ANNO TRICESIMO SEXTO

Georgii III. Regis.

CAP. L.

An Act for lighting and watching the Streets, and other publick Paſſages and Places, within the Town of *Wakefield*, in the County of *York*, and for more effectually cleanſing the ſame, and removing and preventing Obſtructions, Nuiſances, and Annoyances, therein. [24th *March* 1796.]

Preamble, recites Act 11 *Geo.* III.

WHEREAS an Act of Parliament, paſſed in the Eleventh Year of the Reign of His preſent Majeſty, for better paving, repairing, and cleanſing, the Streets, Lanes, Alleys, and other publick Paſſages and Places, within that Part of the Town of *Wakefield*, in the County of *York*, which lies within certain Limits therein deſcribed, and for preventing Nuiſances and Annoyances therein, and for widening and rendering the ſame more commodious; but the Proviſion made by the ſaid Act, for cleanſing the ſaid Streets, Lanes, Alleys, and other publick Paſſages and Places, and for removing and preventing Nuiſances and Annoyances therein, is found ineffectual for thoſe Purpoſes, and the ſaid Streets, Lanes, Alleys, and other publick Paſſages and Places, are not properly lighted or watched: And whereas it would be of great Benefit to the Inhabitants, and to all Perſons reſorting to or travelling through the ſaid Town, if the ſeveral Streets, Lanes, Alleys, and other publick Paſſages and Places, within the ſaid Town, were properly lighted

and watched, and if more effectual Proviſion was made for cleanſing the ſame, and for removing and preventing Obſtructions, Nuiſances, and Annoyances therein: But the ſame cannot be done without the Authority of Parliament: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the ſeveral Perſons who have been or ſhall hereafter be appointed Commiſſioners for putting the ſaid recited Act in Execution, ſhall likewiſe be Commiſſioners for putting this Act in Execution, and the ſaid Commiſſioners are hereby authorized to meet at their uſual Place of Meeting, and ſhall proceed in the Execution of this Act, as ſoon as conveniently can be done after the paſſing of this Act, upon giving the like Notice of the Time of ſuch Meeting, and in the Manner directed to be given of holding their Meetings by the ſaid recited Act; and that all Proceedings, Acts, Matters, and Things, by this Act authorized to be done or performed by the ſaid Commiſſioners, may be done and performed by the major Part of them preſent at their Firſt and ſubſequent Meetings reſpectively, to be holden for the Execution of this Act, (the Whole Number preſent at any ſuch Meeting not being leſs than Five), and the ſame ſhall be as good and valid in the Law in all Reſpects, and to all Intents and Purpoſes, as if all the Commiſſioners appointed for putting this Act in Execution had been preſent and concurred therein; any Thing in the ſaid recited Act, or this Act, to the contrary hereof notwithſtanding.

Commiſſioners under the former Act to put this Act in Execution, and to meet at the uſual Place.

Five Commiſſioners empowered to act in all Caſes.

II. And be it further enacted, That the ſaid recited Act, and the ſeveral Clauſes, Proviſions, Powers, Authorities, Regulations, Directions, Penalties, Forfeitures, Rights of Appeal, and other Matters and Things, therein contained, (except ſo much thereof as is by this Act varied or altered, and as relates to Exemptions from Stamp Duties), ſhall (ſo far as the ſame are applicable, and the Nature and Circumſtances of the Caſe will admit) extend to the lighting and watching the ſeveral Streets, Lanes, Alleys, and other publick Paſſages and Places, which are ſituate within the ſaid Town.

Proviſions in the former Act extended to this Act, except where altered.

III. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners from Time to Time to hire any Room, Building or Buildings, as they ſhall think fit, in any convenient Part or Parts of the ſaid Town, for the Purpoſe of making uſe thereof as and for an Office or Offices for keeping their Accounts, and doing the Buſineſs relating to this Act, and as a Storehouſe or Storehouſes for keeping their Implements and Materials, and for other the Purpoſes of this Act, and to pay out of the Money to ariſe by Rates to be made in purſuance of this Act ſuch Yearly Rent or Rents as they the ſaid Commiſſioners ſhall from Time to Time agree upon, and alſo to accept and take a Leaſe of ſuch Room, Building or Buildings, to themſelves or any of them, or any Perſon or Perſons in Truſt for them, for any Term or Number of Years, at and under ſuch Yearly Rent or Rents as they ſhall from Time to Time think fit.

Commiſſioners may hire Room for Office and Store Houſe.

IV. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners from Time to Time, by Writing under their Hands, to

Officers to be appointed.

appoint a Clerk, Collector, and Treaſurer, Scavenger or Scavengers, and ſuch other Officers as they ſhall find neceſſary for the Execution of this Act, and from Time to Time to remove all or any of ſuch Officers at their Will and Pleaſure, and out of the Money ariſing by virtue of this Act to appoint and pay ſuch Salaries or other Allowances to the ſaid Officers, and to all other Perſons who ſhall be employed in or about the Execution of this Act, as they the ſaid Commiſſioners ſhall judge reaſonable and proper; and all and every ſuch Officer and Officers ſhall give ſuch Security for the due and faithful Performance of their reſpective Offices as the ſaid Commiſſioners ſhall think fit.

Power to place Lamps.

V. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, and they are hereby authorized and required from Time to Time, as there ſhall be Occaſion, to purchaſe, provide, affix, and ſet up, alter and take down, or cauſe to be affixed and ſet up, altered and taken down, ſuch and ſo many Lamps as ſhall from Time to Time be neceſſary and expedient, in, upon, or from any Fences, Dead Walls, and the Outſide Walls of any Houſes or Buildings, for completely lighting the principal Thoroughfares, Streets, Lanes, and publick Paſſages, of and within the ſaid Town; and alſo that it ſhall and may be lawful to and for the ſaid Commiſſioners, and they are hereby authorized and empowered, from Time to Time as there ſhall be Occaſion, to purchaſe, provide, affix, and ſet up, alter, and take down, or cauſe to be affixed and ſet up, altered and taken down, ſuch and ſo many Lamps as they ſhall from Time to Time find neceſſary and expedient, in, upon, and from any Fences, Dead Walls, and the Outſide Walls of any other Streets, Lanes, and publick Paſſages, now made or hereafter to be made within the ſaid Town, in ſuch Manner as they ſhall from Time to Time think proper, making good all ſuch Damages as may at any Time happen to be done thereby; and in all Caſes where any Streets, Lanes, or other publick Paſſages now are, or hereafter ſhall be opened, and Meſſuages, Houſes, or other Buildings are or ſhall be erected in or upon the ſame, the Aſſeſſments whereof under this Act ſhall amount to One Half Part or upwards of the Annual Expence of lighting, watching, and cleanſing the ſame, it ſhall and may be lawful to and for the ſaid Commiſſioners, and they are hereby authorized and required to cauſe the ſame to be lighted, watched, and cleanſed, in like Manner as other Streets, Lanes, and publick Paſſages are directed to be done by virtue of this Act.

Streets to be watched.

VI. And be it further enacted, That the ſaid Commiſſioners may, and they are hereby empowered (if they think proper) to appoint a ſufficient Number of fit and able-bodied Men to watch and guard, in the Night Time, the Streets, Lanes, and other publick Paſſages and Places within the ſaid Town; and ſhall and may give ſuch Orders and Directions for arming and ſtationing ſuch Watchmen, and all other neceſſary Orders and Directions for the due and regular Performance of their Duty, as the ſaid Commiſſioners ſhall from Time to Time judge proper, and ſhall and may from Time to Time remove and diſcharge all or any of the ſaid Watchmen, and appoint others in their Stead.

Directing the cleanſing the Streets.

VII. And whereas the Powers given to the ſaid Commiſſioners by the ſaid recited Act of the Eleventh Year of the Reign of His preſent Majeſty, for cleanſing the Streets and other publick Paſſages and Places within the Limits of the ſaid Act, have been found inſufficient for that Purpoſe: Be it therefore further enacted, That the Scavenger or Scavengers, or other Officer or Officers, Perſon or Perſons, to be from Time to Time appointed by the ſaid Commiſſioners for that Purpoſe, ſhall, and they are hereby required to ſweep and cleanſe, or cauſe to be ſwept and cleanſed, the Streets, Lanes, Alleys, and other publick Paſſages and Places within the ſaid Town, where and ſo far as the ſame ſhall be paved by virtue of the ſaid recited Act, together with the Cauſeways thereof, before all Houſes, Warehouſes, Shops, Stables, and other Buildings, and alſo before all empty Houſes, Dead Walls, void or waſte Grounds and Places, the Church and Chapel Yards, and other publick Buildings within the ſaid Town, at ſuch Time and Times, and in ſuch Manner as ſhall be appointed by the ſaid Commiſſioners, upon Pain of forfeiting Ten Shillings for every Offence or Neglect; and no Perſon or Perſons whomſoever, ſhall throw, caſt, or lay, or cauſe, or permit, or ſuffer to be thrown, caſt, or laid, any Aſhes, Rubbiſh, Duſt, Dirt, Dung, or other Filth, or Annoyance whatſoever, in any of the ſaid Streets, Lanes, Alleys, or other publick Paſſages or Places, or in any Watercourſe, within the ſaid Town, but ſhall keep the ſame in their reſpective Houſes or Yards until ſuch Time as the Scavenger or Scavengers, or other Officer or Perſon to be appointed for that Purpoſe, ſhall come with a Cart or Carts, or other Conveniencies, to carry away the ſame, which Scavenger or Scavengers, or other Officer or Officers, Perſon or Perſons, thereto appointed in purſuance of this Act, ſhall come Once in every Week, or at ſuch other Times as the ſaid Commiſſioners ſhall appoint, into ſuch Parts of the ſaid Town as ſhall be ſo appointed, and bring or cauſe to be brought a Cart or Carts, or other Conveniencies, into all ſuch Streets, Lanes, Alleys, and other publick Paſſages and Places, where ſuch Cart or Carts, or other Conveniencies, can paſs, and at or before their Approach, by Bell, loud Voice, or otherwiſe, ſhall give Notice to the Inhabitants of his or their coming, and give the like Notice in every Court, Paſſage, or Place into which the ſaid Cart or Carts, or other Conveniencies, cannot paſs, and abide and ſtay there a convenient Time, ſo that the Inhabitants or Perſons concerned reſpectively may bring forth their Aſhes, Rubbiſh, Dirt, Dung, or Duſt and Filth, (except any Filth from any Privy or neceſſary Houſe), to ſuch Cart or Carts, or other Conveniencies, all which Aſhes, Rubbiſh, Duſt, Dirt, Dung, and Filth, (except as aforeſaid), the ſaid Scavenger or Scavengers, or other Officer or Perſon appointed for that Purpoſe, ſhall then immediately, or as ſoon as may be, carry away, or cauſe to be carried away, *gratis*; and no Perſon or Perſons whomſoever ſhall take or carry away, or cauſe to be taken or carried away any Aſhes, Dirt, Duſt, Muck, Dung, or Manure, out of the ſaid Streets, Lanes, Alleys, Courts, and other publick Paſſages and Places, within the ſaid Town, except ſuch Scavenger or Scavengers, or other Officer or Officers, Perſon or Perſons, to be appointed by the ſaid Commiſſioners as aforeſaid for that Purpoſe, and except and unleſs the ſame ſhall be taken or carried away by the Perſon to whom the ſame ſhall reſpectively belong, and from whoſe Premiſes the

ſame ſhall brought, or by his, her, or their Order or Direction, before the Time ſuch Scavenger or Scavengers, or other Officer or Officers, ſhall come to carry away the ſame, and except ſuch Muck, Dung, and Manure as ſhall be brought into the ſaid Streets, Lanes, Alleys, and other publick Paſſages or Places, from their reſpective Dung Holes or Dung Hills, for the Convenience of loading and carrying away the ſame; and no Inhabitant or other Perſon within the ſaid Town ſhall permit or ſuffer any Muck, Dung, or Manure, by them or any of them brought or cauſed to be brought into the ſaid Streets, Lanes, Alleys, or other publick Paſſages or Places aforeſaid, in order to be loaded and carried away, to be ſo brought or laid more than One Hour before the Sun-riſing, nor to remain longer than One Hour after the Sun-ſetting, on Pain of forfeiting Five Shillings for every ſuch Offence.

Commiſſioners may contract for Lamps and Cleanſing.

VIII. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners to contract with any Perſon or Perſons for a ſufficient Number of Lamps neceſſary to fix and ſet up in the ſaid Town, and for Irons, Poſts, and other Materials and Utenſils needful for fixing the ſame, from Time to Time, and for finding and providing the ſaid Lamps with all Requiſites, and for lighting, ſupporting, attending, and repairing the ſame; and alſo with any Perſon or Perſons to be and act as Scavenger or Scavengers to collect together and carry away the Dirt and Soil of the Streets, Lanes, Alleys, and other publick Paſſages and Places aforeſaid, and to contract with any Perſon or Perſons annually, or otherwiſe, for the ſweeping, cleanſing, and carrying away the Dirt, Soil, and other Filth, from the ſaid Streets, Lanes, Alleys, and other publick Paſſages and Places, and to make and enter into any ſuch other Contracts and Agreements as they ſhall judge expedient and proper to anſwer the Intents and Purpoſes of this Act; and the ſaid Commiſſioners are alſo hereby authorized and empowered to put up to the beſt Bidder, or otherwiſe contract for, ſell, or diſpoſe of, all ſuch Dung, Dirt, and Soil or Manure, as ſhall ariſe within the ſaid Streets, Lanes, Alleys, and other publick Paſſages and Places, or be collected, carried, and laid together, and by ſuch Scavenger or Scavengers, Officer or Officers, for that Purpoſe taken and carried away as aforeſaid, and to apply the Money ariſing therefrom for the Purpoſes of this Act.

Property of Lamps veſted in the Commiſſioners.

IX. And be it further enacted, That the Property of the ſaid Lamps, and all Materials and Furniture thereto belonging or affixed, ſhall be and are hereby veſted in the ſaid Commiſſioners, and they are hereby authorized and empowered to bring Actions, and proſecute Indictments againſt any Perſon or Perſons for ſtealing, taking, or carrying away, breaking, extinguiſhing, ſpoiling, or damaging, the ſame; and all and every Perſon and Perſons who ſhall wilfully or maliciouſly break, throw down, take away, damage, or ſpoil, any Lamp or Lamps put up by virtue of this Act, or extinguiſh the Light or Lights therein, or wilfully damage the Poſts, Irons, or other Furniture thereof, or wilfully hinder or obſtruct any of the Commiſſioners or Officers employed in any Manner in the Execution of this Act, every Perſon or Perſons ſo offending in any of the Matters aforeſaid ſhall, upon being convicted thereof by the Oath of One or more credible Witneſs or Witneſſes, or his, her, or their own Confeſſion, before any Juſtice of the Peace for the Weſt Riding of the ſaid County of *York*, (which Oath ſuch Juſtice is hereby empowered and required to adminiſter without Fee or Reward), forfeit

Penalty on Perſons damaging them.

forfeit for the Firſt Offence the Sum of Twenty Shillings; for the Second Ofience the Sum of Forty Shillings; and for the Third and every other Offence the Sum of Five Pounds; One Half whereof ſhall go to the Informer, and the other Half to the ſaid Commiſſioners, to be diſpoſed of and applied as the other Forfeitures are hereby directed to be diſpoſed of and applied; and in caſe any Perſon or Perſons ſhall careleſsly, negligently, or accidentally break, throw down, or otherwiſe damage any of the ſaid Lamps ſo to be put up as aforeſaid, or the Irons, Poſts, or other Furniture thereof, and ſhall not immediately upon Demand make Satisfaction for the ſame, then and in ſuch Caſe it ſhall be lawful for any One or more Juſtice or Juſtices of the Peace for the Weſt Riding of the ſaid County of *York*, upon Proof thereof upon Oath as aforeſaid, (which Oath ſuch Juſtice or Juſtices is and are hereby empowered and required to adminiſter), of One or more Witneſs or Witneſſes, or by Confeſſion of the Party or Parties, to award ſuch Sum or Sums of Money by Way of Satisfaction for ſuch Damage, as ſuch Juſtice or Juſtices ſhall think reaſonable, and in caſe of Refuſal or Neglect to pay any of the Sums of Money ſo awarded, within Six Days after demanded, to cauſe the ſame, by Warrant under the Hand and Seal or Hands and Seals of ſuch Juſtice or Juſtices, to be levied by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons who ſhall ſo have done ſuch Damage, rendering to him, her, or them, the Overplus, (if any ſhall be), after deducting the Coſts and Charges of ſuch Warrant, and of ſuch Diſtreſs and Sale, when demanded; and in caſe ſufficient Diſtreſs cannot be found, or ſuch Penalties or other Sums ſo awarded as aforeſaid, ſhall not be forthwith paid, ſuch Juſtice or Juſtices is and are hereby authorized and required, by Warrant under his or their Hand and Seal or Hands and Seals, to cauſe the Offender or Offenders to be apprehended and carried to the Houſe of Correction in *Wakefield* aforeſaid, there to remain, without Bail or Mainprize, for any Time not exceeding Three Calendar Months, unleſs ſuch Penalties or Damages, and all reaſonable Charges attending the Recovery thereof, ſhall be ſooner paid or ſatisfied.

Contracts to be binding.

X. And be it further enacted, That all Contracts entered into by the ſaid Commiſſioners with any Workman or Workmen, Officer or Officers, Scavenger or Scavengers, or any other Perſon or Perſons, for any of the Purpoſes of this Act, ſhall be binding upon ſuch Workman and Workmen, Officer and Officers, Scavenger and Scavengers, and all other Perſon and Perſons making the ſame, and that Actions and Suits ſhall and may be maintained by the ſaid Commiſſioners thereon, in the Name of their Clerk or Treaſurer, and Damages and Coſts recovered againſt the Parties failing in the Execution thereof, and that the Sum of Money requiſite for fulfilling the ſaid Contract or Contracts, according to the true Intent and Meaning thereof, ſhall be the Meaſure of the Damages to be recovered in any Action againſt ſuch Contractor or Contractors as aforeſaid making Default in fulfilling his or their ſaid Contract or Contracts, any Law or Uſage to the contrary thereof notwithſtanding; and all ſuch Damages and Coſts as ſhall be ſo recovered, ſhall be applied to the Uſes and Purpoſes of this Act.

How Rubbiſh, &c. to be diſpoſed of.

XI. And be it further enacted, That no Perſon or Perſons ſhall at any Time throw, caſt, or lay, any Broken Glaſs, Earthen Ware, Brick Ends, Brick Bats, Cinders, Aſhes, or other Rubbiſh whatſoever, in

any of the ſaid Streets, Lanes, Alleys, or other publick Paſſages or Places, upon any Pretence or Account whatſoever, but that all Perſons having any ſuch Rubbiſh or Things before mentioned, to be removed from their reſpective Houſes, Shops, Yards, Warehouſes, or other Places, ſhall from Time to Time cauſe the ſame, at their own Expence, to be carried away and laid at ſome convenient and proper Place out of the ſaid Streets, Lanes, Alleys, and publick Paſſages and Places; and every Perſon who ſhall throw, caſt, or lay, or cauſe or permit to be thrown, caſt, and laid, any ſuch Rubbiſh or other Things in any of the ſaid Streets, Lanes, Alleys, or other publick Paſſages or Places, ſhall, for every ſuch Offence, forfeit and pay the Sum of Five Shillings.

Water Spouts regulated.

XII. And be it further enacted, That the Occupiers of all Houſes, Shops, Tenements, or other Buildings within the ſaid Town, the Water from the Eaves or Spouts whereof ſhall drop or fall into any of the ſaid Streets, Lanes, Alleys, or other publick Paſſages or Places, ſo as to be incommodious to Paſſengers, ſhall, and they are hereby required, within Fourteen Days after Notice being given for that Purpoſe to them, by Writing under the Hands of the ſaid Commiſſioners, (ſuch Notice not to be given before the Expiration of Three Calendar Months from the paſſing of this Act), to convey the Water from the Eaves or Spouts of their reſpective Houſes, Shops, Tenements, or other Buildings, by Wall Spouts or other Devices down the Fronts or Sides of ſuch reſpective Houſes, Shops, Tenements, or other Buildings, to within the Diſtance of Six Inches from the Surface of the Ground in ſuch Streets, Lanes, Alleys, or other publick Paſſages or Places as aforeſaid, or otherwiſe to convey the ſame into their own private Yards or Premiſes; and in caſe any ſuch Occupier ſhall, after ſuch Notice given to him or her as aforeſaid, neglect or refuſe to convey the Water from the Eaves or Spouts of ſuch Houſes, Shops, Tenements, or other Buildings, in Manner before directed, every ſuch Perſon ſhall forfeit and pay the Sum of Five Shillings for every Week ſuch Perſon ſhall ſo neglect or refuſe to do the ſame; and every ſuch Occupier being a Tenant at Rack Rent of any Houſe or other Building, where the Water ſhall be ſo conveyed as aforeſaid, who ſhall be at any Expence in conveying the ſame, may and is hereby empowered to deduct ſuch Expence out of the next Rent which ſhall be payable by ſuch Tenant to the Owner of ſuch Houſe or other Building, ſuch Expence to be aſcertained by any Juſtice of the Peace for the Weſt Riding of the ſaid County of *York*, in caſe of any Difference concerning the ſame.

Preventing Annoyances by Waggons or other Things continuing in the Streets.

XIII. And be it further enacted, That if any Cart, Tilted Waggon, or other Waggon, Sledge, Dray, or other Wheel Carriage, ſhall be left to remain or continue in any Street, Lane, or other publick Paſſage or Place within the ſaid Town, with or without Horſes or other Cattle, either in the Day Time or by Night, for more than Three Hours at any One Time (except on the Market Day, and on that Day not after the Hour of Four of the Clock in the Afternoon) except for the Purpoſe and during the Time of actually loading or unloading thereof, or if any Timber, Bricks, Stones, Slates, Hay, Straw, Wood, Coals, Boards, Caſks, Goods, Wares, Merchandizes, Materials, or Things whatſoever, ſhall be laid or placed, and left in any ſuch Street, Lane, or other publick Paſſage or Place, either upon the Carriage Way or Foot Way, longer than ſhall be neceſſary for the houſing or removing the ſame, or if any

Horſes or Cattle drawing any Cart, Tilted Waggon or other Waggon, Sledge, Dray, or other Wheel Carriage, ſhall be foddered or fed in any of the ſaid Streets, Lanes, or other publick Paſſages or Places, on any Pretence or Occaſion whatſoever, then and in every ſuch Caſe the Owner or Owners of every ſuch Cart, Tilted Waggon or other Waggon, Sledge, Dray, or other Wheel Carriage, or of any ſuch Timber, Bricks, Goods, Wares, Merchandizes, Materials, or Things, or Horſes or other Cattle foddered or fed, ſhall, for every ſuch Offence, forfeit and pay the Sum of Ten Shillings, and the ſame ſhall moreover be deemed Nuiſances, and any One of the Officers belonging to the ſaid Commiſſioners, without any Peace Officer or other Perſon preſent, ſhall and may, either in the Day Time or by Night, ſeize or cauſe to be ſeized the Cart, Waggon, Sledge, Dray, or other Wheel Carriage, ſo left to remain or continue contrary to the true Meaning of this Act, together with the Horſe or Horſes thereunto belonging or affixed (if any) or the Timber, Bricks, Stones, Slates, Hay, Straw, Wood, Coals, Boards, Caſks, Goods, Wares, Merchandizes, Materials, or Things, ſo laid or placed, or Horſes or Cattle ſo foddered or fed as aforeſaid, and remove the ſame, or cauſe the ſame to be removed to ſuch Place, within the ſaid Town or Townſhip of *Wakefield*, as ſhall be appointed for that Purpoſe by the ſaid Commiſſioners, there to be kept and detained until the Owner or Owners thereof, or his, her, or their known Servant or Servants, ſhall claim the ſame, and pay to the Perſon or Perſons in whoſe Cuſtody the ſame ſhall then be, the Sum of Ten Shillings, together with the Charges of removing and keeping the ſame; and in caſe the ſame ſhall not be claimed, and the ſaid Sum of Ten Shillings, and Charges, be paid within the Space of Six Days next after ſuch Seizure, it ſhall be lawful for the ſaid Commiſſioners to cauſe the ſame to be ſold, returning the Overplus (if any) upon Demand, to the Owner or Owners thereof, after deducting the ſaid Penalty, and the Charges of ſuch Removal, Keeping, and Sale, which ſaid Penalty ſhall be applied to the Purpoſes of this Act.

Exception on Buildings being taken down.

XIV. Provided always, and be it further enacted, That every Perſon or Perſons who ſhall pull down or rebuild any Houſe or Building within any ſuch Street, Lane, or other publick Paſſage or Place as aforeſaid, or ſhall make any ſuch Repairs as ſhall make it neceſſary to lay Materials or Rubbiſh, or ſlake Lime in the ſaid Streets, Lanes, or other publick Paſſages or Places, ſhall give Notice to the ſaid Commiſſioners, or to their Clerk or Surveyor, of his, her, or their Intention ſo to pull down, rebuild, or repair, Two Days at leaſt before he, ſhe, or they ſhall begin to carry the ſame into Effect, and the ſaid Commiſſioners, upon ſuch Notice being given, ſhall direct ſuch Incloſure to be made at the Expence of the Party requiring the ſame, as ſhall be ſufficient for making the Mortar, and laying the neceſſary Materials for the ſame, and the Rubbiſh ariſing therefrom, with the leaſt Inconvenience to the Publick; and if the ſaid Commiſſioners, or any of their Servants or Agents, ſhall not attend in purſuance of ſuch Notice ſo given as aforeſaid, it ſhall and may be lawful for the Perſon or Perſons having given the ſame, to make ſuch Incloſures before their reſpective Houſes for the building, rebuilding, or repairing, any ſuch Houſe or Tenement, at their own Diſcretion, ſo as there be convenient Room left in the Streets, Lanes, or other publick Paſſages or Places for Carriages to paſs and repaſs, and a ſufficient Way kept clean for Foot Paſſengers; and the Owner or Own-

ers of such House or Tenement, before which such Inclosure shall be made, or such Materials, Rubbish, or Lime, shall lie, shall cause the same to be removed out of the said Street, Lane, or other publick Passage or Place, at his, her, or their own proper Costs and Charges, within a reasonable Time, or upon Notice in Writing, signed by the said Commissioners, being given to him, her, or them, for that Purpose, or left at his, her, or their said House, where such Rubbish, or Lime, or other Materials shall lie, and whilst the same shall be lying in the said Street, Lane, or other publick Passage or Place, such Owner or Owners shall set up and maintain a sufficient Light upon or against the same every Night, during the whole Night, from the Time it becomes dark, to prevent any Mischief happening to Passengers, which might otherwise be occasioned thereby, upon Pain of forfeiting the Sum of Five Shillings a Day for each and every such Offence; and if any Person shall lay any such Rubbish, or shall slake Lime, or shall make any such Inclosure in any of the said Streets or publick Places as aforesaid, without giving Notice to the said Commissioners, he shall forfeit Ten Shillings, and they shall have a Right to pull down the Inclosure.

Swine or Cattle not to be suffered to wander in the Streets.

XV. And be it further enacted, That if any Horse, Mare, Gelding, Swine, Beast, or Cattle, shall be found wandering in or about any of the said Streets, Lanes, or other publick Passages or Places, it shall and may be lawful for any Officer or Officers of the said Commissioners to impound such Horse, Mare, Gelding, Swine, Beast, or Cattle, in the common Pound of the said Town, or in such other Place as shall be appointed for that Purpose by the said Commissioners, and the same to detain in the said Pound or Place until the Sum of Two Shillings and Sixpence, and the Expence of impounding such Horse, Mare, Gelding, Swine, Beast, oe Cattle, shall be fully paid and satisfied; and in case such Penalty and Expence shall not be paid within Three Days after such Horse, Mare, Gelding, Swine, Beast, or Cattle, shall be impounded, it shall be lawful for such Person or Persons as shall be appointed by the said Commissioners for that Purpose, to sell, or cause such Horse, Mare, Gelding, Swine, Beast, or Cattle, to be publickly sold, returning the Overplus (if any be) upon Demand, to the Owner or Owners thereof, after deducting the said Penalty, and the Charges of impounding, keeping, and Sale.

Commissioners to fix on a Spot for shewing Stallions.

XVI. And whereas the shewing of Stallions or Stone Horses in the said Streets has been found very dangerous to the Inhabitants, be it therefore enacted, That if, after the said Commissioners shall have ascertained and appointed a Place, within or near the said Town, for the Purpose of shewing Stallions or Stone Horses (and which the said Commissioners are hereby authorized and required to do), any Person shall shew any Stallion or Stone Horse in any other Part of the said Town, every such Person shall, for every such Offence, forfeit and pay the Sum of Twenty Shillings; or if any Person or Persons whomsoever shall shew or exercise any Horse, Mare, or Gelding, betwixt the Houses and the Gutters or Channels in the said Streets, every such Person shall, for every such Offence, forfeit and pay the Sum of Five Shillings.

Penalty on killing Beasts, &c. in the Streets.

XVII. And be it further enacted, That if any Butcher or Butchers, or any other Person or Persons whomsoever, shall kill, slaughter, or dress,

dreſs any Cattle, Sheep, Pigs, Calves, Swine, or any other Beaſts whatſoever, in the Market Place, or in any of the ſaid Streets, Lanes, or other publick Paſſages or Places, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay the Sum of Five Shillings.

Stalls, &c. in the Market Place to be removed every Evening.

XVIII. And be it further enacted, That all Stalls, Standings, Blocks, Barrels, Caſks, Veſſels, Crates, Benches, Lumber, and other Things, placed or uſed in any of the ſaid Streets, Lanes, and other publick Paſſages and Places, by any Perſon or Perſons keeping Stalls or Standings, Working Places, or Places for Sale of any Article or Commodity whatſoever there, ſhall be taken and carried away before Eleven of the Clock at Night on every Market Day, and before Nine of the Clock in the Evenings of all other Days, by the reſpective Perſons uſing the ſame, or to whom the ſame ſhall belong, on Pain of forfeiting Five Shillings for every ſuch Offence or Neglect therein; and if any Perſon or Perſons whomſoever ſhall ſet up, affix, or uſe any Stall, Standing, Block, or Working Place, upon or ſo near as to interrupt or incommode any of the Cauſeways or Foot Paths of or within any of the ſaid Streets, Lanes, or other publick Paſſages or Places, he, ſhe, or they ſhall forfeit and pay the Sum of Five Shillings for every ſuch Offence; and in caſe the ſaid Penalties, or either of them, ſhall not be immediately paid, and ſuch Stalls, Standings, Blocks, Barrels, Caſks, Veſſels, Crates, Benches, Lumber, or other Cauſe of Interruption, be not immediately removed, the ſame ſhall be ſeized by the Officer or Perſon appointed by the ſaid Commiſſioners; and ſuch Officer or Perſon is hereby authorized and required to keep and detain the ſame for the Space of Eight Days, and if the ſaid Penalties, or either of them, ſo forfeited, be not paid within that Time, the ſame ſhall be ſold, and the Overplus of the Money ariſing from ſuch Sale, after deducting the ſaid Penalty and Charges, be returned to the Owner.

Commiſſioners may direct Proſecutions.

XIX. And be it further enacted, That the ſaid Commiſſioners at any of their Meetings may, and they are hereby empowered to order and direct Proſecutions againſt any Perſon or Perſons for any Offence committed againſt this Act, or for any Nuiſances, Incroachments, or Obſtructions, laid, placed, erected, or made, in or upon the ſaid Streets, Lanes, or other publick Paſſages or Places, or upon the Foot Pavements within the ſaid Town or any Part thereof.

Aſſeſſments to be raiſed for defraying the Expences of the Act.

XX. And be it further enacted, That the Coſts and Charges of obtaining this Act, and of lighting and watching the ſaid Streets, Lanes, and other publick Paſſages and Places, and of carrying this Act into Execution, ſhall be at all Times a Charge upon, and ſhall be raiſed and paid by the ſeveral Owners and Occupiers of all and every Meſſuages, Houſes, Stables, Coach Houſes, Shops, Cellars, Vaults, Warehouſes, Malthouſes, Granaries, Brewhouſes, and other Buildings already erected or built, or which ſhall or may hereafter be erected or built within the ſaid Town (ſave and except the Mills within the ſaid Town belonging to Sir *Thomas Pilkington* Baronet, now erected and made, or hereafter to be erected and made, by the ſaid Sir *Thomas Pilkington*, his Heirs or Aſſigns, and worked by the Water of the River *Calder*, and all Buildings, other than Dwelling Houſes, now uſed or hereafter to be uſed, and occupied and enjoyed

with ſuch Mills as appurtenant thereto; and alſo ſave and except all ſuch Cottages, Houſes, and other Buildings, occupied by poor Perſons, which together, in any One Perſon's Poſſeſſion, are not rated or aſſeſſed in the Street Aſſeſſments for the ſaid Town at the Sum of Four Pounds or upwards), and that for the raiſing the ſame it ſhall and may be lawful to and for the ſaid Commiſſioners to make, aſſeſs, and impoſe, One or more equal Pound Rate or Rates, at their Diſcretion, not exceeding Two Shillings in the Pound in any One Year, to be collected at ſuch Time or Times in the Year as to them ſhall ſeem meet.

Rates, &c. to be ſigned by the Commiſſioners.

XXI. And be it further enacted, That all Rates and Aſſeſſments which ſhall be made in purſuance of this Act, ſhall be allowed and ſigned by the ſaid Commiſſioners; and in the making of ſuch Rate or Rates the Street Aſſeſſment of the ſaid Town for the Time being, ſhall be the Rule or Guide, ſo far as the ſame will extend and apply, by which ſuch Rate or Rates ſhall be made; and all Outhouſes and Buildings to be aſſeſſed by virtue of this Act, and which are not rated or aſſeſſed in or by the ſaid Street Aſſeſſment, ſhall be aſſeſſed in a fair and equal Proportion, according to their Value, with the Houſes and Buildings included in the ſaid Street Aſſeſſment.

Cottages, &c. rated together at Four Pounds or upwards, to be conſidered as One Cottage.

XXII. And be it further enacted, That where any Perſon ſhall hold or occupy different Cottages, Dwelling Houſes, or Buildings, or different Houſes or Buildings belonging to One or more Perſon or Perſons, which together ſhall be rated or aſſeſſed in the ſaid Street Aſſeſſment at the Sum of Four Pounds or upwards, the ſame ſhall be conſidered as One diſtinct Cottage, Dwelling Houſe, or Building; any Thing in the ſaid recited Act or this Act contained to the contrary notwithſtanding.

Fund of this Act to be kept ſeparate from Street Aſſeſſment.

XXIII. And be it further enacted, That the Fund to be raiſed by virtue of and under this Act ſhall at all Times hereafter be kept ſeparate and diſtinct from the Fund raiſed under and by virtue of the ſaid recited Act of the Eleventh Year of the Reign of His preſent Majeſty; and that after Payment of the Expences of obtaining this Act, and of the neceſſary Salaries and Wages of the Clerks, Servants, and Workmen, hereby authorized to be employed, the ſaid Rates hereby impoſed ſhall be applicable only to the Expences of lighting and watching the ſaid Streets, Lanes, Alleys, and other publick Paſſages and Places; and that all Expences of paving and cleanſing the ſaid Streets, Lanes, Alleys, and other publick Paſſages and Places, and of removing all Obſtructions, Nuiſances, and Annoyances therein, ſhall be paid and borne by, and be charged upon the Rates levied under and by virtue of the ſaid recited Act.

How Rates are to be recovered.

XXIV. And be it further enacted, That the Rates or Aſſeſſments to be rated, aſſeſſed, or charged by virtue of this Act, ſhall and may be recovered, of and from the Perſons liable to pay the ſame, by ſuch and the ſame Ways and Means as in and by the ſaid recited Act of the Eleventh Year of the Reign of His preſent Majeſty are given and provided for the Recovery of the Rates and Aſſeſſments to be charged and aſſeſſed by virtue of the ſame Act.

Rents to be apportioned on Occupiers quitting or coming in.

XXV. And be it further enacted, That where any Perſon or Perſons ſhall come into or occupy any Houſes or Buildings rated or aſſeſſed, or liable to be rated or aſſeſſed by virtue of this Act out of or from which any other Perſon or Perſons aſſeſſed ſhall be removed, or which, at the Time of making any Rate or Aſſeſſment in purſuance of this Act, was empty or unoccupied, that then every Perſon ſo removing from, and every Perſon ſo coming into or occupying the ſame, ſhall be liable to pay ſuch Rate or Aſſeſſment in Proportion to the Time that ſuch Perſons occupied the ſame reſpectively, in the ſame Manner, and under the like Penalty of Diſtreſs as if ſuch Perſon ſo removed had not removed, or ſuch Perſons ſo coming into and occupying ſuch Houſes and Buildings had been originally rated and aſſeſſed in ſuch Rate, which ſaid Proportion, in caſe of Diſpute, ſhall by the ſaid Commiſſioners be ſettled and aſcertained.

Treaſurer to pay the Money to Commiſſioners Orders.

XXVI. And be it further enacted, That all and every Treaſurer to be appointed in purſuance of this Act ſhall and is hereby authorized and required to pay and apply all ſuch Monies as he ſhall from Time to Time receive, by virtue hereof, to ſuch Perſon and Perſons, and in ſuch Manner and at ſuch Times as the ſaid Commiſſioners ſhall from Time to Time, by any Order or Orders under their Hands, direct and appoint, for the Uſes and Purpoſes of this Act, and ſuch Commiſſioners are hereby empowered to make ſuch Order or Orders accordingly.

Power to borrow Money.

XXVII. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners from Time to Time to borrow and take up at Intereſt, upon the Credit of the Rates and Aſſeſſments by this Act authorized to be made and collected, ſuch Sum or Sums of Money as they ſhall think fit, not exceeding the Sum of One thouſand Pounds; and by Writing under their Hands and Seals to mortgage, demiſe, grant, or aſſign, the ſaid Rates and Aſſeſſments, or any Part or Parts thereof (the Charges of ſuch Mortgages, Demiſes, Grants, or Aſſignments to be paid for thereout), to any Perſon or Perſons, for any Term or Number of Years, as a Security for the Monies which ſhall be ſo borrowed, and the Intereſt thereof; and Copies of all ſuch Mortgages, Demiſes, Grants, or Aſſignments, ſhall be entered in a Book or Books to be kept for that Purpoſe by the Clerk to the ſaid Commiſſioners; but no Money ſhall be borrowed, by virtue of this Act, after the Firſt Meeting of the ſaid Commiſſioners, unleſs Fourteen Days Notice of the Meeting for the borrowing of ſuch Money ſhall be given; and all Perſons to whom ſuch Mortgages, Demiſes, Grants, or Aſſignments ſhall be made, ſhall be, in Proportion to the Sums therein reſpectively mentioned, Creditors on the Rates and Aſſeſſments ſo to be mortgaged as aforeſaid, 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 Mortgages; and every Mortgage or Aſſignment to be made by virtue of this Act ſhall be in the Form or to the Effect following; (*videlicet*),

'BY virtue of an Act of Parliament, paſſed in the Thirty-ſixth 'Year of the Reign of King *George* the Third, intituled [*ſet forth the 'Title of the Act*] We, Five or more of the Commiſſioners appointed by 'or in purſuance of the ſaid Act, in Conſideration of the Sum of 'advanced and lent by *A. B.* upon the Credit and for the Pur-'poſes of the ſaid Act, do grant, bargain, ſell, and demiſe, unto the 'ſaid

'ſaid *A. B.* his Executors, Adminiſtrators, and Aſſigns, ſuch Proportion of the Rates and Aſſeſſments ariſing by virtue of the ſame Act, as the ſaid Sum of doth or ſhall bear to the whole Sum which may at any Time be charged upon the Credit of the ſaid Rates and Aſſeſſments, to be had and holden from this Day of with Intereſt for the ſame after the Rate of *per Centum per Annum*, until the Whole principal Sum of and the Intereſt thereof, ſhall be repaid and ſatisfied.

And Entries or Memorandums of every ſuch Aſſignment, containing the Dates, Names of the Parties, and Sums borrowed, ſhall be made in a Book or Books to be kept for that Purpoſe by the Clerk to the ſaid Commiſſioners, 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 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, to any Perſon or Perſons, either by a ſeparate Inſtrument, or by Indorſement on ſuch Security, in the Words or to the Effect following:

'I *A. B.* do hereby transfer the within Mortgage [*if by Indorſement, or if by a ſeparate Inſtrument*, a certain Mortgage bearing Date the Day of] of the Rates and Aſſeſſments ariſing by virtue of an Act of Parliament, made in the Thirty-ſixth Year of the Reign of King *George* the Third, intituled, [*Set forth the Title of the Act*], and all my Right and Title to the Principal Money and Intereſt thereby ſecured, unto *C. D.* his Executors, Adminiſtrators, and Aſſigns. Dated this Day of

Which ſaid Transfer ſhall be produced to the Clerk to the ſaid Commiſſioners, who ſhall regiſter and enter the ſame in the Book or Books to be kept for entering the original Aſſignments, for doing whereof he ſhall be paid Two Shillings and Sixpence by the Perſon requeſting the ſame, and after ſuch Entry thereof made, every ſuch Transfer ſhall entitle ſuch Aſſignee or Aſſignees, his, her, or their Executors, Adminiſtrators, or Aſſigns, to the Benefit thereof and Payment thereon, and it ſhall not be in the Power of ſuch Perſon or Perſons, who ſhall have made ſuch Transfer, to make void, releaſe, or diſcharge the ſame, or any Monies due thereon.

Expences of the Act.

XXVIII. And be it further enacted, That the Charges and Expences incident to and attending the obtaining and paſſing of this Act, together with Intereſt for the ſame, ſhall be paid by the ſaid Commiſſioners out of the Firſt Money to be raiſed by virtue of this Act.

Appeal to the Quarter Seſſions.

XXIX. Provided always, and be it enacted, That if any Perſon or Perſons ſhall think himſelf, herſelf, or themſelves aggrieved by any Thing done in purſuance of this Act, and for which no particular Method of Relief is herein appointed, ſuch Perſon or Perſons ſhall have ſuch and the like Power of Appeal as is by the ſaid recited Act of the Eleventh Year of the Reign of His preſent Majeſty given to Perſons who think themſelves aggrieved by any Thing done by virtue or in purſuance of the ſaid Act.

XXX. And

Actions to be brought in the Name of the Treaſurer or Clerk.

XXX. And be it further enacted, That whenever any Action or Suit ſhall be brought, by Order of the ſaid Commiſſioners, againſt any Perſon or Perſons, by virtue or in purſuance of this Act, the ſame may be brought in the Name of their Treaſurer or Clerk, on Behalf of the ſaid Commiſſioners; and no ſuch Action or Suit ſhall abate or be diſcontinued by the Death or Removal of the Perſon in whoſe Name the ſame ſhall be brought, or by the Act of ſuch Perſon, without the Conſent of the ſaid Commiſſioners, but no ſuch Treaſurer or Clerk ſhall be ſubject to the Payment of any Coſts or Expences on account thereof, but that all Coſts and Expences to be incurred by or on Behalf of the ſaid Commiſſioners, or any Perſon or Perſons employed by them in proſecuting or defending any Action, Suit, or Proſecution, touching the Execution of this Act, ſhall be defrayed out of the Money ariſing by virtue of this Act.

Recovery and Application of Penalties.

XXXI. And be it further enacted, That it ſhall be lawful for any One or more Juſtice or Juſtices of the Peace of and for the Weſt Riding of the ſaid County of *York* to hear and determine any of the Offences (not herein directed to be otherwiſe heard) which are made ſubject to and puniſhable by any pecuniary Penalties directed by this Act, and upon any Information or Complaint, which ſhall in all Caſes be made within Twenty-one Days next after the Offence committed, exhibited before him or them, to iſſue a Summons for the Party accuſed to appear before him or them, or any other Juſtice or Juſtices of the Peace of the Weſt Riding of the ſaid County, at ſuch Time and Place as ſhall be therein appointed, and upon Appearance, or Contempt of the Party accuſed in not appearing according to ſuch Summons, it ſhall and may be lawful to and for ſuch Juſtice or Juſtices before whom the Party or Parties accuſed ſhall be ſummoned to appear, (ſuch Summons being firſt proved to be either perſonally ſerved on the Party or Parties accuſed, or left at his, her, or their laſt or uſual Place of Reſidence), to proceed to the Examination of any Witneſs or Witneſſes upon Oath (which Oath ſuch Juſtice or Juſtices is and are hereby empowered and required to adminiſter), and to hear the Circumſtances of the Caſe, and thereupon, or upon Confeſſion of the Party to give and ſign ſuch Conviction and Judgement for the Forfeiture and Payment of ſuch Penalty, or to acquit the Party accuſed for Want of due Proof of the Offence, as ſhall be juſt and conformable to the Tenor and true Meaning of this Act; and where the Party or Parties ſo accuſed ſhall be convicted upon or by Reaſon of any ſuch Information or Complaint, then the Penalty or Forfeiture wherein he, ſhe, or they ſhall be ſo ſeverally convicted, and all and every the Penalties and Forfeitures, and all Fines by and under this Act incurred and impoſed (the Manner of recovering and levying whereof is not otherwiſe hereby particularly directed), ſhall and may, by Warrant or Warrants under the Hand and Seal or Hands and Seals of any One or more of ſuch Juſtice or Juſtices, which he and they are hereby empowered and required to grant, be levied and recovered, with the Coſts of Conviction and Recovery thereof, to be aſcertained by ſuch Juſtice or Juſtices, by Diſtreſs and Sale of the Offenders Goods and Chattels (notwithſtanding ſuch Offender or Offenders ſhall die before ſuch Diſtreſs and Sale can be completed), wherever ſuch Goods and Chattels can be found, within the ſaid Town, or elſewhere within the Weſt Riding of the ſaid County of *York*, rendering the Overplus of ſuch Diſtreſs

treſs (if any be) to the Party or Parties whoſe Goods and Chattels ſhall be ſo diſtrained; and in caſe ſufficient Diſtreſs cannot be found within the Weſt Riding of the ſaid County of *York*, then it ſhall be lawful for One or more ſuch Juſtice or Juſtices, and he and they is and are hereby required and empowered, by Warrant under his or their Hand and Seal, or Hands and Seals, to apprehend or cauſe to be apprehended any ſuch Offender or Offenders ſo convicted or liable to pay any ſuch Penalty or Penalties hereby appointed and directed to be paid, either within the Weſt Riding of the ſaid County of *York*, or in any other County, City, or Place, (ſuch Warrant being firſt backed or counterſigned by ſome other Magiſtrate in ſuch other County, City, or Place), and by Force of ſuch Warrant to commit him, her, or them to the Common Gaol of any ſuch County, City, or Place, wherein any ſuch Offender or Offenders ſhall or may be ſo apprehended, there to be and remain, without Bail or Mainprize, until he, ſhe, or they ſhall have fully paid ſuch Penalty or Forfeiture, and all Coſts and Charges attending ſuch Proceedings as aforeſaid (to be aſcertained by ſuch Juſtice or Juſtices), or have paid ſuch Compoſition for the ſame as the ſaid Commiſſioners ſhall have agreed to (and which Compoſition they are hereby empowered to make), or ſhall otherwiſe be delivered by due Courſe of Law; and all and every the Penalties, Fines, and Forfeitures, which ſhall be incurred, impoſed, and recovered by virtue of this Act, and which are not herein directed to be otherwiſe wholly applied, ſhall be applied, immediately from and after the Recovery, Impoſition, and Payment thereof reſpectively, as follows, (that is to ſay), One Moiety thereof to the Informer, and the other Moiety thereof to be paid to the Treaſurer or Clerk for the Time being to the ſaid Commiſſioners, or to ſuch other Perſon or Perſons as they ſhall appoint, for the ſame Uſes and Purpoſes as the Money raiſed by the ſame Rates is to be applied; and in all Actions, Proſecutions, Informations, Cauſes, and Proceedings whatſoever, relating to and concerning the Execution of this Act, any Inhabitant of the ſaid Town ſhall be admitted and allowed to give Evidence, notwithſtanding ſuch Inhabitant ſhall be charged with and liable to pay any Rate or Aſſeſſment by virtue of this Act.

Inhabitants may give Evidence.

XXXII. And be it further enacted, That where any Diſtreſs and Sale ſhall be made for any Sum or Sums of Money directed to be levied, or any Perſon or Perſons ſhall be apprehended or committed by virtue of this Act, ſuch Diſtreſs and Sale, Arreſt or Commitment, ſhall not be deemed unlawful, nor the Party or Parties doing the ſame reſpectively be deemed a Treſpaſſer or Treſpaſſers on Account of any Defect, or Want of Form, or other Irregularity in any Warrant of Appointment or other Warrant, or in any Rate, Aſſeſſment, Summons, Conviction, Order, Commitment, or other Proceeding or Proceedings whatſoever, relating to or concerning any ſuch Diſtreſs and Sale, Arreſt or Commitment, nor ſhall the Party or Parties making ſuch Diſtreſs and Sale, Arreſt or Commitment reſpectively, be deemed or conſtrued a Treſpaſſer or Treſpaſſers *ab initio*, on Account of any Irregularity which ſhall afterwards be done or tranſacted in any ſuch Caſe by him or them, but the Perſon or Perſons aggrieved by any ſuch Irregularity ſhall and may, by Action on the Caſe, recover Satisfaction for the Special Damage only, and in every ſuch Action ſhall have no more Coſts than Damages.

Diſtreſs not deemed unlawful for Want of Form;

nor Parties diſtraining deemed Treſpaſſers *ab initio*.

 XXXIII. And

Limitation of Actions.

XXXIII. And be it further enacted, That no Action or Suit ſhall be commenced againſt any Perſon or Perſons for any Thing done in purſuance of this Act until Thirty Days Notice ſhall be thereof given in Writing to the Treaſurer or Clerk for the Time being to the ſaid Commiſſioners, nor at any Time whatſoever after ſufficient Satisfaction or Tender thereof hath been made to the Party or Parties aggrieved, nor after Six Calendar Months next after the Fact committed for which ſuch Action or Actions, Suit or Suits, ſhall be ſo brought; and all ſuch Actions and Suits ſhall be laid and tried in the County or Place where ſuch Matters and Things reſpectively ſhall be committed or done, and not in any other County or Place; and the Defendant or 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 ſhall be had thereupon, and that the Matter or Thing for which ſuch Action or Actions, Suit or Suits, ſhall be ſo brought, was done in purſuance and by the Authority of this Act; 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 Thirty Days Notice thereof given as aforeſaid, or that ſufficient Satisfaction was made or tendered as aforeſaid, or if any ſuch Action or Suit ſhall not be commenced before the Time for that Purpoſe limited, or ſhall be laid in any other County or Place than as aforeſaid, then the Jury or Juries ſhall find for the Defendant or Defendants therein, and if a Verdict or Verdicts ſhall be found for ſuch Defendant or Defendants, or 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.

Treble Coſts.

Recited Act to remain in Force, except where altered by this Act.

XXXIV. And be it further enacted, That the ſaid recited Act ſhall be, remain, and continue in full Force, except where the ſame, or any of the Clauſes, Powers, or Proviſoes contained in the ſame, are altered or varied by this preſent Act.

Publick Act.

XXXV. 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.

2 FINIS.