointed as aforeſaid, or of his becoming Bankrupt, the Executors or Adminiſtrators of ſuch reſpective Officer or other Perſon, or the Aſſignees of his Eſtate and Effects, or other Perſons poſſeſſing the ſame, ſhall deliver up to the ſaid Commiſſioners, or ſome Perſon appointed by them, all Books, Papers, Writings, and other Things, concerning the Office of ſuch Officer, or otherwiſe relating to the Execution of this Act, which ſhall come to the Hands or Poſſeſſion of ſuch Executors, Adminiſtrators, Aſſignees, or other Perſons as aforeſaid; and in caſe of Non-delivery of ſuch Books, Papers, Writings, and Things, for the Space of Seven Days after the ſame ſhall be demanded by the ſaid Commiſſioners, or any Five or more of them, or by ſome Perſon by them appointed ſo to do, it ſhall be lawful for the ſaid Commiſſioners, or any Five or more of them, to commence and proſecute any Action or Actions, Suit or Suits, in any of His Majeſty's Courts of Record at *Weſtminſter*, againſt ſuch Executors, Adminiſtrators, Aſſignees, or other Perſon or Perſons, poſſeſſing the Eſtate and Effects which did belong to ſuch deceaſed Perſon or Bankrupt, for the Recovery of full Damages in lieu of ſuch Books, Papers, Writings,

When Officers die or become Bankrupts, Executors, &c. to deliver up Books, &c.

ings, and Things, together with the Coſts of every ſuch Action or Suit.

Officer dying, &c. another to be appointed till a Meeting.

XII. Provided always, That as often as any Perſon holding any Office or Place under or by virtue of this Act, ſhall die, reſign his Office, or be incapable of performing his Duty, it ſhall be lawful for any Five or more of the ſaid Commiſſioners, though not aſſembled at any Meeting purſuant to this Act, by Writing under their Hands, to appoint another Officer in his Place, and the Perſon ſo appointed ſhall have the ſame Power to act in the Execution of this Act, as the Perſon in whoſe Place he ſhall be appointed was veſted with until the ſaid Commiſſioners, or any Five or more of them, ſhall, at a Meeting to be held in purſuance of this Act, appoint another Officer in the Room of him ſo dying, reſigning, or being incapable of performing his Duty as aforeſaid; any Thing herein contained to the contrary notwithſtanding.

Manner of Treaſurer's making Diſburſements and accounting.

XIII. And be it further enacted, That the Treaſurer or Treaſurers to the ſaid Commiſſioners ſhall and may, and he or they is and are hereby authorized and required, out of the Monies to be collected and received by him or them, under and by virtue of this Act, to pay all ſuch Sums of Money which the ſaid Commiſſioners, or any Five or more of them, ſhall from Time to Time order him or them to pay, and the ſaid Treaſurer or Treaſurers for the Time being ſhall, and he and they is and are hereby required, to make and keep regular and clear Entries and Accounts in a Book or Books to be for that Purpoſe by him or them provided and kept, of all and ſingular his or their Receipts and Payments on Account or in purſuance of this Act, and ſhall Once at leaſt in every Year have the ſaid Accounts audited, paſſed, and allowed, by the ſaid Commiſſioners, or any Five or more of them; and ſuch Accounts, when required by the ſaid Commiſſioners, or any Three or more of them, ſhall from Time to Time be produced and inſpected at any Meeting or Meetings to be held in purſuance of this Act.

His Accounts may be inſpected.

Power to raiſe Money by Rates on the Occupiers.

XIV. And, for raiſing Money to anſwer and defray the Charges and Expences of obtaining and paſſing this Act and carrying the ſame into Execution; be it further enacted, That as ſoon as conveniently may be, and for ever after the paſſing of this Act, the ſaid Commiſſioners, or any Five or more of them, ſhall and may yearly and every Year, and as often as there ſhall be Occaſion, under their Hands nominate and appoint, and they are hereby empowered to nominate and appoint, Two or more Inhabitants or Reſidents within the ſaid Town, to be Aſſeſſors of the Money by this Act directed to be raiſed, and the ſaid Commiſſioners, or any Five or more of them, ſhall and may, and they are hereby authorized and required Once in every Year, or oftener, as there may be Occaſion, to fix and aſcertain how much in the Pound ſhall be raiſed by a Rate or Aſſeſſment, and as ſoon as may be afterwards to iſſue their Precept under their Hands and Seals to the Aſſeſſors for the Time being for raiſing, and who ſhall accordingly, from Time to Time, raiſe the ſame by a Rate or Aſſeſſment upon and for all inhabited Houſes with their Appurtenances herein-after mentioned, ſituate and being within the ſaid Town, and every ſuch Rate or Aſſeſſment ſhall be charged upon, and paid and payable by the reſpective Occupiers for the Time being of ſuch Premiſes, in the Proportions and Manner, and ſhall not exceed the

the Annual Amount, herein-after mentioned; (that is to ſay), upon and for every Dwelling Houſe inhabited, together with the Offices, Courts, Yards, and Gardens, as herein-after expreſſed therewith occupied, which now are or hereafter ſhall be erected and made within the ſaid Town, and which are or for the Time being ſhall be worth the Yearly Rent of Five Pounds or upwards, and under the Yearly Rent of Ten Pounds, any Sum or Sums of Money not exceeding Sixpence in the Pound for each Year; and upon and for every Dwelling Houſe inhabited, together with the Offices, Courts, Yards, and Gardens, as herein-after expreſſed therewith occupied, which now are or hereafter ſhall be erected and made within the ſaid Town, and which are or for the Time being ſhall be worth the Yearly Rent of Ten Pounds or upwards, any Sum or Sums of Money not exceeding One Shilling in the Pound for each Year, to be eſtimated and aſcertained in Manner herein-after expreſſed.

What ſhall be rated with Houſes.

XV. And be it further enacted and declared, That every Coach houſe, Stable, Brewhouſe, Waſh-houſe, Laundry, Woodhouſe, Bake-houſe, Dairy, and other Office, and all Shops and Warehouſes which are attached to the Dwelling Houſe, or have any Communication therewith, and all Yards, Courts, and Curtilages and Gardens, not exceeding One Acre, belonging to and occupied with any Dwelling Houſe, chargeable to the Rates and Duties impoſed by virtue of this Act, ſhall be valued together with ſuch Dwelling Houſe, and be liable to and be charged and aſſeſſed with the ſaid Rates and Duties.

Exemptions.

XVI. Provided always, and be it further enacted, That no Warehouſe belonging to any Wharf, nor any Malthouſe, nor any Farm-yard, Barns, or other Outhouſes, uſed ſolely in Huſbandry, nor any Warehouſe, being a diſtinct and ſeparate Building, and not Part or Parcel of the Dwelling Houſe or Shop, but employed ſolely for the Purpoſe of lodging Goods, nor any Spinning-houſe or Workſhop, uſed in the Manufacture of Hemp or Flax, nor any Brewhouſe of any Common Brewer uſed by him in his Trade, nor any other Building uſed ſolely for the Purpoſe of carrying on any Manufacture, ſhall be charged with the Rates and Duties to be aſſeſſed by virtue of this Act; any Thing herein contained to the contrary notwithſtanding.

No Premiſes of leſs Valuation than 5*l. per Ann.* to be charged.

Poor Perſons not to be charged.

XVII. Provided alſo, and be it further enacted, That no Perſon ſhall be charged with any of the Rates and Duties hereby impoſed upon and for inhabited Houſes, unleſs the Houſe and Premiſes within the ſaid Town in his or her Occupation, ſhall be of the Annual Value of Five Pounds or upwards, and no Aſſeſſment or Charge of the Rates and Duties hereby impoſed ſhall be made or levied upon or in reſpect of any Dwelling Houſe, Cottage, or Tenement, whereof the Occupier or Occupiers by reaſon of his, her, or their Poverty only, is or are exempted from the actual Payment of the uſual Taxes and Aſſeſſments towards the Church and Poor.

Landlord or Firſt Leſſee to be charged for Houſes let in ſeparate Apartments.

XVIII. And be it further enacted and declared, That where any Houſe ſhall be divided into different Stories, Tenements, or Apartments, and ſhall be let to or inhabited by Two or more Perſons or Families, the ſame ſhall nevertheleſs be ſubject to the Rates and Duties

Duties granted by this Act, and the Landlord or First Leſſee of every ſuch Houſe ſhall be deemed and taken to be the Occupier thereof, and ſhall be charged with and liable to pay the ſaid Rates and Duties.

Houſes to be aſſeſſed according to the Poors Rate, &c.

XIX. And be it further enacted, That no Dwelling Houſe or other Premiſes chargeable by this Act as aforeſaid, ſhall be eſtimated or rated at any leſs Value yearly than that at which the ſame for the Time being ſhall be legally rated and aſſeſſed to the Poors Rates within the ſaid Borough, nor at any Thing leſs than the full Annual Value thereof reſpectively.

What Houſes ſhall be rated as within the ſaid Town.

XX. Provided always, and be it enacted, That no Houſes ſituated without the Precincts of the ſaid Borough ſhall be deemed to be within the ſaid Town, or chargeable with any of the Rates and Duties hereby impoſed; but all Houſes already erected or hereafter to be erected within the ſaid Borough, ſhall be deemed and taken to be a Part of and within the ſaid Town, for the Purpoſes of this Act.

Rates to be allowed and ſigned by the Commiſſioners,

but they may previouſly amend the ſame.

XXI. And be it further enacted, That every Rate and Aſſeſſment which ſhall be made in purſuance of this Act, ſhall, in order to authorize the Collection thereof, be allowed and ſigned by the ſaid Commiſſioners, or any Five or more of them; but previous to the ſigning and allowing thereof, they ſhall and hereby have Power and Authority to call for, amend, and alter, any ſuch Rate or Aſſeſſment, either by inſerting or cauſing to be inſerted the Name or Names of any Perſon or Perſons who ought to have been rated and aſſeſſed, and ſhall appear to have been omitted therein, (which Perſon or Perſons, whoſe Name or Names ſhall be ſo inſerted, the ſaid Aſſeſſors ſhall and are hereby required thereupon to rate and aſſeſs according to the Tenor, true Intent, and Meaning of this Act), or by taking out the Name or Names of any Perſon or Perſons whoſe Name or Names ſhall have been inſerted in any ſuch Rate or Aſſeſſment, and who ought not to be rated therein, or by altering, raiſing, or lowering, the ſeveral and reſpective Sum and Sums of Money which ſhall be charged, rated, or aſſeſſed, in any ſuch Rate or Aſſeſſment upon any Perſon or Perſons whomſoever, ſo as ſuch Rate or Aſſeſſment ſhall not exceed the reſpective Proportions and Sums by this Act authorized to be collected; and in order to the Amendment and Allowance of all ſuch Rates and Aſſeſſments, and the further Proceeding thereupon, the ſaid Aſſeſſors for the Time being ſhall reſpectively appear and bring with them at a Day, Hour, and Place, to be prefixed in their reſpective Precepts, Two Copies or Duplicates of every ſuch Rate or Aſſeſſment as they reſpectively ſhall make, fairly written and ſubſcribed by them, and ſhall deliver the ſame unto the ſaid Commiſſioners, and ſhall, upon reaſonable Notice from Time to Time to be to them given by the ſaid Commiſſioners, or any Three or more of them, or by their Clerk for the Time being, be attending upon them at any of their Meetings in purſuance of this Act, and at any Court or Courts of Quarter Seſſion for the ſaid Borough of *Abingdon*, or at any Adjournment thereof or otherwiſe, as there ſhall be Occaſion, then and there to explain, amend, or juſtify, their reſpective Charges and Aſſeſſments, and after any ſuch Rate or Aſſeſſment ſhall be ſo allowed and ſigned as aforeſaid, the ſaid Commiſſioners, or any Five or more of them, ſhall and may, and they are hereby authorized and

Aſſeſſors to deliver Duplicates of every Rate to the Commiſſioners.

Aſſeſſors to attend to juſtify the Rates.

Commiſſioners to authorize the Collection of Rates.

and required, to cauſe the ſame to be collected and received as ſoon as may be, of and from the Perſon or Perſons reſpectively on whom the ſame ſhall reſpectively be rated, charged, and aſſeſſed.

Collectors of Rates to be appointed.

XXII. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, or any Five or more of them, yearly and every Year, or oftener, (if there ſhall be Occaſion), by Writing under their Hands, to nominate and appoint ſuch Number of Perſons, Inhabitants and Reſidents within the ſaid Town, as they ſhall, from Time to Time, think fit to be Collectors of and for the ſaid Town, for the Purpoſes of collecting the reſpective Rates and Aſſeſſments by this Act directed to be raiſed as aforeſaid, taking ſuch Security for the faithful Execution of their Office as the ſaid Commiſſioners, or any Five or more of them, ſhall think fit, and the ſaid Commiſſioners, or any Five or more of them, ſhall and may, and they are hereby required, from Time to Time, as ſoon as may be after ſuch Rates or Aſſeſſments are made, brought in, and allowed, to iſſue their Order under their Hands to the ſaid Collectors for the Time being, and thereby to direct them jointly and ſeverally to collect and receive, and the ſaid Collectors are hereby required and commanded to collect and receive accordingly within Thirty Days from the Date thereof, or ſooner if it can be done, the reſpective Sums of Money expreſſed or contained in ſuch reſpective Aſſeſſments as aforeſaid, Duplicates of which Aſſeſſments, under the Hands of the ſaid Commiſſioners, or any Five or more of them, ſhall be delivered together with the ſaid Order to ſuch Collectors reſpectively, and as well ſuch Aſſeſſors as aforeſaid, as alſo the ſaid Collectors to whom any Order or Orders from the ſaid Commiſſioners ſhall, from Time to Time, be directed in purſuance of this Act, ſhall obey and execute the ſame in all Reſpects; and the ſaid Commiſſioners, or any Five or more of them, ſhall, out of the Monies to be raiſed by ſuch Rates and Aſſeſſments, pay or allow unto ſuch Perſons ſuch Salaries or Recompence yearly or otherwiſe, for their Trouble, as to the ſaid Commiſſioners, or any Five or more of them, ſhall ſeem meet and reaſonable, and ſhall or may revoke or alter ſuch Salaries or Recompence, and appoint or allow others in their Stead, as to them ſhall ſeem meet and proper; and the ſaid Commiſſioners, or any Seven or more of them, ſhall and may, from Time to Time as they ſhall ſee Occaſion, remove any Aſſeſſor or Aſſeſſors, Collector or Collectors, and appoint any other or others, being Inhabitants and Reſidents as aforeſaid, in his or their Place or Stead.

Collectors to receive the Rates within Thirty Days.

Aſſeſſors and Collectors may be removed.

Mode of recovering Rates.

XXIII. And be it further enacted, That in caſe any Perſon or Perſons ſo rated, charged, or aſſeſſed, as aforeſaid, ſhall refuſe or neglect to pay any ſuch Rates or Aſſeſſments to the Collector or Collectors for the Space of Seven Days after perſonal Demand thereof made, or after Demand in Writing left at the laſt Place of Abode of ſuch Perſon or Perſons ſo rated, charged, or aſſeſſed, it ſhall and may be lawful for any One or more Juſtice or Juſtices of the Peace for the ſaid Borough of *Abingdon*, (upon Oath of any ſuch Demand and Non-payment to be taken before ſuch Juſtice or Juſtices), by Warrant under his or their Hand and Seal, or Hands and Seals, which he or they is and are hereby empowered and required to grant, to authorize and direct the ſaid Collector or Collectors reſpectively, to levy, as ſoon as may be, ſuch Rates or Monies ſo refuſed or neglected to be paid and ſo in Arrear, together with the Coſts and

Charges attending the ſame, to be aſcertained by ſuch Juſtice or Juſtices, by Diſtreſs and Sale of the Goods and Chattels of every ſuch Perſon or Perſons ſo refuſing or neglecting to pay, and ſo in Arrear as aforeſaid, where ſuch Goods and Chattels can be found within the ſaid Borough, rendering the Overplus (if any be) to the Party or Parties ſo diſtrained upon, or leaving the ſame for his, her, or their Uſe, at the Place where ſuch Diſtreſs ſhall be made, or in the Hands of One of the Conſtables of the ſaid Borough; and all and every the ſaid Collectors ſhall, and he and they is and are hereby required to pay the Money he or they ſhall reſpectively collect and receive by virtue of this Act, within Seven Days after the Expiration of the Time in which the ſame is herein-before directed to be collected, to the Treaſurer or Treaſurers to the ſaid Commiſſioners, or to ſuch other Perſon or Perſons as they, or any Five or more of them, ſhall appoint to receive the ſame, to be applied for the Uſes and Purpoſes of this Act; and ſhall and are hereby reſpectively required, at the Time of their making every ſuch Payment of ſuch Money ſo collected, to deliver over to the Perſon or Perſons ſo empowered to receive the ſame, a true and exact Copy or Duplicate of the Aſſeſſment whereby they have collected the ſame, with an Account thereupon or thereunder written of all and every ſuch Sum and Sums of Money in ſuch Aſſeſſment rated, as remains or remain uncollected, (if any ſuch there ſhall happen to be), together with the Reaſons why the ſame hath or have not been collected and received, in order that it may appear whether the Non-payment thereof hath happened through the Inſolvency of any Party or Parties rated, or through the Default of ſuch Collector or Collectors; and in caſe any Perſon or Perſons ſo appointed Aſſeſſor or Aſſeſſors, Collector or Collectors, ſhall refuſe or neglect to take upon him or them reſpectively his or their Office or Offices, or duly to execute the ſame according to the true Intent and Meaning of this Act, each of them ſo offending ſhall forfeit and pay for every ſuch Offence the Sum of Five Pounds, and ſhall continue liable to be again appointed into either of the ſaid Offices the following or any future Year, if the ſaid Commiſſioners, or any Five or more of them, ſhall ſo think fit; and in caſe he or they ſhall again refuſe or neglect to take upon him or them reſpectively, the ſaid Office or Offices, or duly to execute the ſame, he or they ſo again refuſing or neglecting ſhall be again liable to the like Penalty, and ſo as often as he or they ſhall refuſe or neglect to take upon him or them the ſaid Offices reſpectively, or duly to execute the ſame.

Collectors to pay the Money to the Treaſurer,

and deliver a Copy of Aſſeſſment, with an Account of Arrears.

Penalty on Aſſeſſors or Collectors refuſing to act.

Rates to be apportioned between Occupiers on a Change of Poſſeſſion.

XXIV. And be it further enacted, That in all Caſes where any Perſon or Perſons ſhall remove from or quit any Houſe or Premiſes rated or aſſeſſed, or liable to be rated or aſſeſſed by virtue of this Act, every ſuch Perſon or Perſons ſo removing from or quitting the ſame, ſhall be liable to pay to ſuch Rate in Proportion to the Time that he, ſhe, or they, occupied the ſame reſpectively, in the ſame Manner, and recoverable by the ſame Means, as if ſuch Perſon or Perſons ſo removed had not removed or quitted the ſame; and in all Caſes where any Perſon or Perſons ſhall come into or occupy any Houſe or Premiſes rated or aſſeſſed, or liable to be rated or aſſeſſed as aforeſaid, out of or from which any other Perſon aſſeſſed ſhall be removed, or which at the Time of making any Rate, in purſuance of this Act, was empty or unoccupied, every Perſon or Perſons ſo coming into or occupying the ſame, ſhall be liable to pay to ſuch Rate in Proportion to the Time that ſuch Perſon or Perſons ſhall occupy the ſame

ſame reſpectively, in the ſame Manner, and recoverable by the ſame Means, as if ſuch Perſon or Perſons ſo coming into or occupying ſuch Houſe or Premiſes, had been originally rated and aſſeſſed in ſuch Rate; which ſaid Proportion, in caſe of Diſpute, ſhall be ſettled and aſcertained by the ſaid Commiſſioners, or any Five or more of them.

Perſons aggrieved by any Rate to apply to the Commiſſioners.

XXV. Provided always, and be it further enacted, That if any Perſon ſhall think himſelf or herſelf aggrieved by any Rate or Aſſeſſment which ſhall be made in purſuance of this Act, he or ſhe may apply to the ſaid Commiſſioners, or any Five or more of them, at their Firſt Meeting to be holden after the Expiration of Seven Days from the demanding of ſuch Rate or Aſſeſſment, and the ſaid Commiſſioners, or any Five or more of them, are hereby authorized and empowered, if they ſhall think any ſuch Perſon aggrieved, to give ſuch Relief in the Premiſes as to them ſhall ſeem reaſonable: Provided alſo, that no Commiſſioner, being a Juſtice of the Peace for the ſaid Borough, ſhall determine or aſſiſt in determining upon any ſuch Application.

No Commiſſioner, being a Juſtice, to determine upon ſuch Application.

Commiſſioners may borrow Money, and mortgage the Rates.

XXVI. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, or any Nine or more of them, and they are hereby empowered, from Time to Time, when they ſhall judge it neceſſary for the Purpoſe of carrying this Act into Execution, to borrow and take up, either at Intereſt or without, (as can be effected), any Sum or Sums of Money upon the Credit of the Rates or Aſſeſſments granted and made payable by virtue of this Act, (which Money ſhall be paid to the Treaſurer for the Time being for the Purpoſes of this Act), and by a Writing or Writings, ſigned, ſealed, and executed by them, or any Nine or more of them, to mortgage and aſſign over the ſaid Rates or Aſſeſſments reſpectively, or any Part or Parts thereof, to any Perſon or Perſons, or their Truſtees, who ſhall advance or lend ſuch Money thereon, as a Security or Securities for the ſeveral Sums ſo borrowed, together with Intereſt for the ſame, if Intereſt be required; and every ſuch Mortgage or Aſſignment ſhall be in the Words or to the Effect following, except that the Words reſpecting Intereſt ſhall be omitted, where no Intereſt is required by the Lender; *(videlicet)*,

Form of Mortgage of the Rates.

"BY virtue of an Act of Parliament, made in the Thirty-fourth 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 lent by *A. B.* to *C. D.* 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 *A. B.* his Executors, Adminiſtrators, and Aſſigns, ſuch Proportion of the Rates 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 ſaid Act, to be had and holden from this Day of until the ſaid Sum of with Intereſt, at the Rate of *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

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

Amount of Money to be borrowed, and which shall be charged on the Rates.

XXVII. Provided always, and be it further enacted, That the Monies to be borrowed at Interest, or without Interest as aforesaid, shall not exceed in the Whole the Sum of Two thousand Pounds, and all such Monies shall be and are hereby charged upon, and shall be paid and payable, from Time to Time, out of any Money arising by the Rates or Assessments by this Act granted and made payable; and that all and every the Lenders, duly paying the Monies to be lent, at or without Interest, (as the Case shall happen), or such Person or Persons as they shall appoint, or their respective Executors, Administrators, or Assigns, shall be entitled to have and receive the principal Monies so to be lent, and the Interest thereof, (where Interest is made, or shall become payable), out of the said Rates or Assessments by this Act granted; and all and every such Lenders, their Executors, Administrators, and Assigns respectively, shall have good, sure, absolute, and indefeasible Estates and Interests in the Monies so by them respectively to be lent; and the Interest of the Monies lent (where such Interest is made or shall become payable) according to the Tenor and true Meaning of this Act.

Securities and Money at Interest may be transferred.

XXVIII. And be it further enacted, That it shall be lawful for the Lenders of any such Monies, at or without Interest as aforesaid, from Time to Time, to transfer such Monies so to be lent, and the Interest thereof, where such Interest shall be payable, or any Part thereof, and their Right, Title, and Interest therein respectively, and the respective Securities for the same, to any Person or Persons whomsoever, and such Transfer shall entitle such respective Assignees, their Executors, Administrators, or Assigns, to the Benefit of such respective Securities, and such respective Assignees may, in like Manner, transfer the same again, and so from Time to Time as Occasion may require; and the Person or Persons receiving any such Transfer, shall produce the same to the Treasurer for the Time being of the said Commissioners, within Ten Days next after such Transfer shall, from Time to Time, be made; and the said Treasurer shall enter into a Book, to be kept by him for that Purpose, the Date of every such Transfer, the Names of the respective Parties thereto, and the principal Sum thereby transferred, and such Transfer shall be in the Words or to the Effect following; (that is to say),

Transfers to be entered with the Treasurer.

Form of Transfer.

'I *E. F.* being entitled to the Sum of
'secured to Executors, Administrators,
'and Assigns, by virtue of a Mortgage or Assignment, bearing Date
'the Day of under the
'Hands and Seals of of
'the Commissioners, for carrying into Execution an Act of Parliament,
'made in the Thirty-fourth 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 granted by the said Act, do hereby transfer all Benefit
'and Advantage of the said Mortgage or Assignment, and all my Right
'and Title in and to the same; and all Money due and to become due
'thereon, unto *G. H.* his Executors, Administrators, and Assigns, as
'witness my Hand, this Day of

And it ſhall not be in the Power of the Perſon or Perſons who ſhall have made ſuch Transfers reſpectively, to make void, releaſe, or diſcharge, the original Security, or any Monies thereby due, or any Part thereof.

Original Securities to be entered in a Book.

Books may be inſpected.

XXIX. And be it further enacted, That all original Securities for Monies borrowed by virtue of this Act, ſhall be entered at Length by the Clerk to the ſaid Commiſſioners, for the Time being, in a Book or Books to be provided for that Purpoſe, to which Book or Books, as well as to the Book or Books to be kept for the Entry reſpecting the Transfers of ſuch Securities by the ſaid Treaſurer for the Time being, any of the ſaid Commiſſioners, or the reſpective Perſons intereſted in ſuch Securities, ſhall at all ſeaſonable Times in the Day Time have Acceſs, and ſhall have free Liberty to inſpect any ſuch Book or Books, without Fee or Reward.

Free Loan to have Priority in Payment.

XXX. And be it further enacted, That the ſeveral Perſons who ſhall advance or lend any Money freely and without Payment of any Intereſt for the ſame, upon the Security of the Rates aforeſaid, ſhall have a Preference and Priority in Payment thereof, in Manner herein-after mentioned, before any Perſon or Perſons who ſhall lend Money at Intereſt upon Security of the ſaid Rates, and the Monies ſo lent without Intereſt ſhall be claſſed in Shares of Ten Pounds each, and a Numerical Liſt ſhall be made thereof, with the reſpective Names of the Perſons entitled thereto, and Two of the ſaid Shares ſhall be paid off annually until the Whole thereof ſhall be diſcharged, and in Order to avoid any Partiality in the Payment thereof, the Numbers and Names of Proprietors of the ſeveral Shares, from Time to Time remaining unpaid, ſhall yearly within One Month next after *Eaſter*, be written upon Tickets by the Clerk for the Time being to the ſaid Commiſſioners, and ſhall be by him delivered to the ſaid Commiſſioners at ſome publick Meeting to be held for that Purpoſe, from Time to Time, within the ſaid Month after *Eaſter*, (Notice of the Time, Place, and Occaſion, of which Meeting ſhall always be given by the Common Crier of the ſaid Borough Four Days before every ſuch Meeting), and the ſaid Commiſſioners at ſuch Meeting ſhall, from Time to Time, put the ſaid Tickets into a Box, and draw the ſame out ſingly by Lot until the Whole thereof be drawn, and the Two laſt drawn Tickets ſhall entitle the reſpective Perſons named therein to be paid that Year in Preference to the others, out of the Monies to be raiſed by Means of the Rates and Aſſeſſments aforeſaid; provided that the Payment of ſuch Shares as aforeſaid ſhall in no wiſe prejudice, hinder, or delay, the Payment of the Intereſt of the ſeveral Sums borrowed at Intereſt upon the Security of the ſaid Rates, but ſhall always be poſtponed thereto.

Free Loan to carry Intereſt if not paid in Ten Years.

XXXI. And be it further enacted, That in caſe the ſeveral Sums to be lent upon the Security of the ſaid Rates freely and without Intereſt, ſhall not be all paid off and diſcharged before the Expiration of Ten Years next after the paſſing of this Act, then ſuch and ſo much of the ſaid laſt-mentioned Sums as ſhall remain unpaid at that Time, ſhall from thenceforth carry Intereſt at the Rate of Four Pounds *per Centum per Annum*, to be paid Half-yearly out of the ſaid Rates, until the ſame Sums ſhall be reſpectively paid off and diſcharged in Manner herein-before mentioned.

No Priority in Payment of Money lent at Interest.

XXXII. And be it further enacted, That all Persons to whom any Securities shall be given for Monies lent at Interest, under or by virtue of this Act, shall be Creditors on the said Rates or Assessments in Proportion to the Sum or Sums so lent at Interest in equal Degree One with another, and shall have no Preference in respect to the prior Advancement of any such Money lent at Interest, or prior Date of any such Security.

Lamps, Pavements, &c. vested in Commissioners.

XXXIII. And be it further enacted, That, from and immediately after the passing of this Act, the Property of all the Lamps, Lamp Irons, Lamp Posts, and other Conveniencies and Things, which shall be erected, fixed, or provided, by virtue of this Act, and of all the present and future Pavements and Pitching of the Footways in the Streets, Lanes, Publick Passages, and Places, within the said Town, and of all Posts, Pales, and Rails, hereafter to be erected or set up in any of the said Streets, Lanes, Passages, and Places, and of all Materials, Implements, and other Things which shall be purchased, provided, or made use of, for the Purposes of this Act, and of all the Soil, Dung, Manure, Ashes, or Dirt, which shall arise or be made, or found in any of the said Streets, Lanes, Passages, or Places, and of all Ashes, Cinders, Dirt, and Rubbish, to be taken and carried away from any of the Houses in the said Streets, Lanes, Passages, or Places, by any Scavenger or Scavengers, or other Person or Persons to be appointed by virtue hereof, shall belong to, and the same are hereby vested in, the said Commissioners, and they, or any Five or more of them, are hereby authorized and empowered to bring, or cause to be brought, any Action or Actions, or to prefer, order, or direct the preferring of any Bill or Bills of Indictment, as the Case shall require, against any Person or Persons whomsoever, who shall break, detain, spoil, injure, destroy, embezzle, steal, or carry away, the same, or any Part or Parts thereof, or disturb them in the Possession thereof;

Power to sell old Pavement, &c.

and the said Commissioners, or any Five or more of them, shall have full Power and Authority, from Time to Time, to sell and dispose of all or any Part of the old Pavement or other Materials aforesaid, and such Soil, Dung, Manure, Ashes, Cinders, Dirt, and Rubbish, as aforesaid, to such Person or Persons as shall be willing to purchase the same, and the Money arising therefrom shall be applied to the Purposes of this Act.

Power to take up Foot Pavements, and to pave Footways, &c.

XXXIV. And be it further enacted, That, from and immediately after the passing of this Act, it shall be lawful for the said Commissioners, or any Five or more of them, from Time to Time, and at all Times, when and as often as they shall think proper, to cause, order, and direct, all or any of the present or future Foot Pavements in the respective Streets, Lanes, Passages, and Places, in the said Town, to be taken up, and the several Footways there to be paved, pitched, repaired, raised, lowered, widened, narrowed, or altered, in such Manner as they shall think proper; and any of the said Footways where the said Commissioners shall think fit to be paved with Flag Stones or smooth Pavement, and where necessary with a Kirb Stone, and to make such Pavement of such Width or Widths as to the said Commissioners, or any Five or more of them, shall seem necessary or proper; and also to cause, order, and direct, the said several Streets, Lanes, Passages, and Places, within the said Town, to be cleansed and lighted, and all Annoyances, Obstructions, Nuisances, and Incroachments therein to be removed, and proper Drains,

Sinks,

Sinks, Gutters, or Watercourſes, to be made for conveying the Water off and from the ſaid Pavements and Footways, in ſuch Manner as the ſaid Commiſſioners, or any Five of more of them, ſhall think proper, and the Perſons appointed by them for that Purpoſe ſhall and have hereby full Power and Authority to do the ſame.

Commiſſioners or Surveyor empowered to get Materials.

XXXV. And be it further enacted, That the ſaid Commiſſioners, or their Surveyor, or ſuch other Perſon or Perſons as they, or any Five or more of them, or as ſuch Surveyor ſhall employ and appoint, having an Order in Writing under the Hands of the ſaid Commiſſioners, or any Five or more of them, for that Purpoſe, may and is, and are hereby authorized and empowered, to ſearch for, dig, cut, gather, take, and carry away, any Stone, Gravel, Sand, and other Materials, fit and proper for the raiſing, repairing, paving, covering the Pavement, and pitching of the Footways of the ſaid Streets, Lanes, Paſſages, and Places, or which they ſhall judge otherwiſe neceſſary or proper to be uſed in or about the ſame, out of or from and over the Lands and Grounds of any Perſon or Perſons, ſituate, lying, and being, in the Pariſhes of *Saint Helen* and *Saint Nicholas*, or either of them, within or without the Borough of *Abingdon* aforeſaid, and in the ſaid County of *Berks*, (not being a Yard, Garden, Orchard, Park, Paddock, incloſed Paſture Ground, Avenue to a Houſe, or Nurſery for Trees), where the ſame may or are likely to be found and had, and ſuch Surveyor or other Perſon or Perſons ſhall, without Delay, fill up the Pits and level the Ground, or ſlope down the Banks where ſuch Materials ſhall be taken, or rail or fence off ſuch Pits, ſo that the ſame may not remain in a dangerous State; and the ſaid Surveyor, or other Perſon or Perſons aforeſaid, ſhall alſo pay or tender to the reſpective Owners and Occupiers of ſuch Lands and Grounds a ſufficient Compenſation for the Damage or Injury to be done or occaſioned to them by the digging, taking, and carrying away, of ſuch Materials as aforeſaid; and in caſe any Difference ſhall ariſe between the ſaid Commiſſioners or the ſaid Surveyor or Surveyors, or other Perſon or Perſons appointed as aforeſaid, and the ſaid Owners or Occupiers, touching the Sufficiency of any ſuch Compenſation, or the Amount or Extent of any ſuch Damage or Injury, the Parties in Difference ſhall repair to Two Juſtices of the Peace for the ſaid County of *Berks*, reſiding near to the ſaid Town, who ſhall, in a ſummary Way, hear, ſettle, and determine, the Mattter in Diſpute between them, and the Judgement or Order of the ſaid Juſtices therein ſhall be final and concluſive to all Parties.

Commiſſioners may carry out or bring in Materials, and employ Workmen, &c.

XXXVI. And be it further enacted, That the ſaid Commiſſioners, or any Five or more of them, ſhall have full Power and Authority to cauſe to be dug, carted, and carried out of, or brought into the ſaid Streets, Lanes, Paſſages, and Places, or any of them, ſuch Gravel, Stones, and other Materials, and to employ ſuch Artificers, Workmen, Labourers, Carters, and others, and to do all and every ſuch other Acts and Things as the ſaid Commiſſioners, or any Five or more of them, ſhall judge neceſſary or proper for accompliſhing the Ends and Deſigns of this Act.

Penalty for obſtructing the Surveyor or Workmen.

XXXVII. And be it further enacted, That if any Perſon or Perſons ſhall at any Time obſtruct, hinder, or moleſt, any Surveyor or other Officer, Workman, or other Perſon whatſoever, employed by virtue of this

Act, in the Performance or Execution of his Duty, every Perſon ſo offending ſhall, for every ſuch Offence, forfeit the Sum of Ten Shillings.

Form of the Pavement not to be altered without Conſent.

XXXVIII. And be it further enacted, That no Perſon ſhall, at any Time after the paſſing of this Act, make, or cauſe to be made, any Alteration in the Form of the Pavement, or pitching of any Footway, in any Street, Lane, publick Paſſage, or Place, within the ſaid Town, without the Conſent and Approbation of the ſaid Commiſſioners, or any Five or more of them, under their Hands, firſt had and obtained, at a Meeting, upon Pain of forfeiting for every ſuch Offence the Sum of Twenty Shillings.

On Complaint of Occupiers Pavement to be repaired.

XXXIX. And be it further enacted, That if any Tenant or Occupier of any Meſſuage or Dwelling-houſe within the ſaid Town, ſhall make Complaint in Writing under his Hand, to the ſaid Commiſſioners, or any of them, or their Clerk or Surveyor, of any Defect or Want of Reparation in any of the Pavement or Pitching which ſhall have been made, laid, or repaired, by virtue of this Act, then, and in every ſuch Caſe, the ſaid Commiſſioners, or any Five or more of them, ſhall forthwith cauſe the Pavement or Pitching ſo complained of to be inſpected, and if the ſame ſhall be found defective, or in Want of Repair, and ſhall be ſo reported to them, then they ſhall forthwith cauſe the ſame to be repaired by their Paviour, or the Perſon contracting with them for repairing the Pavement or Pitching complained of; and if the Paviour or Contractor to whom ſuch Order ſhall be given, ſhall not, within Fourteen Days next after the Receipt thereof, repair the ſaid defective Pavement or Pitching, he ſhall pay to the Perſon or Perſons ſo complaining as aforeſaid, the Sum of Five Shillings a Day, as Damages for every Day that the ſaid defective Pavement or Pitching ſhall remain unrepaired after the Expiration of the ſaid Fourteen Days.

Commiſſioners may make Contracts for paving, &c.

XL. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, or any Five or more of them, and they are hereby authorized and empowered, from Time to Time, at any of their ſaid Meetings, to contract and agree with any Perſon or Perſons for the paving, re-laying, raiſing, lowering, amending, altering, or keeping in Repair, of any of the ſaid Footways, or for cleanſing or lighting any of the ſaid Streets, Lanes, Paſſages, and Places, within the ſaid Town; which Contract or Contracts ſo entered into ſhall be reduced into Writing, and ſigned by the ſaid Commiſſioners, or any Five or more of them, and by the Perſon or Perſons contracting with them, and ſhall ſpecify the Works and Buſineſs to be done, and the Prices to be paid for the ſame, and the Time or Times when ſuch Works and Buſineſs ſhall be performed, completed, or done, and the Penalties to be ſuffered in caſe of Non-performance thereof; but previous to the making of any ſuch Contract, Ten Days Notice at the leaſt ſhall be given in ſome One or more of the publick Newſpapers, circulated in or near the ſaid Town, expreſſing the Intention of ſuch Contract, in order that any Perſon or Perſons, willing to undertake the ſame, may make Propoſals for that Purpoſe, to be offered and preſented to the ſaid Commiſſioners, at a certain Time and Place in ſuch Notice to be mentioned.

Surveyor to inſpect the Works.

XLI. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, or any Five or more of them, and they are hereby directed, to cauſe all and every the Works and Buſineſs to be done in purſuance of ſuch Contract or 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, or ſhall not be finiſhed, completed, or done, at or within ſuch Time or Times, or from Time to Time, as the ſame are or is ſpecified or agreed to be by the ſaid Contract or Contracts, the ſaid Commiſſioners, or any Five or more of them, ſhall and may bring, or cauſe to be brought, an Action or Actions, in any of His Majeſty's Courts of Law at *Weſtminſter*, in the Name of their Treaſurer, Surveyor, or Clerk, for the Time being, againſt any Perſon or Perſons ſo contracting, and breaking, or neglecting to perform, ſuch Contract or Contracts, for any Penalty or Penalties, Damage or Damages, which ſhall be contained in ſuch Contract or Contracts, or ſuffered or ſuſtained on Account of the Non-performance or Breach thereof; and upon proving the ſigning of the ſaid Contract or Contracts, and Non-performance or Breach thereof, the Plaintiff or Plaintiffs in ſuch Action or Actions ſhall be entitled to, and ſhall recover ſuch Penalty or Penalties, Damage or Damages, with Coſts of Suit; and ſuch Penalty or Penalties, Damage or Damages, when recovered, ſhall be applied to the Purpoſes of this Act.

Contractor may be ſued.

Obligations by Cuſtom or Preſcription to repair Footways, abolished.

XLII. And be it further enacted, That all Obligations by Cuſtom or Preſcription, upon the particular Inhabitants of Houſes and other Premiſes within the ſaid Town, to repair and amend the common publick Footways before their reſpective Houſes and Premiſes in the ſame Town, when and as often as the ſame ſhall be neceſſary, ſhall, from and after the paſſing of this Act, ceaſe and be void.

Lamp Irons to be fixed, &c.

XLIII. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, or any Five or more of them, to order and cauſe Lamp Irons to be put or affixed into, upon, or againſt, the Walls, Sides, or Palliſadoes of any of the Houſes, Tenements, or Buildings, within the ſaid Town, or in ſuch other Manner and Place as they ſhall think proper and convenient; and if any Perſon or Perſons ſhall wilfully take away, break, throw down, or damage, any Lamp that ſhall be ſet up by virtue of this Act, or any Poſt, Iron, or other Furniture thereof, or extinguiſh the Light or Lights within any ſuch Lamp, it ſhall be lawful for any Perſon or Perſons whomſoever, who ſhall ſee ſuch Offence committed, to apprehend, and alſo for any other Perſon or Perſons to aſſiſt in apprehending, the Offender or Offenders, by virtue of this Act, and without any other Warrant to convey and deliver him, her, or them, into the Cuſtody of a Peace Officer, in order to be ſecured and conveyed before ſome Juſtice of the Peace for the ſaid Borough of *Abingdon*, or in caſe ſuch Offender or Offenders ſhall not be ſo apprehended, then it ſhall be lawful for any ſuch Juſtice, upon Information to him exhibited touching any ſuch Offence, to iſſue his Warrant for the Apprehenſion of ſuch Offender or Offenders, and when any ſuch Offender or Offenders ſhall, by either of the Means aforeſaid, be brought before ſuch Juſtice, he ſhall hear and determine the Matter of Offence, and in order thereto, ſhall examine upon Oath any Witneſs or Witneſſes who ſhall appear or be produced to give Evidence touching the

ſame; and if the Party or Parties accuſed ſhall be convicted of any ſuch Offence, either by his, her, or their own Confeſſion, or upon ſuch Evidence as aforeſaid, he, ſhe, or they ſo convicted, ſhall forfeit and pay any Sum not exceeding Forty Shillings, nor leſs than Twenty Shillings, for each Lamp, Lamp Poſt, Iron, or other Furniture, ſo taken away, broken, thrown down, or damaged, and for every Light ſo extinguiſhed as aforeſaid, and ſhall alſo make full Satisfaction to the ſaid Commiſſioners, or to ſuch Perſon or Perſons as they ſhall appoint to receive the ſame, for the Damage ſo by him, her, or them, done as aforeſaid; and in caſe ſuch Offender or Offenders ſhall not, on Conviction, pay ſuch Forfeiture, and make ſuch Satisfaction as aforeſaid, ſuch Juſtice is hereby required to commit him, her, or them, to the Houſe of Correction or Common Gaol for the ſaid Borough, there to be kept to hard Labour for any Time not exceeding One Month, nor leſs than One Week, and ſuch Offender or Offenders ſhall not be diſcharged before the Expiration of the Time for which he, ſhe, or they, ſhall be ſo committed, unleſs ſuch Forfeiture and Satisfaction ſhall be ſooner paid and given; and if any Perſon or Perſons ſhall careleſsly or accidentally break, throw down, or damage, any of the ſaid Lamps, or any of the Poſts, Irons, or other Furniture thereof, and ſhall not immediately, upon Demand, make Satisfaction to the ſaid Commiſſioners, or to their Surveyor, for the Damages done thereto, then, and in any ſuch Caſe, it ſhall be lawful for any One Juſtice of the Peace for the ſaid Borough of *Abingdon*, upon Complaint to him made by any Three or more of the ſaid Commiſſioners, or their Surveyor, to ſummon the Party or Parties complained of, and upon hearing the Parties on both Sides, or Non-appearance of the Party or Parties ſo complained of, to examine the Matter of ſuch Complaint, and award or order ſuch Sum or Sums of Money, by way of Satisfaction to the ſaid Commiſſioners for ſuch Damages, together with the Coſts and Charges attending ſuch Complaint, as ſuch Juſtice ſhall think reaſonable; and in caſe of Neglect or Refuſal to pay ſuch Damages, Coſts, and Charges, upon Notice of ſuch Award or Order, then to cauſe the ſame to be levied in Manner herein-after mentioned.

Footpaths to be daily ſwept by Inhabitants.

XLIV. And be it further enacted, That all and every Perſon or Perſons inhabiting within the ſaid Town, ſhall, from and after the Firſt Day of *June* One thouſand ſeven hundred and ninety-four, ſweep and cleanſe, or cauſe to be ſwept and cleanſed, the Footpaths or Ways in the whole Length of the Front of their reſpective Houſes, Buildings, and Walls, every Day throughout the Year, (*Sundays* and *Chriſtmas-day* excepted), before the Hour of Ten in the Forenoon, and collect and put together the Dirt and Soil ariſing from ſuch ſweeping and cleanſing, without obſtructing the Way or Road in the ſaid Streets, Lanes, Paſſages, and Places, that the ſame may be ready for loading and taking away by the Scavenger, or Perſon or Perſons contracted with for cleanſing the ſaid Streets, Lanes, Paſſages, and Places, upon Pain of forfeiting and paying the Sum of Two Shillings and Sixpence for every Neglect therein.

Scavenger's Duty.

XLV. And be it further enacted, That the Scavenger, or Perſon or Perſons contracting for cleanſing the ſaid Streets, Lanes, Paſſages, and Places, ſhall Once in every Week, or oftener, if the ſaid Commiſſioners, or any Five or more of them, ſhall ſo direct, and on ſuch Days as they ſhall appoint, bring or cauſe to be brought, ſome proper Cart or other Carriage,

Carriage, into all the ſaid Streets, Lanes, Paſſages, and Places, where ſuch Carts or Carriages can paſs, and ſhall at or before his or their Approach, by Sound of Bell or otherwiſe, give Notice to the Inhabitants of his or their coming, and give the like Notice in every Place in which ſuch Cart or Carriage cannot paſs, and ſhall abide and ſtay a convenient Time in or near the ſaid Places reſpectively, to the Intent that all Perſons concerned may bring forth their Dirt, Duſt, Aſhes, and Filth, (except any Filth from any Privy or Neceſſary Houſe), to the Doors of their reſpective Houſes and Premiſes, from whence the ſaid Scavenger, or Perſon or Perſons ſo contracting, or his or their Servants or Agents, ſhall take and put the ſame into ſuch Cart or Carriage, and ſhall alſo ſweep, cleanſe, and carry away, or cauſe to be ſwept, cleanſed, and carried away, the Dirt and Soil ariſing in or upon the ſaid Streets, Lanes, Paſſages, and Places, upon Pain of forfeiting Ten Shillings for every Offence or Neglect therein; and every Perſon or Perſons, acting as Scavenger or Scavengers for the Time being, ſhall cauſe the Words *Scavengers Cart*, to be painted in large Roman Letters in the Front or other conſpicuous Part of every ſuch Cart or Carriage.

No Perſon to carry away, Aſhes, &c. but the Scavenger or Contractor.

XLVI. And be it further enacted, That no Perſon or Perſons ſhall take or carry away, or cauſe to be taken or carried away, any Aſhes, Duſt, Dirt, Muck, or Manure, out of the ſaid Streets, Lanes, Paſſages, or other publick Places, other than the Scavenger or other Perſon or Perſons contracting, or to be appointed for ſuch Purpoſe by the ſaid Commiſſioners, upon Pain of forfeiting the Sum of Ten Shillings for every ſuch Offence.

Reſerving a Right to the Inhabitants to diſpoſe of their Aſhes, &c.

XLVII. Provided always, and be it further enacted, That nothing herein contained ſhall extend, or be conſtrued to extend, to prevent any of the Inhabitants of the ſaid Town from preſerving and keeping any Aſhes, Duſt, Dirt, Filth, Soil, Dung, or Rubbiſh, within their own reſpective Houſes, Yards, Gardens, or Premiſes, and diſpoſing of the ſame for their own Uſe, ſo as ſuch Aſhes, Duſt, Dirt, Filth, Soil, Dung, or Rubbiſh, be not laid down or placed in any or either of the ſaid Streets, Lanes, or publick Paſſages or Places, for any longer Time than ſhall be neceſſary for the loading and carrying away the ſame, or ſuffered to annoy any of the Inhabitants of the ſaid Town; but in caſe the Perſon or Perſons ſo reſerving ſuch Aſhes, Duſt, Dirt, Filth, Soil, Dung, or Rubbiſh, ſhall thereby annoy any of the ſaid Inhabitants, and ſhall not remove the ſame within the Space of Two Days after Notice in Writing under the Hands of the ſaid Commiſſioners, or any Five or more of them, or of their Clerk, given to him, her, or them, or left at his, her, or their Dwelling Houſe, to remove the ſame, ſuch Perſon or Perſons ſhall forfeit and pay the Sum of Two Shillings and Sixpence a Day for every Day ſuch Annoyance ſhall be permitted to remain, next after ſuch Notice given or left as aforeſaid.

Penalty not to extend to Rubbiſh occaſioned by building, &c.

XLVIII. Provided alſo, and be it further enacted, That no Perſon ſhall be ſubject to any Penalty, by virtue of this Act, on Account of any Rubbiſh or Dirt in any Street, Lane, Paſſage, or Place, before the Houſe or Tenement of ſuch Perſon, occaſioned by the building or pulling down or repairing any ſuch Houſe or Tenement, ſo as there be convenient Room left for Carriages to paſs and repaſs, and a ſufficient Way

Way kept clean for Foot Paſſengers, by the Perſon or Perſons laying or occaſioning ſuch Rubbiſh or Dirt to be laid, and ſo as the Owner or Occupier of ſuch Houſe or Tenement, before which ſuch Rubbiſh or Dirt ſhall be, ſhall cauſe the ſame to be removed out of the ſaid Street, Lane, Paſſage, or Place, at his or her own Coſts and Charges, within a reaſonable Time after ſuch Houſe or Tenement, building, pulling down, or repairing, ſhall be completed, or upon Notice to be given to him or her, or left at ſuch Houſe or Tenement for that Purpoſe in Writing, ſigned by the ſaid Commiſſioners, or any Five or more of them, although not aſſembled at a Meeting, or by their Clerk, and ſo as that whilſt the ſame ſhall be laying in the ſaid Street, Lane, Paſſage, or Place, ſuch Owner or Occupier ſhall ſet up and maintain a ſufficient Light upon or againſt the ſame during the Night Time, to prevent any Miſchief happening to Paſſengers, Carriages, or Cattle.

Scavenger or other Perſon may lodge Dirt, &c. in the Streets by Conſent of Commiſſioners.

XLIX. Provided alſo, and be it further enacted, That the Scavenger or Perſon or Perſons appointed or contracting to cleanſe the ſaid Streets, Lanes, publick Paſſages and Places, or any Part or Parts thereof, or any other Perſon, ſhall have Liberty, by the Approbation and Order of any Five or more of the ſaid Commiſſioners, to lodge any Dirt, Duſt, Aſhes, or other Filth, in ſuch vacant or publick Places in or near the ſaid Streets, Lanes, Paſſages, and other Places, as ſhall be thought proper and convenient by the ſaid Commiſſioners, or any Five or more of them, the ſaid Commiſſioners Scavenger, or Perſon or Perſons ſo appointed or contracting, giving ſuch Satisfaction to the reſpective Owners of ſuch vacant Places, as the ſaid Commiſſioners, or any Five or more of them, ſhall agree for with the ſaid Owners, and all ſuch Dirt, Duſt, Aſhes, and Filth, when ſo lodged, ſhall be at the Diſpoſal of the ſaid Scavenger, or Perſon or Perſons ſo appointed or contracting, and of no other Perſon, unleſs by the Order of the ſaid Commiſſioners.

Commiſſioners may compound for ſweeping before Houſes.

L. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, or any Five or more of them, from Time to Time as they ſhall think proper, to compound with any of the Inhabitants of any Street, Lane, publick Paſſage or Place, within the ſaid Town, by the Year, for ſuch Sum or Sums of Money as they ſhall think proper, for the ſweeping or cleanſing to be done by ſuch Inhabitants reſpectively, before their reſpective Houſes or Tenements, by virtue of this Act.

Penalty for Annoyances, by driving Waggons, &c.

LI. And be it further enacted, That if any Perſon or Perſons ſhall drive, draw, turn, run, carry, or place on any of the Footways in any of the ſaid Streets, Lanes, Paſſages, or Places, any Waggon, Cart, Sledge, Wheelbarrow, Handbarrow, Truck, or Carriage, or ſhall drag any Timber or Log of Wood upon any of the ſaid Footways, either lengthwiſe or in croſſing the ſame, or ſhall roll any Caſk thereon for the Space of Five Yards, or ſhall wilfully ride, drive, lead, or turn any Horſe or other Cattle on any of the ſaid Footways, (except for the ſtanding, lying, or penning of ſuch Horſe or other Cattle for Sale, at any Market or Fair in the ſaid Town), or ſhall kill, ſlaughter, ſinge, ſcald, dreſs, or cut up, any Beaſt, Swine, Calf, Sheep, Lamb, or other Cattle, in any open or publick Street or Lane, or other publick Paſſage or Place within the ſaid Town, or ſhall throw at, or ſet up any Cock or Fowl to be thrown at in the Manner called *Cock-throwing*, within any

Part of the ſaid Town, or if any Perſon ſhall hoop, cleanſe, waſh, or ſcald any Caſk, or hew or ſaw, or cauſe to be hewn or ſawed, any Stone, Wood, or Timber, or bind, make, or repair, the Wheel of any Carriage, or ſhoe, bleed, dreſs, or farry, any Horſe, in any of the ſaid Streets, Lanes, Paſſages, or Places, or ſhall ſet, place, or expoſe to Sale, or cauſe, permit, or ſuffer to be ſet, placed, or expoſed to Sale, any Goods, Wares, or Merchandize, on any of the ſaid Footways, or ſhall hang up or expoſe to Sale any Goods, Wares, or Merchandize, or other Matter or Thing, upon any Flap, Window, or otherwiſe, ſo as to obſtruct or incommode the Paſſage of any Footway, or ſhall make or aſſiſt in the making any Fire commonly called *a Bonfire*, or ſhall ſet fire to, let off, or throw, any Squib, Serpent, Rocket, Cracker, or other Firework whatſoever, within the ſaid Town, every Perſon offending in any of the Caſes aforeſaid, ſhall, for every ſuch Offence, forfeit and pay the Sum of Five Shillings over and above ſuch Penalties as are inflicted on any of the ſaid Offences, by any other Law or Statute now in Force.

Penalty for Annoyances by leaving Carriages in the Streets, &c.

LII. And be it further enacted, That if any Waggon, Cart, Dray, or other Carriage, ſhall be left to ſtand or remain in any of the publick Streets, Lanes, Paſſages, or Places, within the ſaid Town, with or without Horſes or other Cattle, for any longer Time than ſhall be neceſſary for the loading or unloading thereof, or if any Stage Coach, Poſt Chaiſe, or other Carriage, let to hire, ſhall be left to ſtand or remain in any of the ſaid Streets, Lanes, Paſſages, or Places, with or without Horſes, for any longer Time than ſhall be neceſſary for taking up or ſetting down the Paſſengers, and for loading or unloading their Baggage, (other than and except during the Times of holding the publick Fairs, Markets, Races, Courts of Aſſize and Quarter Seſſion, Elections, and other publick Meetings, within the ſaid Town, and except Baggage Waggons for the Service of the Army or Militia placed in the Bury in the ſaid Town), or if any Swine, Beaſt, or other Cattle, ſhall be permitted by the Owner thereof to wander in or about any of the ſaid Streets, Lanes, Paſſages, or Places, or if any Timber, Bricks, Tiles, Stones, Slates, Hay, Straw, Wood-Faggots, Log of Wood, Bavins, Furze-Faggots, Buſhes, Hurdles, Coals, Boards, Tubs, Caſks, Wheel of a Carriage, Lumber, Goods, Wares, or Merchandize whatſoever, ſhall be laid or placed, and left to remain in any of the ſaid Streets, Lanes, Paſſages, or Places, for any longer Time than ſhall be neceſſary for moving and houſing the ſame, (except for building, taking down, or repairing, any Houſes or Tenements, and except the Poſts, Pales, Rails, Hurdles, Pens, Poles, Cords, Chains, Stalls, Boards, Tables, Baſkets, and weighing Tackle uſed in Markets and Fairs during the reſpective Times of ſuch Markets and Fairs, and except Goods, Wares, and Merchandize while expoſing to Sale in ſuch Markets or Fairs, ſo as the ſame do not incumber the Footways), or if any Coals, Coal-Aſhes, Wood-Aſhes, Rubbiſh, Duſt, Dirt, Dung, Filth, or any other Nuiſance or Annoyance whatſoever, ſhall be thrown, caſt, or laid, in any of the Streets, Lanes, Paſſages, or Places aforeſaid, then, and in every ſuch Caſe, the Owner or Driver of every ſuch Waggon, Cart, Dray, Coach, Poſt Chaiſe, or other Carriage, and the Owner of any ſuch Swine, Beaſt, or Cattle, and the Owner of any ſuch Timber or other Things as aforeſaid, which ſhall be ſo laid or placed and left to remain in any of the ſaid Streets, Lanes, Paſſages, or Places, as aforeſaid,

ſaid, and the Perſon or Perſons who ſhall ſo throw, caſt, or lay, or cauſe to be thrown, caſt, or laid, any Coals, Coal-Aſhes, Wood-Aſhes, Rubbiſh, Duſt, Dirt, Dung, Filth, or other Nuiſance or Annoyance whatſoever, in any of the ſaid Streets, Lanes, Paſſages, or Places as aforeſaid, ſhall, for every Offence in any of the Caſes aforeſaid, forfeit and pay the Sum of Five Shillings, and the ſame ſhall alſo be deemed Nuiſances, and the Offender or Offenders therein ſhall be liable to be indicted and fined, as in Caſes of Nuiſances, at the Common Law.

Regulations for emptying Privies.

LIII. And be it further enacted, That if any Perſon or Perſons ſhall, at any Time or Times, cauſe any Privy or Neceſſary Houſe within the ſaid Town to be emptied, except between the Hours of Eleven of the Clock in the Night, and Four of the Clock in the Morning, or ſhall lay or cauſe to be laid the Soil thereof in any other Place within the ſaid Streets, Lanes, or other publick Paſſages or Places, than ſhall be appointed for that Purpoſe by the ſaid Commiſſioners, or any Five or more of them, or ſhall wilfully or negligently ſpill or throw down any ſuch Soil in any of the ſaid Streets, Lanes, Paſſages, or Places, every Perſon offending in any of the Caſes aforeſaid, ſhall, for every ſuch Offence, forfeit and pay the Sum of Twenty Shillings.

For removing Annoyances.

LIV. And be it further enacted, That the ſaid Commiſſioners, or any Five or more of them, aſſembled at any Meeting, ſhall and may, at any Time or Times after the paſſing of this Act, order and cauſe Notice to be given to the reſpective Owners or Occupiers of the ſeveral Houſes or Buildings within the ſaid Town of *Abingdon*, to take down, remove, alter, or regulate, all Shew Boards, Signs, Sign Poſts, and Sign Irons, ſtanding or being in, upon, or over, any of the Footways aforeſaid, and all Penthouſes, Shutes, Pipes, and Spouts projecting into or upon, or hanging over any of the Streets, Lanes, publick Paſſages, Places, or Footways, aforeſaid, however broad or narrow ſuch Streets, Lanes, publick Paſſages, or Places may be, and all Trees, Porches, Steps, Poſts, Pales, Rails, and Annoyances, ſtanding or being in any of the ſaid Streets, Lanes, publick Paſſages, and Places, which Streets, Lanes, Paſſages, or Places, ſhall be of leſs Breadth than Twenty-one Feet from Houſe to Houſe, and all other Trees, Porches, Steps, Poſts, Pales, Rails, and Annoyances, in the ſaid Streets, Lanes, Paſſages, or Places, which the ſaid Commiſſioners, or any Five or more of them, at any ſuch Meeting ſhall judge fit to be taken down, removed, altered, or regulated, and to cauſe ſuch Shew Boards, Signs, Sign Poſts, Sign Irons, Penthouſes, Shutes, Pipes, Spouts, Trees, Porches, Steps, Poſts, Pales, Rails, and Annoyances, to be carried away, felled, taken down, and removed, or to cauſe all ſuch Shew Boards, Signs, and Sign Irons, to be fixed or placed to the Front of the Houſes, Shops, Warehouſes, or Buildings, whereunto they reſpectively belong, and not to ſtand or project over or beyond any Part of the ſaid Footways, or to annoy the Perſons paſſing thereon or near thereto, and to cauſe all ſuch Spouts, Pipes, and Shutes, to be alſo affixed to the Fronts or Sides of the Houſes or Buildings to which they belong, ſo as to convey the Water down the Fronts or Sides of ſuch Houſes or Buildings reſpectively, and ſo into the common Channel or Drain, without dropping upon or wetting any Paſſenger; and to cauſe all Doors opening in or upon any of the ſaid Footways, and all Doors, Steps, and Paſſages, opening or leading from any ſuch Footways into

into any Vaults, Cellars, or Storehouſes, to be removed or altered; ſo that the ſame may not incommode or be dangerous to Paſſengers; and in caſe the reſpective Owner or Owners, Occupier or Occupiers, ſhall refuſe or neglect ſo to do for the Space of Fourteen Days next after ſuch Notice ſhall be given to him, her, or them, reſpectively, (which Notice ſhall be given in Writing under the Hand of the Clerk to the ſaid Commiſſioners for the Time being, and delivered or left at the Dwelling Houſe or uſual Place of Abode of ſuch Owner or Owners, Occupier or Occupiers), it ſhall be lawful for the ſaid Commiſſioners, or any Five or more of them, at a Meeting under this Act, to order and cauſe ſuch Shew Boards, Signs, Sign Poſts, Sign Irons, Penthouſes, Shutes, Pipes, Spouts, Trees, Porches, Steps, Poſts, Pales, Rails, Annoyances, Doors, and Paſſages, to be reſpectively taken down, and carried away, removed, altered, fixed, or regulated, in Manner aforeſaid, and ſhall return, or cauſe to be returned, to their reſpective Owner or Owners, or to be left on the Spot, or as near as conveniently may be, for ſuch Owner or Owners, ſo much of ſuch Shew Boards, Signs, Sign Poſts, Sign Irons, Penthouſes, Shutes, Pipes, Spouts, Trees, Porches, Steps, Poſts, Pales, Rails, Doors and Paſſages aforeſaid, as ſhall not be affixed or put up, or otherwiſe made uſe of in the Alterations and Improvements authorized by this Act, and the Charges and Expences attending the ſame ſhall and may be recovered by the Treaſurer for the Time being to the ſaid Commiſſioners, of the Owners or Occupiers thereof reſpectively, in the ſame Manner as Damages, Coſts, and Charges are herein-after directed to be recovered; and if any Perſon or Perſons ſhall, at any Time or Times hereafter, hang, place, erect, build, plant, or make, any Gutter, Shew Board, Sign, Sign Poſt, Sign Iron, Penthouſe, Shute, Pipe, Spout, Tree, Porch, Step, Poſt, Pale, Rail, or other Incroachment, Nuiſance, or Annoyance whatſoever, or cauſe the ſame to be done, contrary to the Regulations aforeſaid, every ſuch Perſon ſo offending, ſhall for every ſuch Offence forfeit and pay the Sum of Twenty Shillings, and the further Sum of Five Shillings for every Day ſuch Offence ſhall continue, and the Maſter, or Workman or Workmen employed to erect, build, do, or perform the ſame, ſhall forfeit and pay the Sum of Forty Shillings, and it ſhall be lawful for the ſaid Commiſſioners, or any Five or more of them, to order the ſame to be taken down, removed, carried away, altered, or regulated, by ſuch Perſon or Perſons, and in ſuch Manner as they, or any Five or more of them, ſhall think proper, without any Notice being given to the Perſon or Perſons offending therein, and the Perſon or Perſons ſo ordered ſhall and may take down, remove, carry away, alter, or regulate the ſame accordingly, and the Charges and Expences attending the ſame ſhall and may be recovered by the Perſon or Perſons ſo ordered, or the Treaſurer for the Time being to the ſaid Commiſſioners, of the Perſon and Perſons ſo offending therein, in like Manner as Damages, Coſts, and Charges, are herein-after directed to be recovered.

Tenants may ſtop Rent for Expences of Improvements in certain Caſes.

LV. Provided always, and it is hereby further enacted, That in all Caſes where the ſaid Commiſſioners, or any Five or more of them, ſhall cauſe any of the ſaid Shew Boards, Signs, Sign Poſts, Sign Irons, Penthouſes, Shutes, Pipes, Spouts, Steps, Poſts, Pales, Rails, Doors, or Paſſages, to be taken down, removed, fixed, altered, or regulated, and the Expence thereof reſpectively, ſhall be paid by the Tenant of the reſpective Houſe or Premiles to which the ſame did belong, then every ſuch Tenant

tant ſhall and may deduct ſo much of the ſaid Expence as ought to be borne and defrayed by his or her Landlord, out of the next Rent of the ſaid Houſe or Premiſes, and the Landlord ſhall and is hereby required to allow ſuch Payment on the Receipt of the Reſidue of his Rent.

No future Bulk, &c. to be erected within One Foot of the Pavement.

LVI. And be it further enacted, That no Bulk, Bow Window, or projecting Window, on the Ground Floor, ſhall hereafter be erected or made in any Part of the Streets, Lanes, or other publick Paſſages or Places in the ſaid Town which ſhall be within One Foot of the Pavement, and the ſaid Commiſſioners, or any Five or more of them, are empowered to take down any Bulk, Bow Window, or projecting Window, on the Ground Floor, which ſhall be hereafter erected or made contrary to the Intent of this Act, and their Treaſurer ſhall recover the Charges and Expences attending the ſame, of the Occupier of the Premiſes in queſtion, in the ſame Manner as Damages, Coſts, and Charges are herein-after directed to be recovered.

Power to make or alter Gutters, &c.

LVII. And be it further enacted, That for facilitating the Execution of this Act, the ſaid Commiſſioners, or any Five or more of them, or their Surveyor for the Time being, ſhall have Power and Authority to alter, raiſe, ſink, ſtop up, diſcontinue, or regulate, any of the private Gutters leading from any of the Houſes or Premiſes in the ſaid Town, into any of the Streets, Lanes, Paſſages, or Places aforeſaid, and any of the publick Gutters and Watercourſes in, about, or under, the ſaid Streets, Lanes, Paſſages, or Places, or any of them, and alſo to make and maintain any new or other Gutters, Watercourſes, or Soughs, as well upon as under the Surface of the ſaid Streets, Lanes, Paſſages, or Places, for the Purpoſe of conveying and removing Water and Filth therefrom, and preventing any Overflow or Return thereof.

For Protection of Footways during Fairs and Markets.

LVIII. And be it further enacted, That for the Protection of the ſaid Footways at ſuch Times as Fairs and Markets ſhall be holden or kept within the ſaid Town, it ſhall be lawful for the ſaid Commiſſioners, or any Five or more of them, or the Surveyor, Scavenger, or any other Perſon employed by them, to place, ſet up, and maintain any temporary Poſts and Rails, Bars, Chains, or Cords, for the Purpoſe of defending and preſerving the ſaid Footways, or any of them, from all Annoyance and Damage by Horſes, Cows, Sheep, Pigs, or other Cattle, during the reſpective Times of holding or keeping ſuch Fairs and Markets, or any of them; and in caſe the ſaid Commiſſioners ſhall decline or omit to take ſuch Precautions as aforeſaid, for the Defence and Protection of the ſaid Pavement, (which they may do if they think fit), then, and ſo often as the Caſe ſhall happen, the reſpective Occupiers of the Houſes and Premiſes, near or againſt which ſuch Horſes, Cows, Sheep, Pigs, or other Cattle, ſhall have their Standing, or be tied or penned up, in or during any ſuch Fairs or Markets as aforeſaid, ſhall and are hereby required and commanded to defend and protect the ſaid Pavement, extending along before the Fronts of their reſpective Houſes and Premiſes, as far forth as may be from all Annoyance and Damage by ſuch Horſes, Cows, Sheep, Pigs, or other Cattle, either by excluding them entirely from the ſaid Pavement, or by covering ſuch Pavement with Straw, Sand, or other ſufficient Safeguard, during the reſpective Times of ſuch Fairs or Markets, and immediately after ſuch Time as the ſaid Horſes,

Cows, Sheep, Pigs, or other Cattle, ſhall be removed from their reſpective Standings or Places near or before the ſaid Houſes and Premiſes reſpectively, and the expoſing thereof to Sale, ſhall ceaſe, the reſpective Occupiers ſhall and are hereby required and commanded to collect and carry away all ſuch Straw, Sand, or other Matter, which they ſhall lay for Safeguard upon the ſaid Pavement, and alſo all Poſts, Rails, Hurdles, and other Things, which they ſhall ſet up to exclude the Cattle therefrom, before their reſpective Houſes and Premiſes; and in caſe any ſuch Occupiers as aforeſaid ſhall neglect or refuſe to defend and protect the ſaid Pavement by ſome of the Means aforeſaid, during the Time of any of the ſaid Fairs or Markets, and any Damage ſhall ariſe to the ſaid Pavement before their reſpective Houſes or Premiſes, by Means or in conſequence of the ſtanding, tying, or penning, ſuch Horſes, Cows, Sheep, Pigs, or other Cattle, upon the ſame, or in caſe any ſuch Occupier ſhall neglect or refuſe to collect and carry away all ſuch Straw, Sand, or other Matter, for Safeguard, which he or ſhe ſhall lay upon the ſaid Pavement as aforeſaid, for the Space of Sixteen Hours next after the Removal and ceaſing to expoſe to Sale of the ſaid Horſes, Cows, Sheep, Pigs, or other Cattle as aforeſaid, then every Perſon ſo offending ſhall forfeit and pay, for every ſuch Offence, the Sum of Ten Shillings, and alſo pay the Charges of repairing ſuch Damage to the Perſon who ſhall be employed by the ſaid Commiſſioners, or any Five of them, or their Surveyor for the Time being, to repair and amend the ſame.

Not to give greater Liberty of obſtructing Footways than before.

LIX. Provided always, and be it further enacted, That nothing herein contained ſhall extend, or be conſtrued to extend, to enable or authorize the Occupiers of Houſes and Premiſes, or any other Perſon within the ſaid Town, to obſtruct, incumber, or ſtop up, any of the Footways or Paſſages of the ſaid Town, further, in any other Manner, or to any greater Extent, than they lawfully could or might do before the paſſing of this Act.

Commiſſioners not to have Power to alter the Places uſed for Fairs or Markets.

LX. Provided alſo, and be it further enacted, That nothing herein contained ſhall extend, or be conſtrued to extend, to enable or empower the ſaid Commiſſioners, or any of them, or their Surveyor, Scavenger, or other Perſon acting under them, to alter or change all or any of the Places of keeping or holding the Fairs and Markets allowed or appointed by Charter, Cuſtom, or otherwiſe, within the ſaid Town.

Power to purchaſe Buildings for the Purpoſe of widening Streets.

LXI. And, in order to the widening of ſuch of the ſaid Streets, Lanes, and Paſſages, as by the ſaid Commiſſioners, or any Nine or more of them, are or may be judged or found to be too narrow for the ſafe and commodious Paſſage of Travellers and Carriages, be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, or any Nine or more of them, if they think fit, to contract and agree with the ſeveral Owners of, and Perſons intereſted in, any Houſes or other Buildings, and Lands, which the ſaid Commiſſioners may think neceſſary or proper for the Purpoſes aforeſaid, for the abſolute Purchaſe thereof, (but no ſuch Owners or Perſons intereſted ſhall be compelled to ſell any ſuch Premiſes againſt their Will); and it ſhall be lawful for all Bodies Politick or Corporate, and all Feoffees in Truſt, Executors, Adminiſtrators, Guardians, Committees, or other Truſtees, not only for and on Behalf of themſelves, their

Heirs and Succeſſors, but alſo for and on Behalf of their Ceſtuique Truſts, whether Infants, Iſſue unborn, Lunaticks, or Idiots, and for all Femes Covert, and other Perſons, who are or ſhall be ſeiſed, poſſeſſed of, or intereſted in, any Houſes, Buildings, or Lands, to contract with and ſell to the ſaid Commiſſioners, and to convey to ſuch Perſon or Perſons, and his or their Heirs, as the ſaid Commiſſioners ſhall direct and appoint, in Truſt, to be made uſe of for the Purpoſes of this Act, the ſeveral Houſes and other Buildings and Lands, or any Part thereof, and the Fee Simple and Inheritance thereof, and all their reſpective Eſtates and Intereſts therein, and every ſuch Contract, Agreement, Sale, and Conveyance, ſhall, without any Fine or Common Recovery, be good, valid, and effectual, to all Intents and Purpoſes, any Law, Uſage, or other Matter or Thing to the contrary notwithſtanding; and all ſuch Bodies Politick and Corporate, Feoffees, and other Perſons, are and ſhall be hereby indemnified for what they ſhall do by virtue and in purſuance of this Act; and all and every Sum and Sums of Money to be paid to any Body Politick or Corporate, Feoffees in Truſt, Guardians, Committees, or other Truſtee or Truſtees, in purſuance of this Act, ſhall (in caſe the ſame ſhall exceed the Sum of Thirty Pounds) be by them reſpectively laid out in the Purchaſe of Lands, Tenements, or Hereditaments, to be ſettled to and upon, and ſubject to ſuch Uſes, Truſts, Limitations, Remainders, Contingencies, and Charges, as the Premiſes ſo to be purchaſed by the ſaid Commiſſioners as aforeſaid were ſettled, limited, and aſſured, or liable to, at the Time of ſuch Sale, and ſhall and may be held and enjoyed accordingly, and in the mean Time, and until ſuch Purchaſe can be made, it ſhall be lawful to place ſuch Money in the Publick Funds, in the Name or Names of ſuch Body Politick or Corporate, Feoffees, Guardians, Committees, Truſtee or Truſtees, the Intereſt and Dividends whereof ſhall go to the like Uſes, and be ſubject to the like Application as the Rents and Profits of the Lands and Premiſes to be purchaſed with ſuch Money would go or be ſubject to in caſe they were actually purchaſed and ſettled.

Money paid to Corporations, &c. to be reinveſted.

Power to take down the purchaſed Houſes, and lay the Scites into the publick Streets.

LXII. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, or any Five or more of them, to cauſe all and every the Houſes and other Buildings which ſhall at any Time be purchaſed for the Purpoſes of this Act, to be taken down, and to cauſe ſo much of the Scites thereof, and of any other Land to be purchaſed for the Purpoſes of this Act, to be added to or laid into the Streets or other publick Paſſages or Places in the ſaid Town, and to cauſe the ſame to be paved, pitched, and made paſſable, and the Land ſo added to, or laid into the reſpective Streets or other publick Paſſages or Places aforeſaid, ſhall for ever afterwards be deemed Part thereof, and the ſame ſhall be uſed as common publick Highways.

Expences of taking up Pavement to repair Water Pipes, &c. to be reimburſed.

LXIII. And be it further enacted, That when and ſo often as any Part of the Pavement of the Footways in any of the ſaid Streets, Lanes, and other publick Paſſages and Places, ſhall be taken up for the Purpoſe of laying, altering, or amending any Water Pipe, Drain, or Gutter, or for any other Purpoſe whatſoever, the Perſon or Perſons ſo taking up ſuch Pavement ſhall immediately give Notice thereof to the Surveyor to the ſaid Commiſſioners, in order that the ſame may with all convenient Speed be laid down and repaired under the Inſpection of the ſaid Surveyor, and the Charges

Charges and Expences thereof ſhall be paid by the ſaid Commiſſioners, and they ſhall be reimburſed by the Perſon or Perſons who ſhall take up, or cauſe to be taken up, the ſaid Pavement, or any Part or Parts thereof.

Remedy for recovering the Charges of repairing Pavements.

LXIV. And be it further enacted, That for the Coſts, Charges, and Expences attending or incident to the repairing or making good the Pavement of any of the ſaid Footways hereby authorized to be paved, the Perſon or Perſons cauſing or occaſioning ſuch Pavement to be broken up or damaged, ſhall ſtand Debtor or Debtors upon an implied Promiſe to the ſaid Surveyor for the Time being for ſuch Repair, as for Work and Labour done, and Materials found for the Uſe of ſuch Perſon or Perſons, and the ſaid Surveyor is hereby authorized and empowered to commence and proſecute One or more Action or Actions, Suit or Suits, in any of His Majeſty's Courts of Record at *Weſtminſter*, againſt ſuch Perſon or Perſons, wherein he ſhall recover a reaſonable Satisfaction for ſuch Work and Labour and Materials, together with the Coſts of Suit.

Watchmen may be appointed.

LXV. And be it further enacted, That the ſaid Commiſſioners, or any Five or more of them, may and are hereby authorized and empowered at any Time or Times, and from Time to Time, (after all Money to be borrowed without Intereſt, upon Mortgage of the Rates and Aſſeſſments aforeſaid, ſhall be fully diſcharged), to appoint ſuch and ſo many Watchmen to be employed in the ſaid Borough, for ſo long a Time in the Night, under ſuch Regulations, and for ſuch Wages, (to be paid out of the Money ariſing by virtue of this Act), as they ſhall think proper, and to provide Places of Reception for them, which Watchmen may be appointed and ſworn Peace Officers by any of the Juſtices of the ſaid Borough; and if any ſuch Watchman ſhall refuſe or neglect to perform his Duty, or ſhall miſbehave himſelf in the Execution of his Office, he ſhall forfeit and pay, for every ſuch Offence, any Sum not exceeding Ten Shillings; and it ſhall be lawful for any ſuch Watchmen, and they are hereby authorized and required to apprehend and ſecure all ſuch Malefactors, Diſturbers of the Peace, and other ſuſpected Perſons, as ſhall be found wandering or miſbehaving themſelves during the Hours of keeping Watch, and to carry ſuch Perſons, as ſoon as conveniently may be, before ſome Juſtice of the Peace for the ſaid Borough, to be examined and dealt with according to Law.

Application of Money raiſed.

LXVI. And be it further enacted, That the Money to ariſe or be received by virtue of this Act, or which ſhall be voluntarily contributed towards the Execution thereof, ſhall in the Firſt Place be applied in defraying the Charges and Expences of, and in the obtaining and paſſing of this Act, and afterwards in executing the ſeveral Works and Purpoſes hereby directed to be done, performed, and executed.

Appeal to the Seſſions.

LXVII. Provided always, and be it further enacted, That if any Perſon ſhall think himſelf or herſelf aggrieved by any Rate or Aſſeſſment to be made, or other Matter or Thing to be done in purſuance of this Act, ſuch Perſon may appeal to the Juſtices at any General or Quarter Seſſion of the Peace to be holden for the ſaid Borough next after the Cauſe of Complaint ſhall have ariſen, ſuch Appellant firſt giving Six Days Notice at the leaſt, in Writing, of his or her Intention to bring ſuch Appeal,

and

and of the Matter thereof, to the Clerk or Treaſurer to the ſaid Commiſſioners, and within Two Days after ſuch Notice, entering into a Recognizance to the King in the Sum of Twenty Pounds, before ſome Juſtice of the Peace for the ſaid Borough, with Two ſufficient Sureties, conditioned to try ſuch Appeal, and abide the Order of, and to pay ſuch Coſts as ſhall be awarded by the Juſtices at ſuch Seſſion, and the ſaid Juſtices at ſuch Seſſion ſhall hear and finally determine the Cauſe and Matter of ſuch Appeal in a ſummary Way, and award ſuch Coſts to the Party appealing or appealed againſt as they ſhall think proper, (the Coſts, if awarded to the Party appealing, to be paid by the ſaid Treaſurer for the Time being, out of the Sums to be raiſed by virtue hereof), and the Determination of the ſaid Juſtices upon ſuch Appeal ſhall be final, binding, and concluſive, to all Parties, and to all Intents and Purpoſes; and if any Party appealing ſhall neglect or refuſe to pay ſuch Coſts as ſhall be awarded againſt him or her to the ſaid Treaſurer within Eight Days next after Notice of the Order of the ſaid Juſtices relating thereto, then it ſhall be lawful for the Juſtices at any Adjournment of the ſaid Seſſion, or at the next General or Quarter Seſſion of the Peace to be holden for the ſaid Borough, upon Proof of ſuch Neglect or Refuſal, to order and cauſe ſuch Recognizance to be eſtreated into His Majeſty's Court of Exchequer at *Weſtminſter* as forfeited.

Mode of recovering Penalties, &c.

LXVIII. And be it further enacted, That all Penalties and Forfeitures by this Act impoſed for any Offence againſt the ſame, and all Damages, Coſts, and Charges, which may be demanded or become due by the Authority of this Act, (the Manner of levying and recovering whereof is not hereby otherwiſe particularly directed), ſhall be levied and recovered by Diſtreſs and Sale of the Goods and Chattels of the Offender or Perſon liable or ordered to pay the ſame reſpectively, by Warrant under the Hand and Seal of any One or more Juſtice or Juſtices of the Peace for the ſaid Borough, (which Warrant ſuch Juſtice or Juſtices is or are hereby empowered to grant), upon the Conviction of the Offender, by his or her Confeſſion, or by Evidence on Oath of One or more credible Witneſs or Witneſſes, or upon Order made by ſuch Juſtice or Juſtices for Payment of the ſaid Damages, Coſts, or Charges, and Proof of Non-payment thereof after Notice of any ſuch Order, and the ſaid Penalties and Forfeitures when recovered ſhall be paid to the ſaid Treaſurer, or ſuch other Perſon as the ſaid Commiſſioners, or any Five or more of them, ſhall appoint, and be applied towards the Purpoſes of this Act, (unleſs where the Application is otherwiſe herein-before directed); and in caſe a ſufficient Diſtreſs ſhall not be found, and any ſuch Penalty or Forfeiture, Damages, Coſts, or Charges, ſhall not be paid forthwith, it ſhall be lawful for ſuch Juſtice or Juſtices, and he and they is and are hereby authorized and required, by Warrant under his or their Hand and Seal, or Hands and Seals, to commit ſuch Offender or Perſon liable or ordered to pay as aforeſaid, to the Houſe of Correction for, or Common Gaol of and in, the ſaid Borough, there to remain, without Bail or Mainprize, for any Time not exceeding Three Months, nor leſs than Fourteen Days, unleſs ſuch Penalty or Forfeiture, Damages, Coſts, or Charges, and all Expences attending ſuch Commitment, (to be aſcertained by ſuch Juſtice or Juſtices), ſhall be ſooner fully paid and ſatisfied; and if any ſuch Offender, or Perſon liable or ordered to pay as aforeſaid, ſhall live out of the Juriſdiction of the Juſtices of the ſaid Borough, it ſhall and may be lawful

lawful for any Justice of the Peace of the Limit wherein such Person shall dwell, and every such Justice is hereby required, upon Request to him for that Purpose made, and upon a true Copy of the Conviction whereby any such Penalty or Forfeiture was incurred, or of the Order for Payment of such Damages, Costs, or Charges, produced and proved to him by a credible Witness on Oath, by Warrant under his Hand and Seal, to cause the Penalty or Forfeiture mentioned in such Conviction, and the Damages, Costs, and Charges, mentioned in such Order, or so much thereof as shall not have been paid, to be levied by Distress and Sale of the Goods and Chattels of such Offender or Person liable or ordered to pay the same respectively as aforesaid, and if no sufficient Distress can be had, to commit such Offender or Offenders, or Person or Persons liable as aforesaid, to the Common Gaol or House of Correction of such Limit, for the Time and in Manner aforesaid.

Manner and Form of Conviction.

LXIX. And be it further enacted, That in order to the Recovery of any such Penalty or Forfeiture as aforesaid, the Justice or Justices of the Peace for the said Borough shall take the Information of the Person or Persons prosecuting for the same before him or them in Writing, and shall proceed to hear and determine the Matter of such Information, and shall cause the Conviction of any Offender against this Act to be drawn up in the following Form of Words, or in other Words to the same Effect; *(videlicet)*,

'BE it remembered, That on the Day of *A. B.* is convicted before me, *C. D.* [*or*, us, *C. D.* and *E. F.*] of His Majesty's Justices of the Peace for the Borough of *Abingdon*, in the County of *Berks*, of [*specifying the Offence, and Time and Place when and where the same was committed, as the Case shall be*]. Given under my Hand and Seal, [*or*, our Hands and Seals], the Day and Year first above written.'

Commissioners and Justices may mitigate Penalties.

LXX. Provided always, and be it further enacted, That it shall be lawful for the said Commissioners, or any Five or more of them, from Time to Time, to compound and agree with any Person or Persons against whom any Action or Actions, Suit or Suits, shall be brought, commenced, or prosecuted, for any Penalty or Penalties by Reason of the Non-performance of any Contract or Contracts hereafter to be entered into on Account of any Breach or Non-performance of any such Contract or Contracts, for such Sum or Sums of Money as the said Commissioners, or any Five or more of them, shall think proper; and also for the Justice or Justices of the Peace before whom any Offender or Offenders shall be convicted, to mitigate, compound for, or lessen, any of the Penalties or Forfeitures incurred under this Act, so as the Sums so compounded and agreed for be not less than the Injury or Damage sustained by the Breach or Non-performance of any such Contract or Contracts, and all the Costs, Charges, and Expences, which shall be occasioned thereby, and so as the Mitigation of the said Penalties or Forfeitures as aforesaid do not extend to remit more than One Moiety of the said Penalties or Forfeitures respectively.

Commissioners may reward Informers.

LXXI. Provided also, and be it further enacted, That it shall be lawful for the said Commissioners, or any Five or more of them, to reward any Informer or Informers as they shall think proper, so as such Reward does not exceed a Moiety of the Penalty and Forfeiture arising from the Information of such Informer or Informers; any Thing herein contained to the contrary notwithstanding.

Penalties to be sued for within Three Months.

LXXII. Provided also, and be it further enacted, That no Suit or Prosecution shall be commenced or carried on for the Recovery of any Penalty or Forfeiture imposed by this Act, unless the same be commenced within Three Months next after the Fact or Offence committed, and be carried on without wilful Delay.

Proceedings not to be quashed for Want of Form.

LXXIII. And be it further enacted, That no Proceedings to be had touching the Conviction of any Offender or Offenders against this Act, or any Order made, or other Matter or Thing to be done or transacted in or relating to the Execution of this Act, shall be vacated or quashed for Want of Form only; any Law or Statute to the contrary notwithstanding.

Distress not to be deemed a Trespass for Irregularity.

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

Power to tender Amends.

LXXV. Provided always, That no Plaintiff or Plaintiffs shall recover in any Action for any such Irregularity, Trespass, or other wrongful Proceeding, 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, Trespass, 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 Court such Sum of Money as he or they shall think 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.

Limitation of Actions.

LXXVI. And be it further enacted, That no Action or Suit shall be commenced against any Person for any Thing done in pursuance of this Act, until Twenty-one Days Notice thereof shall be given in Writing to the Clerk, for the Time being, of the Commissioners constituted by or to be elected under this Act, or after sufficient Satisfaction, or Tender thereof hath been made to the Party or Parties aggrieved, or after Six Calendar Months next after the Fact committed for which such Action or Actions, Suit or Suits, shall be so brought, and every such Action shall be brought, laid, and tried, in the County of *Berks*, and not

not elſewhere; and the Defendant and Defendants in ſuch Actions or Suits, and every of them, may plead the General Iſſue, and give this Act and the Special Matter in Evidence at any Trial or Trials which may be had thereupon, and that the Matter or Thing for which ſuch Action or Actions, Suit or Suits, ſhall be ſo brought, was done in purſuance and by the Authority of this Act; and if the ſaid Matter or Thing ſhall appear to have been ſo done, or if it ſhall appear that ſuch Action or Suit was brought before Twenty-one Days Notice were given as aforeſaid, or that ſufficient Satisfaction was made or tendered as aforeſaid; or if any ſuch Action or Suit ſhall not be commenced within the Time before for that Purpoſe limited, or ſhall be laid in any other County or Place than as aforeſaid, that then the Jury or Juries ſhall find for the Defendant or Defendants therein; and if the Plaintiff or Plaintiffs in ſuch Action or Actions, Suit or Suits, ſhall become nonſuited, or ſuffer a Diſcontinuance of ſuch Action or Actions, or if Judgement ſhall be given for the Defendant or Defendants therein; then, and in any of the Caſes aforeſaid, ſuch Defendant or Defendants ſhall have Double Coſts, and ſhall have ſuch Remedy for recovering the ſame as any Defendant or Defendants may have for his or their Coſts in any other Caſes by Law.

Saving the Rights of the Corporation of *Abingdon*, and others, to prevent Nuiſances.

LXXVII. And be it further enacted, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to prevent the Corporation of *Abingdon*, or any other Perſon or Perſons, from having or taking any legal Remedy againſt any Perſon or Perſons for any Incroachments or Nuiſances that are or ſhall be made within the ſaid Town, or for any of the Annoyances or Obſtructions herein-before authorized to be avoided and prevented, or in any other Manner to prejudice, leſſen, or defeat, any legal Power, Privilege, Franchiſe, or Authority, of the ſaid Corporation, or any of the Juries or Officers of their Courts or Leets within the ſaid Town, (ſave only the Power and Authority, if any ſuch there ſhall be, of preventing or hindering in any reſpect the Execution of this Act, or of puniſhing any Perſon or Perſons who ſhall have been before puniſhed by the Authority of this Act for the ſame Offence), but that the ſaid Corporation, Juries, and Officers reſpectively, ſhall and may exerciſe and enjoy all and every ſuch Powers, Privileges, Franchiſes, and Authorities, (ſave only as before is ſaved), in as full and ample a Manner, to all Intents and Purpoſes, as they have heretofore uſed to do, and of Right could or might have done in caſe this Act had not been made.

Publick Act.

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

FINIS.