ANNO TRICESIMO QUINTO

Georgii III. Regis.

CAP. LXXV.

An Act for paving the Footways, and for cleanſing, lighting, watching, and regulating, the Streets, Lanes, Paſſages, and Places, within the Borough of *Wallingford*, in the County of *Berks*, and for removing and preventing Nuiſances, Annoyances, Incroachments, and Obſtructions therein.

[19th *May* 1795.]

Preamble.

WHEREAS the Footways in the ſeveral Streets, Lanes, and other publick Paſſages and Places within the Borough of *Wallingford*, 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 Incroachments, 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 of the ſaid Borough, and of 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 Incroachments, 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, Recorder, Aldermen, Town Clerk, Chamberlain, and Bailiffs of the Borough of *Wallingford* aforeſaid for the Time being, Sir *Francis Sykes* Baronet, *Francis William Sykes*, *William Nedham*, *Thomas Buckridge Noyes*, *Henry Fludger*, *John Paul Paul*, *Henry Blackſtone*, *James Blackſtone*, *Richard Hunter*, *John Greenwood*, *Francis Dandridge*, *Edward Wells* the Elder, *Robert Baker*, Eſquires; *William Mayne*, *John Allnatt*, *Richard Burges*, *Edward Button* the Elder, *Robert Lovegrove*, *Greenaway Jaques*, the Reverend *Thomas Pentycroſs* Clerk, the Reverend *Richard Bethel* Clerk, the Reverend *John Scoolt* Clerk, *John Flamank*, *Henry Golding*,

Commiſſioners Names.

Golding, Charles Leaver, Richard Lockey, James Parker, John Hedges, Charles Atherton Allnatt, Robert Clarke, Robert Dalzel, Thomas Greenwood, John Swallow, William Higgs, Edward Wells the Younger, *John Pickman, Richard Martin, William Jacob, Jonathan Mayne, Richard Rathill, Henry Bradford, George Bradford*, and their ſeveral and reſpective Succeſſors, to be elected as herein-after mentioned, ſhall be and they are hereby appointed Commiſſioners for putting this Act into Execution.

Election of new Commiſſioners.

II. And be it further enacted, That when and as often as any of the Commiſſioners hereby appointed (except ſuch as are Commiſſioners by virtue of their Offices, and except the ſaid Sir *Francis Sykes, Francis William Sykes, William Nedham, Thomas Buckridge Noyes, Henry Blackſtone*, and *James Blackſtone*), or to be from Time to Time elected as herein-after mentioned, ſhall die or refuſe to act, or ſhall remove from and reſide out of the ſaid Borough, it ſhall be lawful for the ſurviving or remaining Commiſſioners, or any Seven 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 Borough in the Place of each Commiſſioner ſo dying, refuſing to act, or removing as aforeſaid, Notice of the Time and Place of Meeting for every ſuch Election being firſt given by the Clerk to the ſaid Commiſſioners, by fixing the ſame on the principal Door of each of the Three Pariſh Churches in the ſaid Borough, at leaſt Ten clear Days before the Meeting for every ſuch Election; and every Perſon ſo elected ſhall have the ſame Powers and Authorities for putting this Act into Execution in all Reſpects whatſoever as if he had been named a Commiſſioner in 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 at the Time of his acting he ſhall be in his own Right, or in the Right of his Wife, in the actual Poſſeſſion or Enjoyment, or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments of the clear yearly Value of Fifty 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 Reprizes, or ſhall be poſſeſſed of, or entitled to, a Perſonal Eſtate of the Value of One thouſand Pounds clear of all Deductions, and 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 Oath to each other) an Oath, or, being One of the People called *Quakers*, an Affirmation, in the Words or to the Effect following:

Commiſſioners Oath.

'I *A. B.* do ſwear (*or*, affirm) 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 Fifty 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 Reprizes, or that I am poſſeſſed of, or entitled to a Perſonal Eſtate of the Value of One thouſand Pounds clear of all Deductions, and that I will truly and impartially, according to the beſt of my Skill and Judgement, execute and perform all and every the Powers and Authorities repoſed in me, by virtue of an Act paſſed in the Thirty-

'fifth Year of the Reign of His Majeſty King *George* the Third, intituled, &c. [*Here ſet forth the Title of this Act*].

'So help me GOD.'

Penalty for acting if not qualified.

And if any Perſon not being qualified as aforeſaid, ſhall preſume to act as a Commiſſioner in the Execution of this Act, he ſhall for every ſuch Offence forfeit and pay the Sum of Fifty Pounds to any Perſon or Perſons who ſhall ſue for the ſame, to be recovered in any of His Majeſty's Courts of Record, by Action of Debt, or on the Caſe, or by Bill, Plaint, or Information, wherein no Eſſoin, 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.

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

IV. 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 ſaid Borough, 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 authoriſed 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 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 Borough ſhall be and are hereby declared to be competent Witneſſes, notwithſtanding they may be charged to and pay any of the Rates impoſed by virtue of this Act, or any other Rates within the ſaid Borough.

Juſtices may adminiſter Oaths.

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

Inhabitants may be Witneſſes.

Time and Place of Firſt Meeting.

V. And be it further enacted, That the ſaid Commiſſioners, or any Five or more of them, ſhall and may meet at the Guildhall, in the ſaid Borough of *Wallingford*, on *Monday* Three Weeks next after the paſſing of this Act, between the Hours of Ten of the Clock in the Forenoon and Four 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 Borough, as they or the 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, (Two 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 Two or more of the ſaid Commiſſioners, ſhall and may call a Meeting at the Place where the laſt Meeting was appointed to be held, publick Notice thereof

Power to adjourn.

Power to appoint a Meeting where no Adjournment.

thereof being given, by affixing the ſame on the principal Door of each of the ſaid Three Churches, at leaſt Seven clear Days before ſuch Meeting; and at all Meetings to be held in purſuance of this Act, the Commiſſioners ſhall defray their own Expences; and no Act of the ſaid Commiſſioners (except that of Adjournment, or calling a Meeting in Default of Adjournment as aforeſaid, or except in ſuch Caſes as are herein expreſsly provided for) ſhall be valid, unleſs made or done at ſome publick Meeting held by virtue of this Act; and 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 the Commiſſioners preſent at any Meeting to be holden as herein mentioned, the Number of Commiſſioners preſent at any ſuch Meeting not being leſs than the Number by this Act authoriſed to do ſuch Buſineſs; and that 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 any Occaſion, (including the Chairman's Vote), the Chairman ſhall have the caſting Vote.

Commiſſioners to pay their own Expences.

No act of a Commiſſioner valid but at a Meeting.

Power to be exerciſed by a Majority of the Commiſſioners.

Chairman to be appointed.

Ballot.

Caſting Vote.

VI. 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 Publick Meeting to be held for that Purpoſe, (of which Ten clear Days Notice ſhall be given, by Writing affixed 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 the Commiſſioners preſent ſhall agree to revoke and alter the ſame; any Thing in this Act contained to the contrary notwithſtanding.

Manner of revoking Orders.

VII. 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 and every Meeting; and One 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, be open 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 hereby granted and made payable.

Proceedings to be entered in Books, &c.

Books, &c. to be Evidence.

Books may be inſpected.

VIII. 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 alſo a Surveyor or Surveyors, Scavenger or Scavengers, and ſuch other

Commiſſioners may appoint Officers.

other Officers for the Execution of this Act, as they 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 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 employed by the ſaid Commiſſioners 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 take ſuch Security from every ſuch Treaſurer and Collector 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, 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 ſhall appoint, a true and perfect Account in Writing of all Matters and Things committed to their Charge reſpectively by virtue of this Act, and alſo of all Monies which ſhall have been by ſuch Officers and Perſons reſpectively received by virtue of and 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 to adminiſter), verify their ſaid Accounts; and if any ſuch Officer or Perſon 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 not 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, her, 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

Officers to give Security, and account;

and ſhall 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.

rized 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 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, or any Five or more of them, 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, or verify the ſame, 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 Goods or Chattels, ſhall be detained in Priſon for any longer Term than Six Calendar Months.

For Want of Diſtreſs, &c. Officers may be committed to the Common Gaol.

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

IX. 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, and other Perſons poſſeſſing the ſame, ſhall deliver up to the ſaid Commiſſioners, or

any Five or more of them, 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, and Things, together with the Coſts of every ſuch Action or Suit.

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

X. And be it further enacted, 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 Treaſurers making Diſburſements and accounting.

XI. 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 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 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, appointed at ſome General or other Meeting for that Purpoſe; and ſuch Accounts, when required by the ſaid Commiſſioners, or any Five 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.

XII. 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, Four Inhabitants or

Reſidents within the ſaid Borough, One within each Pariſh, to be Aſſeſſors of the Rates by this Act directed to be made, and the ſaid Commiſſioners, or any Five or more of them, ſhall and may, and they are hereby authoriſed 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 for the Purpoſes of this Act, and as ſoon as may be afterwards to iſſue their Precepts under their Hands and Seals to the Aſſeſſors for the Time being for raiſing, and who ſhall accordingly from Time to Time raiſe the Amount ſo ſettled by an equal Pound Rate and Aſſeſſment upon and for all Lands, and all Houſes and Buildings erected or to be erected, Gardens, Orchards, and Tenements, with their ſeveral Appurtenances reſpectively, uſually rated to the Poor within the ſaid Borough; and every ſuch Rate or Aſſeſſment ſhall be charged upon, and paid and payable by the reſpective Occupiers of the ſeveral Lands and Premiſes rated for the Time being, and no ſuch Rate or Aſſeſſment ſhall in any One Year exceed the Sum of One Shilling in the Pound of the groſs Annual Value of the Premiſes reſpectively to be rated and aſſeſſed; provided, that no Occupier or Occupiers of any Land, Garden, Orchard, or Ground, within the ſaid Borough, ſhall be rated or aſſeſſed for any more or greater Quantity than One Acre of ſuch Land, Garden, Orchard, or Ground reſpectively; and provided alſo, that the Tythes belonging to the Rectories of the Pariſhes of *Saint Peter* and *Saint Leonard*, within the ſaid Borough, or any Part thereof, ſhall not be rated or charged in any ſuch Rate or Aſſeſſment.

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

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

Rates to be allowed and ſigned by the Commiſſioners;

but they may previouſly amend the ſame.

XIV. And be it further enacted, That every Rate and Aſſeſſment which ſhall be made in purſuance of this Act ſhall, in order to authoriſe 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 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; and in order to the Amendment and Allowance of all ſuch Rates and Aſſeſſments, and the further Proceedings 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 Clerk to the

Aſſeſſors to deliver Duplicates of every Rate to the Commiſſioners.

ſaid

ſaid Commiſſioners 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 Seſſions, 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 required to cauſe the ſame to be collected and received, as ſoon as may be, of and from the Perſons reſpectively rated, charged, and aſſeſſed.

Aſſeſſors to attend to juſtify their Rates.

Commiſſioners to authoriſe the Collection of Rates.

XV. 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 Borough, as they ſhall from Time to Time think fit, to be Collectors of the reſpective Rates and Aſſeſſments by this Act directed to be raiſed as aforeſaid, 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 Forty Days from the Date of the ſaid Order, 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 reſpsectively, and as well ſuch Aſſeſſors as aforeſaid, as alſo the ſaid Collector 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 and may from Time to Time as they ſhall ſee Occaſion, remove any Collector or Collectors, and appoint any other or others, being Inhabitants and Reſidents as aforeſaid, in his or their Place or Stead.

Collectors of Rates to be appointed.

Collectors to receive the Rates within 40 Days.

Collectors may be removed.

XVI. 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 Rate or Aſſeſſment, 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 or uſual Place of Abode of ſuch Perſon or Perſons ſo rated, charged, or aſſeſſed, it ſhall be lawful for any One or more Juſtice or Juſtices of the Peace for the ſaid Borough, (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 Rate or 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,

Mode of recovering Rates.

 rendering

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 Fourteen 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 the ſaid Commiſſioners, or any Five or more of them, ſhall appoint to receive the ſame, to be applied for the Purpoſes and Uſes of this Act; and all and every the ſaid Collectors 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 to whom they pay 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, or what is the Cauſe of ſuch Deficiency; 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 to deliver 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.

XVII. 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 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.

Commiſſioners may borrow Money,

XVIII. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, or any Seven or more of them, and they are hereby impowered, from Time to Time, to borrow and take up at Intereſt any Sum or Sums of Money, not exceeding in the Whole the Sum of One thouſand five hundred Pounds, upon the Credit of the Rates 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 Writing or Writings under their Hands and Seals, to mortgage and aſſign over the ſaid Rates, 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; and all Perſons to whom any Securities ſhall be given for Money lent under or by virtue of this Act, ſhall be, in Proportion to the Sums therein reſpectively mentioned, Creditors on the ſaid Rates in equal Degree one with another, and ſhall not have any Preference with reſpect to the Priority of advancing any ſuch Monies, or the Dates of their reſpective Securities: And every ſuch Mortgage or Aſſignment ſhall be in the Form or to the Effect following; (*videlicet*),

and mortgage the Rates,

Form of Mortgage of the Rates.

"BY virtue of an Act of Parliament made in the Thirty-fifth Year of the Reign of King *George* the Third, intituled, [*ſet forth the Title of the Act*] We, of the Commiſſioners appointed by or in purſuance 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 Rates, 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 Copies of all ſuch Mortgages or Aſſignments ſhall be entered at Length by the Clerk to the ſaid Commiſſioners, in a Book or Books to be kept for that Purpoſe, and which ſhall and may be inſpected at all ſeaſonable Times by all Perſons intereſted without Fee or Reward; and the Perſon or Perſons to whom any ſuch Mortgage or Aſſignment ſhall be made as aforeſaid, or who ſhall be entitled to the Money thereby ſecured, may from Time to Time transfer his, her, or their Right, Title, and Intereſt, to the Principal and Intereſt Money thereby ſecured, and the reſpective Securities for the ſame, to any Perſon or Perſons, and ſuch reſpective Aſſignees may in like Manner transfer the ſame again, and ſo from Time to Time as Occaſion ſhall require; and the Perſon or Perſons receiving any ſuch Transfer, ſhall produce the ſame to the Clerk to the ſaid Commiſſioners, within Twenty-one Days next after ſuch Transfer ſhall from Time to Time be made; and the ſaid Clerk ſhall enter into a Book to be kept by him for

that Purpoſe, the Date of every ſuch Transfer, the Names and Places of Abode of the reſpective Parties thereto, and the Principal Sum thereby transferred, for doing whereof he ſhall be paid Two Shillings by the Perſon requeſting the ſame: And every ſuch Transfer ſhall be in the Words or to the Effect following; (that is to ſay),

Form of Transfer of Security.

'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 paſſed in the Thirty-fifth Year of the
' Reign of His Majeſty King *George* the Third, intituled, [*ſet forth the*
' *Title of the Act*], upon the Credit of the Rates granted and made pay-
' able 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 Transfer, to make void, releaſe, or diſcharge the ſame, or any Monies due thereon.

Application of the Rates.

XIX. And be it further enacted, That all the Rates to be collected and received, and all the Money to be borrowed on the Credit thereof by virtue of this Act, ſhall be veſted in the ſaid Commiſſioners, and that out of the Firſt Money ariſing by virtue of this Act, the ſaid Commiſſioners, or any Five or more of them, ſhall, in the Firſt Place, pay all the Coſts, Charges, and Expences of obtaining and paſſing this Act, or in anywiſe relating thereto, and the Remainder of ſuch Monies ſhall from Time to Time be applied in paying the Principal and Intereſt of the Monies to be borrowed, and in defraying the neceſſary Expences attending the Execution of this Act, and to no other Uſe or Purpoſe whatſoever.

Lamps, Pavements, &c. veſted in Commiſſioners.

XX. And be it further enacted, That the Property of and in all the Watch Houſes and Stands, and other Conveniencies which ſhall be erected, fixed, or provided by virtue of this Act, and alſo of and in all the preſent and future Pavements and Pitching of the Foot Ways in the Streets, Lanes, Publick Paſſages, and Places within the ſaid Borough, and of and in all Lamps, Lamp Irons, and Poſts which ſhall be erected or fixed by virtue of this Act, and of and in 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, Rubbiſh, or Dirt, which ſhall ariſe, or be made or found in any of the ſaid Streets, Lanes, Paſſages, and Places, 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 who ſhall ſteal, take, or carry away, detain, ſpoil, injure, or deſtroy the ſame, or any Part or Parts thereof, or diſturb the ſaid Commiſſioners in the Poſſeſſion thereof; and the ſaid Commiſſioners, or any Five or more of them, ſhall have full

Power to ſell old Pavement, &c.

Power and Authority, from Time to Time, to fell and diſpoſe of all or any Part of the old Pavement, or other Materials, Matters, or Things aforeſaid, and ſuch Soil, Dung, Manure, 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 Foot-ways, &c.

XXI. 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 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 Pavements or Pitching of the ſeveral Foot Ways in the reſpective Streets, Lanes, Paſſages, and Places in the ſaid Borough, to be taken up, and all or any of the ſaid ſeveral Foot Ways to be paved, relaid, repaired, raiſed, lowered, widened, narrowed, or altered in ſuch Manner as they ſhall think proper; and any of the ſaid Foot Ways, 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 Borough to be cleanſed and lighted, and all Annoyances, Obſtructions, Nuiſances, and Inchoachments therein to be removed, and 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 Borough, 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 or Watercourſes in, through, or under, any of the ſaid Streets, Lanes, Paſſages, or Places, in ſuch Manner as they ſhall think proper; and that it ſhall not be lawful for any Perſon, at any Time hereafter, to make or cauſe to be made any Alteration in the Form of the Pavement or Pitching of any Foot Way in any Street, Lane, Publick Paſſage, or Place within the ſaid Borough, or any of the Gutters or Watercourſes, without the Conſent of the ſaid Commiſſioners, or of any Five or more of them, under their Hands firſt had and obtained, upon Pain of forfeiting for every ſuch Offence the Sum of Twenty Shillings.

Power to make or alter Gutters.

Form of the Pavement not to be altered without Conſent.

Penalty on interrupting Workmen.

XXII. And be it further enacted, That if any Perſon ſhall at any Time wilfully obſtruct or hinder any Surveyor or other Officer, Workman, or Perſon employed under or by virtue of this Act, in the Execution of his Duty, every Perſon ſo offending ſhall for every ſuch Offence forfeit the Sum of Ten Shillings.

Commiſſioners may make Contracts for paving, &c.

XXIII. 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, relaying, raiſing, lowering, amending, altering, or keeping in Repair, any of the ſaid Foot Ways, or for cleanſing or lighting any of the ſaid Streets, Lanes, Paſſages, and Places within the ſaid Borough, or for doing any of the Works hereby authorized to be done, and every Contract ſo to be 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

with them, and ſhall ſpecify the Works to be done, and the Prices to be paid for the ſame, and the Time or Times when and within which ſuch Works ſhall be performed and completed, and the Penalty to be ſuffered in caſe of Non-performance thereof; but previous to the making of any ſuch Contract, Ten clear Days Notice at the leaſt ſhall be given in ſome One or more of the publick Newſpapers circulated in or near the ſaid Borough, expreſſing the Intention and Object 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 mentioned.

Surveyor to inſpect the Works.

XXIV. 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 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 and completed at or within ſuch Time or Times, or from Time to Time as the ſame are or is agreed to be completed 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 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 thereof; and upon proving the ſigning of the ſaid Contract or Contracts, and Non-performance thereof, the Plaintiff or Plaintiffs in ſuch Action or Actions ſhall be entitled to and ſhall recover ſuch Penalty or Penalties, Damage or Damages, as are mentioned in ſuch Contract; and in caſe of Non-performance thereof, ſuch Damage as a Jury of the Country ſhall, upon the Trial of ſuch Action, aſſeſs and give, 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.

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

Power to provide Lamps.

XXVI. 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 impowered from Time to Time, to cauſe Lamp Irons or Lamp Poſts to be put or affixed into, upon, or againſt the Walls or Palliſadoes of any of the Houſes, Tenements, or Buildings within the ſaid Borough, or in ſuch other Manner and Place as they ſhall think proper and convenient, and alſo to cauſe ſuch Number of Lamps of ſuch Sizes and Sorts to be provided, and affixed or put upon ſuch Lamp Irons or Lamp Poſts, as they ſhall think proper or neceſſary for lighting all or any of the ſaid Streets,

Lanes, and other publick Paſſages and Places; and if any Perſon or Perſons ſhall wilfully break, throw down, take away, ſpoil, or damage, any of the Lamps put 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 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; 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, One Moiety of which Penalty ſhall go to the Informer; and ſuch Offender or Offenders 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 Common Gaol or Priſon for the ſaid Borough, there to be kept to hard Labour for any Time not exceeding One Calendar 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 the Poſts, Irons, or other Furniture thereof, and ſhall not upon reaſonable Demand make Satisfaction to the ſaid Commiſſioners, or to their Surveyor, for the Damage done thereto, within Ten Days of ſuch Demand, then and in any ſuch Caſe it ſhall be lawful for any Juſtice of the Peace for the ſaid Borough, upon Proof thereof made by the Oath of any credible Witneſs, or on the Confeſſion of the Party, to award ſuch Sum or Sums of Money by Way of Satisfaction to the ſaid Commiſſioners for ſuch Damage, together with the Coſts and Charges attending ſuch Complaint, as ſuch Juſtice ſhall think reaſonable; and in Default of Payment thereof, upon Notice of ſuch Award or Order given to the Party, to cauſe the ſame to be levied in Manner herein-after mentioned.

Penalty for wilfully taking away or damaging Lamps.

Penalty on careleſsly breaking Lamps, &c.

XXVII. And be it further enacted, That all and every Perſon and Perſons inhabiting within the ſaid Borough where the ſaid intended Pavement ſhall extend, ſhall ſweep and cleanſe, or cauſe to be ſwept and cleanſed, the Foot Ways in the whole Length of the Front of their

Footpaths to be ſwept by Inhabitants.

reſpective Houſes, Buildings, and Walls, on *Wedneſday* and *Saturday* in every Week, before the Hour of Ten in the Forenoon, upon Pain of forfeiting and paying the Sum of Two Shillings and Sixpence for every Neglect therein.

Scavenger's Duty.

XXVIII. 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, 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 Five Shillings for every Offence or Neglect therein; and no Perſon or Perſons ſhall take or carry away, or cauſe to be taken or carried away, any 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 Five Shillings for every ſuch Offence; ſave that any of the Inhabitants of the ſaid Borough may preſerve and keep any Aſhes, Dirt, Filth, Soil, Dung, or Rubbiſh, within their own reſpective Houſes, Yards, Gardens, or Premiſes, and diſpoſe of the ſame for their own Uſe, ſo as ſuch Aſhes, Dirt, Filth, Soil, Dung, or Rubbiſh, be not laid 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 Borough; but in caſe the Perſon or Perſons ſo reſerving ſuch Aſhes, 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 Two or more of them, although not aſſembled at a Meeting, 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 as aforeſaid.

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

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

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

XXIX. Provided always, 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 being 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 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, do cauſe the ſame to be removed out of ſuch Street, Lane, Paſſage, or Place, at his or her own Coſts and Charges, within a reaſonable Time after ſuch 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,

ing, or by their Clerk, and ſo as that whilſt the ſame ſhall be laying in ſuch 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.

XXX. 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, Aſhes, or other Filth, in ſuch publick vacant 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; and all ſuch Dirt, 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.

Penalty for Annoyances by driving Waggons, *etc.*

XXXI. And be it further enacted, That if any Perſon or Perſons ſhall run, drive, carry, or place, on any of the ſaid Foot Ways, any Waggon, Cart, Sledge, Wheel Barrow, Hand Barrow, Truck, or Carriage, or ſhall drag any Timber or Log of Wood upon any of the ſaid Foot Ways, 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 Foot Ways, or ſhall within any Street, or other publick Paſſage or Place within the ſaid Borough, ſlaughter, ſinge, ſcald, dreſs, or cut up, any Beaſt, Swine, or other Cattle, or hoop, cleanſe, or ſcald, any Caſk, or hew or ſaw any Stone, Wood, or Timber, or bind, make, or repair, the Wheel of any Carriage, or ſhoe, bleed, dreſs, or farry, or turn or drive looſe any Horſe, Mare, or Gelding, or 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 Foot Ways of the ſaid Streets, Lanes, or other publick Paſſages or Places, ſo as to obſtruct or incommode the Paſſage of any Foot Way, (except the ſetting, placing, or expoſing to Sale, any Horſes, Beaſts, or Cattle, Goods, Wares, or Merchandize, on Market and Fair Days, upon any Part of any Carriage Way adjoining the ſaid Foot Ways, or in any Part or Parts of the ſaid Foot Ways and Carriage Ways, as the ſaid Commiſſioners, or any Five or more of them, ſhall direct and appoint for that Purpoſe), or ſhall make, or aſſiſt in the making, any Fires commonly called *Bonfires*, or ſhall ſet fire to, let off, or throw, any Squib, Serpent, Rocket, Cracker, or other Fire Work whatſoever, or ſhall throw at or ſet up any Cock or Fowl to be thrown at in the Manner called *Cock-throwing*, within the ſaid Borough, every Perſon offending in any of the Caſes aforeſaid, ſhall, for every ſuch Offence, upon Conviction thereof before any Juſtice of the Peace, by Confeſſion, or upon the Oath of One or more credible Witneſs or Witneſſes, forfeit and pay the Sum of Three 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

XXXII. And be it further enacted, That if any Waggon, Cart, or other ſuch Carriage, ſhall be left to ſtand or remain in any of the publick Streets,

Carriages in the Streets &c.

Streets, Lanes, Paſſages, or Places, within the ſaid Borough, 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, Courts of Aſſize, and Quarter Seſſion, Elections, and other Publick Meetings within the ſaid Borough, and except Baggage Waggons for the Service of the Army or Militia, placed in the Market Place in the ſaid Borough), 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, Hay, Straw, Wood, Dung, Goods, or other Things, 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 Goods, Wares, and Merchandize, while expoſing to Sale in Markets or Fairs, ſo as the ſame do not incumber the Foot-ways), or if any Aſhes, Rubbiſh, Dirt, or any other Nuiſance or Annoyance, ſhall be thrown, caſt, or laid, in any of the Streets, Lanes, Paſſages, or Places aforeſaid, and ſuffered to remain for any longer Time than ſhall be neceſſary for the Purpoſe of removing the ſame, 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 of ſuch Timber or other Things which ſhall be ſo laid or placed, and left to remain as aforeſaid, and the Perſon or Perſons who ſhall ſo throw, caſt, or lay, or cauſe to be thrown, caſt, or laid, any Aſhes, Rubbiſh, Dirt, or other Nuiſance or Annoyance as aforeſaid, ſhall for every ſuch Offence, in any of the Caſes aforeſaid, forfeit and pay the Sum of Five Shillings.

Regulations for emptying Privies.

XXXIII. 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 Borough 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.

Signs, &c. to be regulated.

XXXIV. And be it further enacted, That the ſaid Commiſſioners, or any Seven or more of them, ſhall and may from Time to Time cauſe Notice to be given to the reſpective Owners or Occupiers of the ſeveral Houſes or Buildings within the ſaid Borough, to take down, remove, alter, or regulate, all Shew Boards, Signs, Sign Irons, and Sign Poſts, ſtanding or being in, upon, or over, any of the Foot-ways aforeſaid, and all Penthouſes, Bulks, Shutes, Pipes, and Spouts, projecting into or upon, or hanging over, any of the Streets, Lanes, Publick Paſſages, Places, or Foot-ways aforeſaid, and all Trees, Steps, Poſts, Rails, Pales, Projections, Incroachments,

ments, and Annoyances, ſtanding or being in any of the ſaid Streets, Lanes, Paſſages, or Places, which the ſaid Commiſſioners, or any Seven or more of them, ſhall judge fit to be taken down, removed, altered, or regulated, and to cauſe ſuch Shew Boards, Signs, Sign Poſts, Sign Irons, Penthouſes, Bulks, Shutes, Pipes, Spouts, Trees, Steps, Poſts, Rails, Pales, Projections, Incroachments, 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 Fronts 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 Foot-ways, 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 Foot-ways, and all Doors, Steps, and Paſſages, opening or leading from any ſuch Foot-ways, into any Vaults, Cellars, or Store-houſes 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 Twenty-eight 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, 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 Seven or more of them, to order and cauſe ſuch Shew Boards, Signs, Sign Poſts, Sign Irons, Penthouſes, Shutes, Pipes, Spouts, Trees, Steps, Poſts, Pales, Rails, Annoyances, Doors, and Paſſages aforeſaid 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 Owners, or to be left on the Spot, or as near as 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 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, Signs, Sign Poſt, Sign Iron, Penthouſe, Bulk, 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, or ſhall hereafter make, or cauſe to be made, any Bow or projecting Window on the Ground Floor in the Front of any Houſe or Building of more than a Foot Projection into any of the ſaid Streets, Lanes, Publick Paſſages, or Places, every ſuch Perſon ſo offending ſhall for every ſuch Offence forfeit and pay the Sum of Five Shillings for every Day ſuch Offence ſhall continue; and it ſhall be lawful for the ſaid Commiſſioners, or any Seven 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

Seven 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 or Persons so offending therein, in like Manner as Damages, Costs, and Charges are herein-after directed to be recovered: Provided, that in all Cases where the said Commissioners, or any Seven or more of them, shall cause any of the said Shew Boards, Signs, Sign Posts, Sign Irons, Penthouses, Bulks, 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 Premises to which the same did belong, then every such Tenant 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 the same accordingly.

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

Power to purchase Buildings for the Purpose of widening Streets.

XXXV. And 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 for and to purchase any Houses or other Buildings, Pieces or Parcels of Land or Ground, which they shall judge necessary to be taken down or made use of for widening and rendering more commodious any of the said Streets, Lanes, Passages, and Places, and out of the Money arising by virtue of this Act to pay the Purchase Money or Price agreed upon for the same; and it shall be lawful for all Bodies Politick or Corporate, for and on Behalf of themselves and their Successors, and for all Trustees, Feoffees in Trust, Husbands, Guardians, and Committees, for and on Behalf of any Infants, Issue unborn, Lunatics, Ideots, Femes Covert, or other Persons, and for all Churchwardens and Overseers of the Poor, on Behalf of their respective Parishes, and for all other Persons seised, possessed of, or interested in, any Houses, Buildings, or Lands, to contract and agree with the said Commissioners, or any Nine or more of them, for the Sale thereof; and every such Contract, Agreement, and Sale, shall be good, valid, and effectual in the Law, to all Intents and Purposes, any Law, Usage, or other Matter or Thing to the contrary notwithstanding; and all such Bodies Politick and Corporate, Trustees, Feoffees, and other Persons, shall be and are hereby indemnified for what they shall do by virtue and in pursuance of this Act; and after Payment of such Purchase Money or Price agreed upon as aforesaid, it shall be lawful for the said Commissioners, or any Seven or more of them, to order every or any such House or other Building, or such Part thereof as they shall think proper, to be taken down and removed, and the Scite thereof, and also such Pieces or Parcels of Land or Ground as shall be so purchased as aforesaid, or any Part thereof, to be added to or laid into such Streets, Lanes, Passages, or Places, for the widening and rendering more commodious the same, and the same shall for ever after be deemed and taken to be Part of the Street, Lane, Passage, or Place, into which the same shall be laid as aforesaid; and it shall be lawful for the said Commissioners, or any Nine or more of them, by Writing under their Hands and Seals, to sell and convey to any Person or Persons any Ground or other Hereditaments which shall be purchased as aforesaid, and not made use

uſe of for the Purpoſes of this Act, for the beſt Price that they can reaſonably get for the ſame, and every ſuch Sale and Conveyance ſhall be good, valid, and effectual, in the Law; and all and every Sum and Sums of Money to ariſe from the Sale of any Premiſes which ſhall be purchaſed for the Purpoſes of this Act of any Body Politick or Corporate, Feoffee or Feoffees in Truſt, Guardians, Committees, or other Truſtee or Truſtees, or from any Feme Covert, in caſe the ſame ſhall exceed the Sum of Thirty Pounds, ſhall be by them reſpectively laid out in the Purchaſe of other Meſſuages, Lands, Tenements, or Hereditaments, to be ſettled to and upon, and be ſubject to ſuch Uſes, Truſts, Limitations, Remainders, Contingencies, and Charges, as the Premiſes ſo to be purchaſed by the ſaid Commiſſioners as aforeſaid were reſpectively ſettled, limited, and aſſured, or liable to at the Time of ſuch Sale, or ſo many thereof as at the Time of making ſuch Conveyances and Settlements ſhall be exiſting and capable of taking Effect.

Money paid to Corporations, &c. to be re-inveſted.

XXXVI. And be it further enacted, That in caſe any Perſon or Perſons ſhall at any Time or Times after the paſſing of this Act, break or damage any Part of the Pavement or Pitching of the Footways in any of the ſaid Streets, Lanes, Paſſages, and Places, or take up, or cauſe the ſame or any Part thereof to be taken up, for the Purpoſe of laying, altering, or amending, any Water Pipe, Drain, or Gutter, or for any other Purpoſe, it ſhall be lawful for any Four or more of the ſaid Commiſſioners, although not aſſembled at a Meeting, to order and cauſe the ſame, with all convenient Speed, thenafter to be laid down and repaired; and all Coſts, Charges, and Expences, attending or incident to the repairing, relaying, or making good the ſame, ſhall and may be recovered by the Treaſurer to the ſaid Commiſſioners, of the Perſon or Perſons who ſhall ſo break, damage, or take up, the ſaid Pavement or Pitching, or any Part or Parts thereof as aforeſaid, in the ſame Manner as Damages, Coſts, and Charges, are herein-after directed to be recovered.

Charges of repairing the Pavement, or damaged how to be recovered.

XXXVII. And be it further enacted, That the ſaid Commiſſioners, or any Seven or more of them, may and are hereby authorized and empowered at any Time or Times, and from Time to Time, to appoint ſuch and ſo many Watchmen to be employed in the ſaid Borough, for ſo long 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 Peace for 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.

Watchmen may be appointed.

XXXVIII. And be it further enacted, That all Penalties and Forfeitures by this Act impoſed, and all Damages, Coſts, and Charges, which

Mode of recovering Penalties, &c.

5. may

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 the Oath of any credible Witneſs, 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 Perſons 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 ſufficient Diſtreſs ſhall not be found, and any ſuch Penalty or Forfeiture, Damages, Coſts, or Charges, ſhall not be forthwith paid, 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 Common Gaol for the ſaid Borough, there to remain without Bail or Mainprize for ſuch Time as ſuch Juſtice or Juſtices ſhall direct, not exceeding Three Calendar Months, nor leſs than Fourteen Days, unleſs ſuch Penalty or Forfeiture, Damages, Coſts, or Charges, and all Expences attending the ſame, (to be aſcertained by ſuch Juſtice or Juſtices), ſhall be ſooner paid and ſatisfied; and if any ſuch Offender or Perſon as aforeſaid ſhall live out of the Juriſdiction of the Juſtices of the ſaid Borough, it ſhall and may be 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.

Appeal.

XXXIX. Provided always, and be it further enacted, That if any Perſon or Perſons ſhall think himſelf, herſelf, or themſelves, aggrieved by any Rate or Aſſeſſment which ſhall be made or laid in purſuance of this Act, ſuch Perſon or Perſons may apply to the ſaid Commiſſioners at their Firſt Meeting, which ſhall be held after the Expiration of Seven Days from the Time of demanding ſuch Rate, and the ſaid Commiſſioners at ſuch Meeting are hereby authorized and empowered, if they ſhall think ſuch Perſon or Perſons aggrieved, to give ſuch Relief in the Premiſes as to them ſhall ſeem reaſonable, and if any Perſon or Perſons ſhall be diſſatisfied with the Determination of the ſaid Commiſſioners therein, or if any

Perſon or Perſons ſhall think himſelf, herſelf, or themſelves, aggrieved by any other Thing done in purſuance of this Act, ſuch Perſon or Perſons may appeal to the Juſtices of the Peace at any General Quarter Seſſions of the Peace to be holden for the ſaid Borough, within Four Calendar Months next after the Cauſe of Complaint ſhall have ariſen, the Perſon or Perſons appealing firſt giving or cauſing to be given Ten clear Days Notice at the leaſt, in Writing, of his, her, or their Intention to bring ſuch Appeal, and of the Cauſe or Matter thereof, to the Clerk or Treaſurer to the ſaid Commiſſioners, and within Five 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 Seſſions, and the Juſtices at the ſaid Seſſions, upon due Proof being given as aforeſaid, and upon the entering into ſuch Recognizance, ſhall hear and finally determine the Cauſes and Matters of every ſuch Appeal, 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 out of the Sums to be raiſed by virtue hereof), and ſhall and may, at their Diſcretion, mitigate all or any of the Penalties or Forfeitures incurred by the Party or Parties appealing, and the Determination of the ſaid Juſtices at their ſaid General or Quarter Seſſions ſhall be binding and concluſive to all Intents and Purpoſes; and if any Perſon or Perſons appealing ſhall neglect or refuſe to pay ſuch Coſts as ſhall be awarded againſt him, her, or them, 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 Quarter Seſſions 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.

Manner and Form of Conviction.

XL. 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 any 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 *Wallingford*,
'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.

XLI. 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 profecuted, 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.

XLII. 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 or 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.

XLIII. 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 Calendar Months next after the Fact or Offence committed, and be carried on without wilful Delay.

Proceedings not to be quaſhed for Want of Form.

XLIV. 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, or be removed or removeable by *Certiorari*, or otherwiſe, into any of His Majeſty's Courts of Record at *Weſtminſter*; any Law or Statute to the contrary notwithſtanding.

Perſons taking a Diſtreſs irregularly not to be deemed Treſpaſſers *ab initio*.

XLV. 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.

XLVI. And be it further enacted, 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.

XLVII. 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 Three 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 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 charged shall appear to have been so done, or if it shall appear that such Action or Suit was brought before Twenty-one Days Notice was 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 Treble Costs, and shall have such Remedy for recovering the same, as any Defendant or Defendants may have for his, her, or their Costs in any other Cases by Law.

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

XLVIII. And be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to prevent the Corporation of *Wallingford*, or any other Person or Persons, from having or taking any legal Remedy against any Person or Persons for any Encroachments or Nuisances that are or shall be made within the said Borough, or for any of the Annoyances or Obstructions herein-before authorized to be avoided and prevented, or in any 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 Borough, (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

tents 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. XLIX. 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.