Anno quinto

Georgii III. Regis.

An Act for Cleanſing and Lighting the Streets, Lanes, and Paſſages, within the Towns of *Mancheſter* and *Salford*, in the County Palatine of *Lancaſter*; and for providing Fire Engines and Fire Men; and for preventing Annoyances within the ſaid Towns.



WHEREAS the Town of Manchester, in the County Palatine of Lancaſter, is a large, populous, and trading Town, and the Town of Salford lying contiguous thereto, is alſo a populous and trading Town: And whereas it would tend greatly to the Safety, Preſervation, and Benefit of the Inhabitants of the ſaid ſeveral Towns reſpectively, if the Streets, Lanes, and Paſſages, thereof reſpectively were kept clean and properly lighted, and if the ſaid Towns were kept free from Nuſances and Annoyances, and other Matters and Things endangering the Lives, Healths, or Properties of ſuch Inhabitants; and if ſufficient Engines and able Men were kept and employed for the Extinguiſhment of Fires which may happen within the ſaid Towns reſpectively: 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 from Preamble.

Commissioners Names.

and after the passing of this Act, James Bayley, John Gore Booth, John Bradshaw, Edward Byrom, Otho Cooke, Richard Clowes, William Clowes, Samuel Clowes junior, John Haworth, George Kenyon junior, John Lees, Thomas Lees, Peter Mainwaring, James Moss, and Richard Nangreave, Esquires; Roger Sedgwick Bachelor of Physick, the Reverend the Warden and Fellows of the College of Christ in Manchester, for the time being; the Borough Reeves and Constables of the Towns of Manchester and Salford for the time being; James Allen, William Allen, James Ashworth, Thomas Arrowsmith, William Barrow, Thomas Barrow, Richard Barrow, James Justus Barlow, John Barlow Chapman George Barton, Thomas Batterbee, Samuel Bayley, Thomas Bayley, Archibald Bell, John Bell, Robert Bell, John Berry, Josiah Birch, Arnold Birch, Henry Birtles, James Borron, Edward Borron, William Borron, Serjeant Boardman, John Boardman, Thomas Boardman, Robert Boardman, John Bower, Benjamin Bower, Miles Bower, Joseph Broome, Ashton Blackburne, Joseph Budworth, William Bullock, John Cooke, Luke Cotes, Peter Crompton, William Crane, Joseph Chippendall, Thomas Chadwick, Thomas Cheshyre, James Clegg, Isaac Crewdson, John Dickinson, William Edge, William Ethelstone, Henry Feilden, Charles Ford, Thomas Froggatt, Robert Gartside, Thomas Gardner, Lawrence Gardner, John Gatliff, Samuel Goodier, John Gough, Thomas Gorton, Robert Gorton, Richard Grantham, James Greatrex, John Hague, John Hardman, Samuel Hardman junior, Samuel Harris, James Harrison, Jeoffrey Hart, John Hargreave, Robert Hamilton, John Heywood, Robert Hyde, Robert Hibbert, Samuel Hibbert, Henry Hindley, Charles Hindley, James Hodson, George Johnson, Thomas Johnson, John Jones, Marsden Kenyon, Edward Kenyon, William Kennedy, George Killer, John Lawrence, John Lee, Richard Leigh, Robert Livesey, James Liptrott, Benjamin Makin, John Makin, Joshua Marriott, Wyant Marriott, Thomas Marriott, William Marriott, Samuel Mather, John Markland, Edward Markland, James Massey, John Parker Moseley, Richard Nailer, Matthew North, Richard Oliver, Aaron Orme, the Reverend Robert Oldfield, Jonathan Patten junior, James Potter, James Potter junior, Nathaniel Phillips, Thomas Phillips, John Phillips, Nathaniel Phillips hatter, Nathaniel Phillips of Deansgate, Nathaniel Phillips junior, Folliot Powell, James Pierpoint, Edward Place, Edmund Ratcliff, Dorning Rasbotham, Samuel Ridings, Edward Rishton, George Rishton, William Rigby, Benjamin Richardson, Samuel Robinson, Peter Royle, John

John Rooth, John Sandford, Nathaniel Sandford, William Starkie, Thomas Starkie, Thomas Stott, John Stott junior, Thomas Slack, Robert Staniforth, James Staniforth, James Smith, Dauntesey Smith, John Swaine, Michael Shaw, Thomas Tipping, John Tipping, George Tipping, Joseph Tipping, William Tomkinson, Joseph Turner, Allen Vigor, Michael Walton, Thomas Walker, Peter Walker, Thomas Withington, Richard Withington, William Withington, Walter Wilson, John Wilson, John Wilson Merchant, Benjamin Winter, Joseph Worsley, John Whittaker, Daniel Whittaker, Richard Whitehead, Charles White, Peter Wright, James Wright, and John Wright, Gentlemen, shall be, and they are hereby constituted and appointed Commissioners for putting this Act into Execution: And when any of the Commissioners herein named, or at any Time to be elected in pursuance of this Act, (except the Borough Reeves and Constables of the said Towns of Manchester and Salford respectively for the time being, who are to be Commissioners ex officio) shall die, or remove out of the said Townships to dwell, or refuse to act, or be rendered incapable of being a Commissioner, or acting as such, as is herein after-mentioned, it shall and may be lawful for the remaining Commissioners, at any Meeting in pursuance of this Act, or any Nine or more of them at such Meeting assembled, to nominate, elect, and appoint, a fit Person or Persons, inhabiting within One of the said Townships, and being an Owner, Proprietor, or Occupier, of a House or Houses, Warehouses, or other Buildings, or some other Tenement within the said Townships, or One of them, of the clear yearly Value of Thirty Pounds over and above all Taxes and Reprizes, to supply the Place or Places of him or them so dying, removing, or refusing to act, or being rendered incapable of acting, as herein after is mentioned; (Notice of such Meeting, and of the Purpose and Intent thereof, being previously given in the Manner herein after mentioned:) And all and every Person and Persons who shall be so elected and appointed, is and are hereby vested with the same Powers for putting this Act in Execution, and shall, and may, and is, and are hereby authorized and impowered to act to all Intents and Purposes, in as full, large, and ample Manner as the Person or Persons in whose Stead he or they shall be so elected was or were, and would, or might have acted.

Power to elect new Commissioners.

And be it further enacted by the Authority aforesaid, That the said Commissioners nominated and appointed by, or elected in pursuance of this Act, or any Nine or

Time and Place of Commissioners Meeting.

more of them, shall meet and assemble together at the house of Joseph Budworth, known by the Sign of the Bull's Head in Manchester aforesaid, on Monday the First Day of July next after the passing of this Act, between the Hours of Ten and Two of the Clock; in order to put this Act in Execution: And shall and may, from time to time, by Adjournment, meet and assemble together at the same Place, or at any other convenient Place within either of the said Townships of Manchester and Salford, as they, or any Nine or more of them present at such Meeting or Assembly, shall appoint: And if it shall happen that there shall not appear, at any Meeting which shall be appointed to be held by the said Commissioners, a sufficient Number thereof, to act and to adjourn to another Day, or if they shall omit or neglect to adjourn, or if there shall be any special Occasion for any Meeting between the Time of any Adjournment, or at any other Time, then, and in every such Case, their Clerk, or any Nine or more of the said Commissioners, shall and may call a Meeting at the Place where the last Meeting was appointed to be held, or at some other convenient Place, between the Hours of Ten and Two of the Clock of such Day on which such Meeting shall be called or appointed, Notice thereof being given as herein after is mentioned.

Adjournment.

Notice of Meetings.

Provided always, and be it further enacted by the Authority aforesaid, That no Meeting of the said Commissioners in pursuance of this Act, subsequent to such First Meeting as aforesaid, shall be held, unless Notice thereof shall be given in One of the Manchester Journals, or publickly proclaimed by the Common Bell-men or Cryers of the said Towns of Manchester and Salford respectively, at least Four Days before the holding thereof.

Commissioners may appoint Scavengers, Lamp-lighters, Fire Men,

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Commissioners, from time to time, at any of their Meetings to be held in pursuance of this Act, or any Nine or more of them at such Meeting assembled, to nominate and appoint such and so many Scavengers, Rakers, or Cleansers of the Streets, Lanes, Passages, and Publick Places, Keepers and Lighters of Lamps, Keepers and Managers of Fire Engines, and so many able bodied Men, not exceeding Fifty, to be Firemen within the said Townships, and so many Clerks, Treasurers, and other Officers, as they shall think proper; and to remove and displace them, or any of them respectively, as they shall see Occasion, and appoint others in their

Clerks, and other Officers,

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stead in case of Death or Removal; and also to limit and appoint what Wages and Allowances shall be paid and given to them respectively; and also to order and appoint how, and in what Manner, the Scavengers, Rakers, or Cleansers, Keepers and Lighters of Lamps, Keepers and Managers of the Fire Engines, and the Fire Men, shall respectively act and execute their several Offices, Places, and Employments; and shall also appoint a proper and convenient Place or Places for keeping such Fire Engines, and other Things belonging thereto; and shall also direct and appoint the Number and Sort of Lamps, how and in what Parts of the said Towns they shall be set up, and to what Houses, Buildings, or other Places within the said Townships, they shall be affixed, and for how long Time the same shall be and continue lighted; and also shall and may, from time to time, at any of their said Meetings, make such other Orders, Rules, Regulations, and Bye-laws (not inconsistent with any Thing in this Act contained) as the Nature of each particular Service shall seem to them to require, and from time to time vary, alter, revoke, or make void any of their Orders, Rules, Regulations, and Bye-laws, at their Discretion, and do such other Things as to them shall seem necessary and expedient for putting this Act in Execution; which Orders and Regulations so as aforesaid to be from time to time made, shall be valid and effectual to all Intents and Purposes: And all and every such Officer and Officers as aforesaid, shall observe and obey the same in all Things touching their respective Offices, on Pain of forfeiting the Sum of Twenty Shillings for every Default in the due Observance thereof.

And to limit and appoint their Wages.

Regulations of Lamps, &c.

Power to make Bye-laws.

Penalty on Officers disobeying Orders.

And it is hereby further enacted by the Authority aforesaid, That at every Meeting of the Commissioners in pursuance of this Act, such One of the Commissioners present as the major Part of them then attending shall appoint, or otherwise elect by Ballot, shall preside and be called President; and in case of Equality of Voices or Votes of the Commissioners so assembled (including his own) such President shall, upon all Occasions, have a casting and decisive Voice or Vote: And that no Act, Order, or Determination, to be done or made at any of the said Meetings shall be good or valid, unless the Majority of the Commissioners then present, or an equal Number of such Commissioners (whereof the President at such Meeting shall be One) shall concur therein.

Commissioners to appoint a President.

And

Inhabitants to sweep and cleanse the Streets, &c.

And be it further enacted by the Authority aforesaid, That all and every Person and Persons, inhabiting within the Towns of Manchester and Salford, or either of them (so far as the Commissioners so assembled, or any Nine or more of them, shall by publick Notice to be given by the Bell-men or publick Cryers of the said Towns respectively, direct) shall, from and after the said First Day of July, sweep and cleanse, or cause to be swept and cleansed, the Streets, Causeways, Lanes, and Passages, within the said Townships respectively, before or on the Side of their respective Houses, Warehouses, Shops, Stables, and other Buildings (not being Dead Walls) to the Middle of such Streets, Causeways, Lanes, and Passages, Twice in every Week; that is to say, Every Monday and Friday, between the Hours of Eight and Twelve, or upon such other Days, and at such other Times, as the said Commissioners so assembled as aforesaid, or any Nine or more of them, shall appoint, and collect and put together the Dirt and Soil in the said Streets, Causeways, Lanes, and Passages, with the least Obstruction to the Way, Road, and Passage, therein respectively that may be, to the End the same may be ready for the Scavenger to carry away, upon Pain of forfeiting Five Shillings for every Offence or Neglect; and the Scavenger or Scavengers, or other Officer or Officers, to be from time to time appointed for that Purpose, shall, and he and they are hereby required to sweep and cleanse, or cause to be swept and cleansed, the Street or Place within the said Town of Manchester, commonly called The Market Place, and also the Street or Place there commonly called The Shambles; and before all void Houses, Dead Walls, void or waste Grounds and Places, Churches, Churchyards, Chapels, Meeting-houses, the School called The Free School, the College or Hospital, and other publick Buildings within either of the said Towns, and also the Bridge called Salford Bridge, at such Times as shall be appointed by the said Commissioners so assembled as aforesaid, or any Nine or more of them, and collect and put together the Dirt and Soil thereof, in the Manner aforesaid, to the End the same may be ready for leading and carrying away, upon Pain of forfeiting Five Shillings for every Offence or Neglect; and no Person or Persons whosoever shall throw, cast, or lay, or cause, permit, or suffer, to be thrown, cast, or laid, any Ashes, Rubbish, Dust, Dirt, Dung, or other Filth or Annoyance whatsoever, in any Street, Causeway, Lane, Passage,

Particular Places to be cleansed by Scavengers.

tage, Church-yard, Water-course, or into the River Irwell, at any Place within the said Towns of Manchester and Salford, or either of them, or other publick Place within the said Towns, or either of them (except the Dirt and Soil to be collected and put together as aforesaid, and except also as herein after is mentioned) upon Pain of forfeiting for every such Offence, Five Shillings, to be levied, recovered, and disposed of, as herein after is directed; but shall, and he, she, and they, are hereby required to keep, or cause the same to be kept in their respective Houses, Backsides, or Yards, until such Times as the Scavenger or other Officer thereto appointed, shall come by or near their Houses or Doors, with a Cart or Carts, or other Conveniences to carry away the same, upon Pain of forfeiting Five Shillings for every such Offence; which Scavenger or Scavengers, or other Officers thereto appointed in pursuance of this Act, shall come every Friday in every Week, or on such other Days or Times as the said Commissioners so assembled as aforesaid, or any Nine or more of them, shall appoint, into such Parts of the Towns respectively, as shall be so appointed, and bring, or cause to be brought, a Cart or Carts, or other Conveniencies, into all Streets and Places within the said Towns, or either of them, 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, Dust, Dirt, Dung, and other Filth (except any Filth from any Privy or Necessary House) to such Cart, Carts, or other Conveniencies; all which Ashes, Rubbish, Dust, Dirt, Dung, and Filth (except as aforesaid) as well as all such Dirt and Soil as shall be swept up and collected together as aforesaid, the said Scavenger, or other Officer appointed for that Purpose, shall then immediately, or as soon as may be, carry away, or cause to be carried away gratis, upon Pain of forfeiting Five Shillings for every Offence or Neglect; and no Person or Persons whosoever 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, Causeways, Lanes, and Passages, in the said Towns,

or either of them, besides such Scavenger or other Officer to be appointed by the said Commissioners for that Purpose as aforesaid (except and unless the same shall be taken or carried away by the Person or Persons to whom the same shall respectively belong, or by his, her, or their Order or Direction, before the Time that such Scavenger or other Officer as aforesaid shall come to carry away the same; and except such Muck, Dung, or Manure, as shall be brought into the said Streets or Lanes, by the respective Inhabitants of the said Towns, or either of them, from their respective Dung-holes or Dung-hills, for the Convenience of leading and carrying away the same) on Pain of forfeiting and paying the Sum of Five Shillings for every such Offence; and no Inhabitant of the said Towns, or either of them, or any other Person, 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 or Lanes as aforesaid, in order to be loaded and carried away, to continue or remain therein above the Space of Twenty four Hours, on Pain of forfeiting Five Shillings for every such Offence.

Bakers not removing Kids, &c.

And be it further enacted by the Authority aforesaid, That if any Baker or Bakers, or other Person or Persons, who shall make use of any Oven or Ovens, for baking Bread or other Things for Sale or Hire, within the said Towns of Manchester and Salford, or either of them, shall neglect or refuse to remove any Wood, Faggots, Furze, Fuel, or Kid or Kids, or Stack or Stacks of Fuel, of what Nature or Kind soever, used in their Trade or Business of a Baker, or for heating such Oven or Ovens, which already is, or are, or hereafter shall be laid, piled, set up, or deposited, within the Distance of One hundred Yards from any House or other Building whatsoever, within either of the said Towns of Manchester and Salford, to the Distance, at least, of One hundred Yards from any such House or Buildings within either of the said Towns (other than and except so much only as shall be sufficient for One Day's Use, according to the Judgement of the said Commissioners, or any Nine or more of them) by the Space of Twenty four Hours next after Notice in Writing under the Hands of the said Commissioners, or any Nine or more of them, shall be given to such Baker or Bakers, or other Person or Persons to whom the same shall belong, or left at his, her, or their usual Place or Places of Abode, to remove the same; or in

case

case any Owner or Proprietor, Owners or Proprietors, of any House or Houses, Warehouses, Stable, or other Building or Buildings, within the said Towns of Manchester and Salford, or either of them, shall refuse or neglect, by the Space of Thirty Days next after Notice in Writing under the Hands of the said Commissioners, or any Nine or more of them, shall be given for that Purpose, to such Owner or Proprietor, Owners or Proprietors respectively, or left at, or transmitted to, the usual Place or Places of his, or her, or their respective Abode, to alter, in such Manner as the said Commissioners, or any Nine or more of them, shall direct, all and every such Spout and Spouts, Pipe and Pipes, already fixed, or hereafter to be fixed, to or upon his, or her, or their said respective House, Warehouse, Stable, or other Building, for the Purpose of carrying off Water into any of the Streets, Lanes, Passages, or Publick Places, of the said Towns, or either of them, as in the Judgement of the said Commissioners, or any Nine or more of them, is, are, or shall be, a Nuisance or an Annoyance to the Inhabitants of the said Towns respectively; that then every such Baker, and other Person using such Ovens, for baking for Sale or Hire, to whom such Faggots, Furze, Fuel, Stack or Stacks, or Rid or Rids of Fuel, shall belong, and to whom, or at whose usual Place of Abode, such Notice to remove the same shall have been given or left as aforesaid; and all and every such Owner or Proprietor, Owners or Proprietors, of such House, Warehouse, Stable, or other Building aforesaid, to whom, or at whose usual Place of Abode, such Notice to alter such Spout or Spouts, Pipe or Pipes, shall have been given, transmitted, or left as aforesaid, so respectively refusing or neglecting as aforesaid, shall forfeit and pay respectively the Sum of Five Pounds for every such Refusal or Neglect (which said Offences shall be deemed and taken to be separate and distinct) to be paid to the Treasurer for the time being of the said Commissioners, or such other Person or Persons as the said Commissioners so assembled, or any Nine or more of them, shall appoint, to be applied to the Purposes of this Act, or some of them; and every such Baker, or other Person, shall also forfeit and pay the Sum of Five Shillings for every Day, next after the Expiration of the Time mentioned in such Notice to remove such Fuel as aforesaid, that the same, or any Part thereof (except as aforesaid), shall remain and continue unremoved to the Distance from such House or Building

and Owners of Houses not removing Nuisances, being a Nuisance to the Streets, &c.

subject to a Penalty.

Building aforesaid; and every such Owner or Proprietor of such House or other Building, shall also forfeit and pay the Sum of Five Shillings for every Day, next after the Expiration of the Time mentioned in such Notice to alter such Spout or Spouts, Pipe or Pipes, aforesaid, that such Spout or Spouts, Pipe or Pipes, shall remain and continue unaltered, or not altered in the Manner to be directed as aforesaid; which said last-mentioned Penal Sums shall be paid by such Bakers, and other Persons and Proprietors, and Owners of Houses or Buildings respectively, so neglecting and refusing as aforesaid, to the said Commissioners, or some or One of them, or their Treasurer or Treasurers for the time being, to be applied to the Purposes of this Act, or some of them.

On Refusal of Owners, Tenants to alter Spouts, and charge the Expence to their Landlords.

Provided always, and it is hereby further enacted, That it shall and may be lawful to and for any Tenant or Tenants of any such House or Houses, or other Buildings aforesaid, and they are hereby required (in case of such Neglect or Refusal, by the Owners and Proprietors thereof respectively as aforesaid) to alter such Spout or Spouts, Pipe or Pipes, in the Manner to be directed as aforesaid, in Pain of forfeiting for every Refusal or Neglect, by the Space of Thirty Days next after Notice shall be given to him, her, or them, in such Manner as is herein before directed to be given to such Owners or Proprietors aforesaid, the Sum of Five Pounds; and such Tenant or Tenants, so altering such Spout or Spouts, Pipe or Pipes, shall and may retain, and defalk the Expence thereof, out of his, her, or their next Rent or Rents, and their respective Landlords are hereby required to allow the same.

Chimneyfired, liable to 5*s.* Penalty.

And whereas it is very common within the said Towns, for Persons occupying Houses and Parts of Houses, and other Buildings therein respectively, wilfully to set their Chimnies on Fire, and also to neglect the keeping their Chimnies properly cleansed, by reason whereof the same frequently take Fire, to the great Danger and Inconvenience of the Inhabitants of the said Towns; be it therefore enacted by the Authority aforesaid, That if any Chimney or Chimnies, Funnel or Funnels for the conveying of Smoke, within either of the said Towns of Manchester and Salford, shall, at any Time or Times after the passing of this Act, be wilfully or negligently set on Fire, or suffered to be set on Fire, or take Fire, the Person or Persons occupying the House, Room, or Building, to which the Chimney or Chimnies, Funnel or Funnels, to be so set on Fire,

or suffered to take Fire as aforesaid, shall belong; shall, upon Proof thereof by the Oath of One or more Witness or Witnesses, before any Justice of the Peace acting in or for the said Towns (which Oath such Justice is impowered and required to administer without Fee or Reward) or by Confession of the Party, forfeit and pay the Sum of Five Shillings for every such Chimney or Funnel so set on Fire, or suffered to take Fire, as aforesaid, to be recovered, levied, and applied, in such Manner as any of the Penalties and Forfeitures by this Act inflicted are directed to be recovered, levied, and applied.

Commissioners may contract for Lamps,

And it is hereby further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Commissioners, or any Nine or more of them, from time to time, at any of their said Meetings, to contract with any Person or Persons, for a sufficient Number of Lamps, necessary to be fixed and set up in the said Towns respectively; and for Iron Posts, and other Materials, 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 carry away the Dust and Soil of the Streets, Lanes, and publick Passages, in the said Towns respectively, according to the Purport of this Act; and also with any Person or Persons to make, and finish, and to repair, and keep in Order, One or more Fire Engine or Fire Engines, or to buy or procure such Fire Engine or Fire Engines, together with a sufficient Number of Leathern Buckets, and other Matters and Things relating thereto, as the said Commissioners so assembled, or any Nine or more of them, at any such Meeting, shall think meet and proper; and to purchase, lease, or otherwise to agree for, a proper and convenient Place or Places for the keeping of the said Fire Engine or Engines, and Buckets, and other Things relating thereto: And the said Commissioners, so assembled as aforesaid, or any Nine or more of them, are hereby also authorized, impowered, and required, to put up to the best Bidder, or otherwise sell or dispose of all such Dung, Dirt, or Manure, as shall arise in the said Streets, Causeways, Lanes, and Passages, or be collected, carried, or laid together, and by such Scavenger or Officer, for that Purpose, taken and carried away, as aforesaid; and to apply the Money arising therefrom for the Purposes in

and with Scavengers,

and for Fire Engines,

and other Necessaries,

and sell the Manure arising from the Streets.

this Act mentioned, or such of them as they shall think proper.

Lamps, &c. vested in Commissioners;

And be it further enacted by the Authority aforesaid; That the Property of the said Lamps, Iron, Timber, Furniture, and Materials, thereto belonging, or affixed, and of the said Fire Engines, Buckets, and Materials, belonging to the Use and Practice thereof, with all the Tools, Arms, and Implements, of the said Night Constables, Watchmen, Scavengers, Fire Men, and other Persons, which shall be brought, ordered, or provided, for the Purposes aforesaid, shall be and are hereby vested in the Commissioners for the time being: And they, or any One or more of them, is and are hereby authorized and impowered, in his or their Name or Names, to bring Actions and prosecute Indictments against any Person or Persons, for stealing, taking, or carrying away, breaking, extinguishing, spoiling, or damaging, the same in any wise: And all and every Person and Persons, who shall wilfully or maliciously break, throw down, displace, take away, extinguish, damage, or spoil, any Lamp or Lamps, put up by virtue of this Act, or wilfully damage the Posts, Irons, or other Furniture thereof, or Materials belonging thereto, or used therewith, or shall so break, damage, or destroy, the said Fire Engine or Engines, Buckets, or any other of the Materials or Utensils thereto belonging, or used therewith, or wilfully hinder or obstruct any of the Commissioners or Officers, employed in any manner of wise in the Execution of this Act, in his or their respective Duty, every Person or Persons so offending, in any of the Matters aforesaid, (which shall be taken and deemed distinct and separate) shall, upon being convicted thereof, by the Oath (which Oath such Justice or Justices is and are hereby empowered and required to administer without Fee or Reward) of One or more Witness or Witnesses, or by the Confession of the Party, before any One or more Justice or Justices of the Peace acting in the said Towns, forfeit for the First Offence the Sum of Five Pounds; for the Second Offence the Sum of Ten Pounds; and for the Third and every other Offence the like Sum of Ten Pounds; the said several Penalties to be levied and recovered by Distress and Sale of the Goods and Chattles of every such Offender, by Warrant under the Hand and Seal, or Hands and Seals, of the Justice or Justices before whom such Conviction shall be had or made; and in case the Person or Persons, so offending and convicted, shall have no Goods

who may sue or prosecute;

Persons wilfully damaging Lamps, &c.

or obstructing Commissioners,

and

and Chattles whereupon the same can be levied, then it shall and may be lawful to and for One or more such Justice or Justices of the Peace as aforesaid, by Warrant under his or their Hand and Seal, or Hands and Seals, to cause the Offender or Offenders to be apprehended, and to commit him, her, or them, to the House of Correction, there to remain any Time not exceeding One Calendar Month, nor less than Fourteen Days, to be reckoned from the Day of Commitment; and the Person or Persons so incurring any of the said pecuniary Penalties, and being so convicted, shall not be discharged until he, she, or they, shall have paid the Sum forfeited as aforesaid, or until the Expiration of the said respective Times for which they were respectively committed: And in case any Person or Persons shall carelessly, negligently, or accidentally, break, throw down, or otherwise damage, any of the said Lamps put up as aforesaid, or the Irons, Posts, or other Furniture thereof, or extinguish the Lights thereof, and shall not immediately upon Demand make Satisfaction for the Damage done thereto, then and in such Case it shall and may be lawful to and for any One or more Justice or Justices of the Peace, acting where such Person or Persons shall be or reside, upon Proof thereof, by Oath as aforesaid (which said Justice or Justices is and are hereby impowered and required to administer without Fee or Reward) of One or more Witness or Witnesses, or by the Confession of the Party, 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 Ten Days after the same shall be 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 Chattles of the Person or Persons who so shall 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.

incur Forfeitures.

Persons carelessly damaging Lamps, or putting them out, to make Satisfaction.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Commissioners so assembled as aforesaid, or any Nine or more of them, and they are hereby authorized and impowered, from time to time, as there shall be Occasion, to affix and set up, alter and take down, or cause to be affixed, set up, altered, or taken down, such and so many Lamps as they shall, from time to time, find necessary

Lamps may be removed.

ceſſary and expedient in, upon, or from, any dead Walls, and the outſide Walls of any Houſe or Buildings within the ſaid Towns or either of them, making good all ſuch Damages as may at any Time happen to be done thereby.

Qualification of Commiſſioners.

Provided always, and it is hereby enacted by the Authority aforeſaid, That no Perſon ſhall be capable of acting as a Commiſſioner in the Execution of this Act, unleſs he ſhall be an Inhabitant and an Owner or Occupier of an Houſe or Warehouſe, or Houſes or Warehouſes, or other Building or Tenement, of the clear yearly Value of Thirty Pounds, over and above all Taxes and Repriſes, within the ſaid Townſhips of Mancheſter and Salford, or One of them (other than and except the Borough Reeves and Conſtables of the ſaid Towns of Mancheſter and Salford reſpectively) and that no Perſon whoſoever ſhall be capable of acting as a Commiſſioner as aforeſaid, during the Time he ſhall hold any Place of Profit, or be under any Contract, or have any Share or Intereſt in any Contract relating to the Execution of any of the Powers of this Act; but all ſuch Commiſſioners as are Juſtices of the Peace may act as Juſtices of the Peace in the Execution hereof, notwithſtanding their being Commiſſioners; and the ſaid Commiſſioners at all their Meetings ſhall defray their own Expences.

Commiſſioners to defray their own Expences.

All Contracts binding.

And be it further enacted by the Authority aforeſaid, and it is hereby declared, That all Contracts entered into at any Meeting of the ſaid Commiſſioners with any Workmen, or other Perſon or Perſons, for any of the Purpoſes of this Act, ſhall be binding upon ſuch Workmen, or other Perſon or Perſons, making the ſame; and that Actions and Suits, in the Name or Names of any One or more of the ſaid Commiſſioners, or of their Clerk or Clerks, Treaſurer or Treaſurers, for the time being, ſhall and may be maintained thereon, and Coſts and Damages recovered, againſt the Parties failing in the Execution thereof; and that the Sum of Money requiſite for fulfilling the ſaid Contracts, according to the true Intent and Meaning thereof, ſhall be the Meaſure of the Damage to be recovered in any Action againſt ſuch Contractor or Contractors as aforeſaid, making Default in fulfilling his ſaid Contract; any Law or Uſage to the contrary notwithſtanding: And all ſuch Damages and Coſts as ſhall be ſo recovered, ſhall be applied to the Uſes and Purpoſes of this Act, or ſome of them.

Application of Damages and Coſts.

And

And it is hereby further enacted by the Authority aforesaid, That for the more expeditious Extinction of Fires that may happen in the said Towns respectively, any of the said Fire Men, or any other Person or Persons, by Order of any One or more of the said Commissioners present at any Fire, shall and may take up or break any of the Pavements within the said Towns respectively, or any Water Pipe or Water Pipes laid or to be laid therein; and that the said Commissioners, at any of their said Meetings, or any Nine or more of them, at any such Meeting assembled, shall and may, from time to time, at the Costs of the said Commissioners, order and appoint such and so many Plugs called Fire Plugs, to be put and placed into the Main, or other Pipes, laid or to be laid along any Part or Parts of the said Towns respectively, and belonging to any Person or Persons, Proprietor or Proprietors whatsoever, for the better obtaining Water for the working of the Fire Engine or Engines, or otherwise extinguishing of such Fires, but for no other Use or Purpose whatsoever; and that the Owners or Proprietors of any such Water Pipe or Water Pipes for the time being, shall, upon all Occasions of any Fire happening in the said Towns, or either of them, force up and supply into such Pipes all such Water as can or may be obtained and got along and into the same, by Means of the Water Engines or Works subsisting for the time being; and that such Pavements so to be taken up, and such Pipes so to be broken, shall be repaired and made good by the said Commissioners, by and out of the Rates and Money to be raised as herein after is mentioned.

Pavements, &c. may be broke to get Water when Fires happen;

and are to be made good by by Commissioners.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Commissioners so assembled as aforesaid, or any Nine or more of them so assembled, at any of their Meeting or Meetings aforesaid, yearly and every Year, or oftener, if they shall think proper, to state, set down, and ascertain, what Sum and Sums of Money shall be raised by Taxation and Assessment, in the Manner herein after mentioned, by and out of the said Townships of Manchester and Salford respectively, so far as they the said Commissioners so assembled, or any Nine or more of them, shall, at any such Meeting or Meetings, direct the Taxation and Assessment to be and extend within each of the said Towns, for defraying the Expences of passing, and from time to time putting, this Act, or any Part or Parts

Rates how to be ascertained and raised.

thereof, in Execution, so that the whole Money they shall so ascertain to be raised, either by One Rate or Assessment, or different Rates or Assessments, shall not exceed in the Whole, in the First Year, the Sum of One Shilling in the Pound, nor afterwards, in any One Year, the Sum of Six Pence in the Pound, for every Pound for which the Houses, Buildings, and other Tenements, to be taxed or rated by virtue of this Act, shall for the time being be rated in Value to the Land Tax, and after no other or greater Value (except in case of Insolvency of any Collector or Collectors, as herein after mentioned) and to fix and ascertain the Proportion of such Money so to be raised in each Township, according to, and to be guided by, the total Sum which shall be raised and paid by and out of each of the said Townships to the Land Tax in each preceding Year; and they are hereby authorized and required, from time to time, as there shall be Occasion, to nominate and appoint One or more Inhabitant or Inhabitants, or Resident or Residents, within each of the said Towns, to be Assessors of and for the said Townships respectively; and the said Commissioners so assembled as aforesaid, or any Nine or more of them, shall and may, and they are hereby authorized and required, from time to time, to issue their Orders, under their Hands, to the said Assessors of the said Townships respectively, expressing the Money so fixed to be raised in each of the said Townships aforesaid, and thereby to direct such Assessors to rate and assess, and such Assessors are hereby commanded and required to rate and assess accordingly, and as soon as may be, all Tenants and Occupiers (which Tenants and Occupiers shall, and are hereby made liable, to pay the Whole of every such Rate; any Law, Statute, Custom, Contract, or Agreement, to the contrary notwithstanding) of all Messuages, Houses, Warehouses, Shops, Cellars, Vaults, Stables, Coach-houses, Malt-houses, Granaries, Brew-houses, and other Buildings, Yards, Gardens, or Garden Ground and Orchards, and other Tenements and Hereditaments, situate, standing, lying, and being, within the said Towns of Manchester and Salford respectively, and within the Distance of One hundred Yards from any Lamp or Lamps to be fixed or set up by virtue and in pursuance of this Act, so far as the said Commissioners so assembled as aforesaid, or any Nine or more of them, shall direct as aforesaid, equally and in Proportion, as near as may be, according

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ing to the Value that the Premisses were rated to the publick Land Tax in the Year next preceding; and where any of such Messuages, Buildings, and other Premisses before mentioned, shall be rated to the Land Tax jointly and together, and also where any of such Messuages, Buildings, and Premisses, shall be tenanted or occupied by different and several Persons liable to be rated as aforesaid, then the said Assessors of the said several Towns, in every or any such Case, shall, and are hereby required, and have Power and Authority to divide and apportion every such Rate to be by them so made upon the several Tenants or Occupiers of any such Messuages, Buildings, and Premisses, which shall be so rated and assessed jointly and together to the Land Tax for the time being, according to the Value of the particular Part thereof, so held by each such Tenant or Occupier, after the Rate that the Whole of the same Premisses shall be so assessed together to the Land Tax; and also by the like Rule, to divide and apportion the Rate they shall at any Time make upon the Tenants or Occupiers of a Part or Share only in any One of such Messuages, Buildings, or Premisses.

Persons exempted from the Rates.

Provided always, and be it further enacted by the Authority aforesaid, That no Person shall be rated, or pay to the Rates or Assessments which shall be made by virtue or in pursuance of this Act, who shall not occupy a House or Houses, or other Tenement or Tenements, or Hereditaments aforesaid, chargeable as herein before is mentioned, within the said Townships, or One of them, of the yearly Value of Three Pounds or upwards, according as the same shall be rated to the Land Tax for the time being.

How Rates are to be paid where Occupiers remove, or for intermediate Times.

And be it further enacted by the Authority aforesaid, That where any Person or Persons shall come into or occupy any House, Buildings, or other Tenement or Tenements, or Hereditaments (in respect whereof the Occupier or Occupiers is or are 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 remove or be removed by Death or otherwise, or which at the Time of making any Rate in pursuance of this Act was empty or unoccupied; that then every Person so removing from, and the Heirs, Executors, and Administrators of every such Person so dying, and every Person so coming into and occupying the same, shall be liable to pay such Rate, in proportion to the Time that such

such Person occupied the same respectively, in the same Manner, and under and subject to the like Penalty of Distress, and other the Remedies herein provided for the Recovery of the said Rates, as if such Person so removing or dying had not removed or died, or such Person so coming into and occupying such House, Building, Hereditaments, or Premisses, had been originally rated and assessed in such Rate; which said Proportion, in case of Dispute, shall, by the said Commissioners so assembled as aforesaid, or any Nine or more of them, be settled and ascertained.

Rates to be allowed by Commissioners, and may be amended.

And it is hereby further enacted by the Authority aforesaid, That all Rates and Assessments which shall be made in pursuance of this Act, shall be allowed and signed by the said Commissioners so assembled as aforesaid, or any Nine or more of them; and they shall and may have Power to amend any such Rates or Assessments, by inserting, or causing to be inserted, the Name or Names of any Person or Persons who ought to have been rated, and shall appear to be omitted therein; which Person or Persons, whose Name or Names shall be so inserted, the said Assessors shall, and are hereby required to rate and assess, according to the Tenor, true Intent and Meaning of this Act; and such Assessors shall appear and bring with them, at a Time and Place to be prefixed in such Order as aforesaid, Two Copies or Duplicates of such Assessments, fairly written and subscribed by them, and shall deliver the same unto the said Commissioners; and shall, upon any reasonable Notice from time to time to be to them given by the said Commissioners so assembled as aforesaid, or any Nine or more of them, or by their Clerk for the time being, be attending upon them at any of their Meetings in pursuance of this Act, or 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 such their Assessments: And after the said Rates or Assessments are so made and confirmed, the said Commissioners so assembled as aforesaid, or any Nine 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 Person and Persons respectively, on whom the same shall be respectively rated, charged, and assessed; and shall and may yearly and every Year, and as often as there shall be Occasion, under their Hands and Seals, nominate

Assessors to bring in Assessments,

and attend Meetings, &c.

Commissioners to appoint Collectors of Rates, &c.

nominate and appoint the said Assessors, or any One or more other Inhabitant or Inhabitants, Resident or Residents, of the said Townships respectively, to be Collectors of and for the said Townships, of all such Rates and Assessments respectively as aforesaid, and shall and may, and they are hereby required, from time to time, as soon as may be, after such Rates and Assessments are made and brought in, to issue their Order under their Hands to the said Collectors of the said several Townships for the time being, and thereby to direct them in their respective Townships jointly and severally to collect and receive; and the said Collectors are hereby commanded and required to collect and receive accordingly, within Three Calendar Months from the Date thereof, or sooner if it can be done, the respective Sums of Money expressed or contained in such respective Assessments as aforesaid; Duplicates of which Assessments, under the Hands of the said Commissioners so assembled as aforesaid, or any Nine or more of them, shall be delivered, together with the said Order, to such Collectors of the said Townships respectively; and as well all such Assessors as aforesaid, for the time being, as all the said Collectors for the time being, to whom any Order or Orders from the said Commissioners so assembled, or any Nine or more of them, shall from time to time be directed in pursuance of this Act, shall obey and execute all such Orders in all Respects; and the said Commissioners so assembled as aforesaid, or any Nine or more of them, shall and may, from time to time, as they see Occasion, remove any Assessor or Assessors, Collector or Collectors, and appoint any other or others, being an Inhabitant or Resident, or Inhabitants or Residents as aforesaid, in his and their stead: And in case any Person or Persons so rated, assessed, or charged as aforesaid, or in case of Death, his, her, or their Heirs, Executors, and Administrators, shall refuse or neglect to pay any such Rate or Assessment to the Collector or Collectors of the proper Township, or to some Person for that Purpose acting under him or them, for the Space of Five Days after Personal Demand thereof, or Demand in Writing left at the last Place of Abode of such Person or Persons so rated, assessed, or charged, it shall and may be lawful to and for any One or more Justice or Justices of the Peace acting for the said Townships, upon Oath (which Oath they are hereby impowered and required to administer without Fee or Reward) made of any

Rates to be collected.

Assessors and Collectors to obey Commissioners Orders;

may be removed, and others appointed.

Rates to be levied by Distress.

any such Demand and Non-payment, by Warrant under his or their Hand and Seal, or Hands and Seals, which he or they are hereby impowered and required to grant, to authorize and direct the said Collectors respectively; and any other Person to be therein named, to levy as soon as may be, such Rate or Monies so in Arrear, and refused or neglected to be paid, together with the Costs attending the same, to be ascertained by such Justice or Justices, by Distress and Sale of the Goods and Chattles of every such Person or Persons so assessed and in Arrear as aforesaid, wherever such Goods and Chattles can be found, not only in the Township where such Assessment was made, but in any other Place within the County Palatine of Lancaster, rendering the Overplus, if any be, to the Party or Parties so distrained, or leaving the same at the Place where such Distress shall be made; and in case no sufficient Distress can be found, then the said Commissioners for the time being, or any One or more of them, shall and may, in his or their Name or Names, sue for and recover the same from any such Person or Persons, his or their Heirs, Executors, or Administrators, with Treble Costs of Suit, to the Use of the said Commissioners, in any Court of Record in Great Britain, by Bill, Plaint, or Information; which said Costs (after deducting all Costs of Suit thereout) shall be applied to the Purposes of this Act, or some of them; and all and every of the said Collectors of each of the said Townships respectively, shall, and he and they 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 acting under the said Commissioners, or to such other Person or Persons as they, or any Nine or more of them, so assembled as aforesaid, shall appoint to receive the same, to be applied for the Uses and Purposes of this Act, or some of them; and shall, and hereby is and are required, at the Time of his or their making every such Payment of such Money so collected, to deliver over to the Person or Persons so impowered to receive the same, a true and exact Copy or Duplicate of the Assessment whereby he or they hath or have collected the same, with an Account thereupon or thereunder written of all and every such Sum or Sums of Money in such Assessment rated, as remains or remain uncollected (if any such

Collectors to pay Monies over to Treasurers,

and deliver Duplicates of Assessments therewith,

such there happen to be) together with the Reasons why the same hath or have not been collected and received, that it may appear whether the Non-payment thereof hath happened through the Insolvency of the Party rated, or through the Default of such Collector or Collectors; and in case any such Assessor or Assessors, Collector or Collectors, shall refuse or neglect to take upon him or them respectively the said Offices, or duly to execute the same, according to the true Intent and Meaning of this Act, he and they so offending shall respectively forfeit and pay, for every such Offence, the Sum of Ten Pounds, and shall continue liable to be again appointed into the said Offices respectively the Year following, or sooner, if the said Commissioners so assembled as aforesaid, or any Nine or more of them, shall so think fit; and in case of his or their Refusal or Neglect to take upon him or them respectively the said Offices, or duly to execute the same, he or they so refusing or neglecting shall be again liable to the like Penalty, and so as often as he or they shall refuse to take upon him or them the said Offices; and in case any such Collector or Collectors, shall, after having raised and collected the said Rates, or any Part thereof, become insolvent, or otherwise unable to pay over the same, or shall die insolvent, of which the said Commissioners assembled at any following Meeting, or any Nine or more of them, are hereby impowered to judge and determine, then and in every or any such Case, it shall and may be lawful for the said Commissioners so assembled at any such Meeting, or any Nine or more of them, to cause to be raised and levied in the Manner and by the Methods herein before-mentioned and directed, the whole or such Part of such Sum or Sums so before ordered to be raised by and out of the said Townships, or either of them, as any such Collector or Collectors shall have collected and become unable to pay over as aforesaid, (which last mentioned Money every Person rated in such Assessment shall be liable to make good and pay over and above the Sums remaining unpaid or having been so paid by them respectively, in Proportion to the Rate laid on every such Person.)

with an Account of Money uncollected.

Penalty on Assessors and Collectors not serving, or duly executing their Offices.

Monies received by Collectors, upon their becoming insolvent, &c. how to be levied.

And be it further enacted by the Authority aforesaid, That all and every Treasurer and Treasurers to be appointed in pursuance of this Act, shall, and is, and are hereby authorized and required to pay and apply all such Monies as he or they shall respectively receive by Virtue hereof, to such Person and Persons, and in such

Treasurers to pay and apply Monies received as Commissioners direct.

such Manner, and at such Time and Times, as the said Commissioners so assembled as aforesaid, or any Nine or more of them, shall, from time to time, by any Order or Orders under their Hands, direct and appoint, for the Uses and Purposes of this Act, or some of them; and such Commissioners are hereby impowered to make such Order or Orders accordingly.

Collectors and Treasurers to account,

And be it further enacted by the Authority aforesaid, That all and every such Collector and Collectors, Treasurer and Treasurers, as aforesaid, shall yearly, or oftener, as the said Commissioners so assembled as aforesaid, or any Nine or more of them, shall require, make and render to such Commissioners, or any such other Person or Persons as they shall appoint, a true and perfect Account in Writing, upon Oath, if required (which Oath the said Commissioners, or any One or more of them, at such Assembly or Meeting, is and are hereby impowered to administer) of all Sum or Sums of Money by him or them respectively collected, received, and paid and applied as aforesaid, or which shall have been rated and assessed as aforesaid, and not received, and of all other Matters and Things committed to their respective Charge, by virtue and under the Powers of this Act; and shall pay and deliver unto such Person or Persons as the said Commissioners so assembled as aforesaid, or any Nine or more of them, shall direct and appoint, all and every such Sum and Sums of Money as shall remain in his or their Hands at the Time of such Account; and if such Collector or Collectors, Treasurer or Treasurers respectively, or any of them, shall embezzle, or refuse or neglect to pay such Sum or Sums of Money accordingly, it shall and may be lawful to and for any One or more Justice or Justices of the Peace acting in the said Townships, and he and they is and are hereby required, upon Proof thereof by Oath (which Oath such Justice or Justices is and are hereby impowered and required to administer without Fee or Reward) of One or more Witness or Witnesses, or by the Confession of the Party, by Warrant under his or their Hand and Seal, or Hands and Seals, to cause the same to be levied, together with the Costs attending the same, to be ascertained by such Justice or Justices, by Distress and Sale of the Goods and Chattles of every such Person or Persons so refusing or neglecting to pay as aforesaid, in like Manner and with like Powers as are hereby given with respect to Distresses for Nonpayment of

and pay the Balance in Hand,

or in Default of Payment, Justices to levy the same by Distress.

Rates,

Rates, rendering the Overplus (if any be) to the Party or Parties so distrained, or leaving the same at the Place where such Distress shall be made: And in case no such sufficient Distress can be found, or in case such Collector or Collectors, Treasurer or Treasurers respectively, or any of them, shall refuse or neglect to make or render such Account as is herein before directed, then the said Justice or Justices, on due Proof thereof by Oath as aforesaid (which such Justice or Justices is and are hereby impowered and required to administer without Fee or Reward) of any One Person so being impowered to make such Distress, or of any One or more Witness or Witnesses, shall and 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 wherever he or they can be found within the said Townships, or either of them, or elsewhere within the said County of Lancaster, or in any other County, City, or Place (such Warrant being first backed or countersigned by some Magistrate in such other County, City, or Place) and to commit him or them to the Common Gaol or House of Correction of any such County, City, or Place, wherein any such Offender or Offenders shall or may be apprehended, there to remain without Bail or Mainprize, until he or they hath or have made a true and perfect Account and Satisfaction, and paid so much as upon the said Account shall appear to be remaining in his or their Hands, and all Costs and Charges attending such Proceedings as aforesaid (to be ascertained by such Justice or Justices) or hath or have paid such Composition for the same as the said Commissioners so assembled, or any Nine or more of them, shall have agreed to (which Composition the said Commissioners so assembled as aforesaid, or any Nine or more of them, are hereby impowered to make) or shall otherwise be delivered by due Course of Law: And in case any such Collector or Collectors, Treasurer or Treasurers, shall spend or embezzle any such Monies so to be collected and received by them respectively, or shall secrete himself or themselves respectively, and abscond to avoid any such Commitment, or shall die during the Time that any such Money shall be or remain in his or their Hands; and the Heirs, Executors, and Administrators, of such Person or Persons so dying, shall refuse or neglect to account for and pay over such Monies in the Manner aforesaid, by the Space of Three Ca-

For want of Distress, Offender to be committed.

In case of Embezzlement, &c. Commissioners to sue such Collector, or his Representative.

lendar Months next after the Decease of the Person or Persons so dying; then and in any of the said Cases, it shall and may be lawful to and for the said Commissioners for the time being, or any One or more of them, and he and they is and are hereby impowered (without Limitation of Time) to sue for, in his or their Name or Names, and to recover the same Money from any such Person, his Heirs, Executors, or Administrators, by Action of Debt, Bill, Plaint, or Information, in any Court of Record in Great Britain, for the Use of the said Commissioners, to be applied as aforesaid; wherein no Essoin or Wager of Law, or any Imparlance shall be allowed; and upon a Verdict for such Commissioner or Commissioners, he or they shall recover Treble Costs, and have such Remedy for the same as any Plaintiff or Plaintiffs hath or have in any other Cases by Law; and which Costs (after deducting all Costs of Suit thereof) shall be applied by the said Commissioner or Commissioners for the Purposes of this Act, or some of them; and all Money expended by or recovered against any such Commissioner or Commissioners in any such Action or Prosecution, or any other Action or Prosecution hereby directed to be brought by them (and which Money shall not be recovered or received again by such Commissioner or Commissioners, from any such Defendant or Defendants) shall be raised and repaid to such Commissioner or Commissioners, as soon as may be, out of such Rates to be raised and levied as aforesaid.

Money expended by or recovered against Commissioners in Suit, to be paid out of Rates.

Treasurer to give Security.

And it is hereby further enacted by the Authority aforesaid, That the said Commissioners so assembled as aforesaid, or any Nine or more of them, shall, and they are hereby required to take such Security from the Treasurer or Treasurers to be appointed for the Purposes of this Act, for the due Execution of his or their Office or Offices, as to them shall seem meet; such Security to be taken in the Name or Names of such One or more of the said Commissioners appointed by or in pursuance of this Act, as they the said Commissioners so assembled as aforesaid, or any Nine or more of them, shall order and assess or appoint.

Assessors and Collectors to serve but once in 7 Years.

Provided always, That no Person or Persons whosoever shall be appointed or liable to serve the said Office of Assessor oftener than once in Seven Years, nor the said Office of Collector oftener than once in the same Time, except he or they shall voluntarily accept the same.

Application of Monies.

And be it further enacted by the Authority aforesaid, That all and every the Monies to be raised and raised within the Townships aforesaid, and all Fines, Penalties, and Forfeitures, recovered by virtue of this Act (not otherwise hereby particularly disposed of) shall be applied by the said Commissioners so assembled as aforesaid, or any Nine or more of them, to pay off and discharge, in the first Place, all the Costs and Charges incident to, or attending the obtaining or passing of this Act, and afterwards for the respective Uses and Purposes aforesaid, or such of them, as the said Commissioners, or any Nine or more of them, shall, from time to time, think proper; and shall be applied from time to time in general, and without Distinction, in such Manner, as if the said Townships were but One entire Township: And all the Orders and Proceedings of the said Commissioners, at their several Meetings, to be held in pursuance of this Act, or otherwise, under the Powers herein contained, shall, from time to time, be fairly wrote, and entered in some proper Book or Books, to be provided and kept for such Purposes; and that all such Books shall at any Meetings of the said Commissioners, in pursuance of this Act, be open, and liable to the Inspection of any Person rated, and paying to the said Rates and Assessments; and all such Orders and Proceedings so entered, shall be signed by Nine or more of the said Commissioners so assembled, as aforesaid, and shall be deemed Originals, and shall be admitted to be read as Evidence in all Courts whatsoever, in all Cases, Suits, and Actions, touching any thing to be done in Pursuance and under the Authority of this Act.

Orders and Proceedings to be entered in Books.

Entries signed by Nine Commissioners deemed Originals, and may be read in Evidence.

Annual Accounts.

And be it further enacted by the Authority aforesaid, That some Time between the First Day of May, and the Twenty fourth Day of June, in every Year, a fair and just Account shall be made and wrote out of all Monies received and paid by virtue and in pursuance of this Act, and how, and to whom, and when, and for what Purposes the same have been laid out, paid, and expended; a Copy or Duplicate of which Account, signed by Nine or more of the said Commissioners so assembled as aforesaid, shall be deposited with the Clerk of the Peace of the said County of Lancaster for the time being, to be kept among the Records of the Sessions of the Peace, who shall permit any Person so rated as aforesaid to inspect the same, at all seasonable Times,

Duplicate thereof to be left with the Clerk of the Peace, and may be inspected for 6d.

paying

Copies to be made at the Rate of 6d. for every 100 Words.

paying Six Pence for such Inspection; and shall, upon Demand, forthwith give Copies of the same, or any Part thereof, to such Person, paying at the Rate of Six Pence for every One hundred Words, and so in Proportion for any greater or less Number; which Account, and Copy, or Duplicate thereof, the said Commissioners so assembled as aforesaid, or any Nine or more of them, are hereby impowered and required to cause to be wrote out, signed, and delivered, accordingly.

Appeal.

Provided always, and it is hereby further enacted by the Authority aforesaid, That if any Person or Persons shall apprehend him, her, or themselves aggrieved by any Rate or Assessment made in pursuance of this Act, it shall and may be lawful for such Person or Persons, giving reasonable Notice to the respective Collector or Collectors of the Township in which he, she, or they, shall be rated, or to any One of them, to appeal to the Justices of the Peace at any General or Quarter Session of the Peace for the said County of Lancaster, or at any Adjournment thereof, which shall first happen next after Notice of such Appeal given as aforesaid; or if any Person or Persons shall apprehend him, her, or themselves, aggrieved by any Act, Order, Judgement, or Proceeding (other than such Rate or Assessment) of the said Commissioners, or of any Justice or Justices of the Peace, under the Authority of this Act, it shall and may be lawful for such Person or Persons to appeal to the Justices of the Peace, at any General or Quarter Sessions of the Peace, to be held for the County, City, or Place, wherein the Cause of Complaint shall arise, or at any Adjournment thereof, which shall first happen next after Notice of such Appeal given, as is hereafter mentioned; such Appellant or Appellants first giving reasonable Notice in Writing, of his, her, or their Intention to bring such Appeal, and of the Matter thereof, to the Clerk or Clerks for the time being of the said Commissioners, or of the said Justice or Justices, by whose Act, Order, Judgement, or Proceeding, the Grievance shall have most immediately arisen, and entering into a Recognizance before some Justice of the Peace for such County, City, or Place, with Two sufficient Sureties, conditioned to try such Appeal at, and abide the Order of, and to pay such Costs as shall be awarded by, the Justices, at such Session or Adjournment; and the said Justices, at such Session or Adjournment, shall hear and finally determine the Causes and

Matter

Matter of any such Appeal in a summary Way, and award to the Party or Parties, for whom such Appeal shall be determined, such Costs as to them in their Discretion shall seem reasonable.

Offences how to be heard and determined.

And it is hereby further enacted by the Authority aforesaid, That it shall and may be lawful to and for any One or more Justice or Justices of the Peace, acting in the said Townships, 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 Three Calendar Months after the Offence committed) exhibited before him or them, to summon the Party or Parties accused, and the Witnesses on either Side, to be and appear before him or them, or any other Justice or Justices of the Peace for, or acting in, the said Townships, at such Time and Place, within either of the said Townships, as shall be therein appointed; and upon the 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 and usual Place of Residence within either of the said Townships) to proceed to the Examination of any Witness or Witnesses on Oath as aforesaid (which such Justice or Justices is and are hereby impowered and required to administer without Fee or Reward) 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 other Penalties and Forfeitures, and all Fines by or under this Act incurred and imposed, and all Satisfactions to be made as aforesaid (the Manner of recovering and levying whereof is not otherwise hereby particularly directed) shall and may, by War-

Penalties and Forfeitures how to be recovered and applied.

rant or Warrants under the Hand and Seal, or Hands and Seals, of any One or more Justice or Justices of the Peace acting in the said Townships, which he or they are hereby impowered and required to grant, be recovered with the Costs of the Conviction and Recovery thereof, to be ascertained by such Justice or Justices, by Distress and Sale of the Offender's Goods and Chattles (notwithstanding such Offender or Offenders shall die before such Distress can be compleated) wherever such Goods and Chattles can be found, within either of the Townships aforesaid, or elsewhere within the said County of Lancaster, rendering the Overplus of such Distress (if any be) to the Party or Parties so distrained, or leaving such Overplus at the Place where such Distress shall be made; and in case sufficient Distress cannot be immediately found within the said County, then it shall and may be lawful to and for any One or more of such Justice or Justices, and he and they are hereby required and empowered, by Warrant under his or their Hand or Hands, 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 said County Palatine of Lancaster, or in any other County, City, or Place, (such Warrant being first backed or counterſigned by some Magistrate in such other County, City, or Place,) and by Force of such Warrant to commit him, her, or them, to the Common Gaol or House of Correction of any such County, City, or Place, wherein any such Offender or Offenders shall or may be 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 so assembled as aforesaid, or any Nine or more of them, shall have agreed to, (and which Composition they are accordingly impowered 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, shall be paid to the Treasurer or Treasurers of the said Commissioners for the time being, or to any other such Person or Persons as they, or any Nine or more of them so assembled as aforesaid, shall appoint,

For want of Distress the Offenders to be committed.

Application of the Penalties.

appoint, to be applied to and for the Uses and Purposes in this Act mentioned, or some of them; and in all Actions, Prosecutions, Informations, Causes, and Proceedings whatsoever, relating to and concerning the Execution of this Act, any Inhabitant within either of the said Townships may and shall be admitted to give Evidence; the Rate or Contribution charged as aforesaid, upon, or paid by any such Inhabitant, by virtue or in Pursuance hereof, in any wise notwithstanding.

Inhabitants, though rated, may be Evidences.

And be it further enacted by the Authority aforesaid, That no Nomination, Appointment, Contract, Bond, Information, Warrant, Order, Judgement, Conviction, or other Writing whatsoever, under the Hand and Seal, or Hands and Seals, of the Commissioners for putting this Act in Execution, or any of them, or of any Justice or Justices of the Peace, or only signed by them, or any of them, or exhibited before them, or any of them respectively, touching, concerning, or in Execution of any of the Powers or Authorities by this Act vested in such Commissioners or Justices of the Peace, or any of them, shall be charged or chargeable with any Stamp Duty whatsoever.

Writings to be without Stamps.

And be it enacted by the Authority aforesaid, That no Writ of Certiorari, to remove any Rates made in pursuance of this Act, or to remove any Orders or other Proceedings taken or made by the said Justices, at the said General or Quarter Sessions, or any Adjournment thereof, touching such Rates, or touching any other Matter or Thing, as to which any Appeal is given to the said Justices at such Sessions or Adjournment thereof, by this Act, shall be sued out or granted, but upon a Motion to be made some Time in the next Term, after the Time for appealing as aforesaid is expired; and that no such Certiorari shall be allowed, until sufficient Security be given to the Treasurer or Treasurers acting under the said Commissioners, or to their Clerk for the time being, in the Sum of Fifty Pounds, to prosecute such Writ with Effect, and to pay the Costs to be ascertained by the Court, by which such Rates, Orders, or Proceedings, shall be removed, in case such Rates or Orders shall be confirmed; nor shall any such Rates, Orders, or Proceedings, be quashed or vacated for want of Form only; and all Costs and Charges of the said Commissioners, occasioned by any such Removal, other than such as they shall recover or receive under, or by virtue of such Security as aforesaid, shall be

No *Certiorari* to be allowed but upon Motion in the next Term after Time for appealing is expired, nor unless Security be given to prosecute.

Proceedings not to be quashed for want of Form.

Charges of *Certiorari* to be paid out of the Rates.

be defrayed out of the then subsisting or any subsequent Rate, made or to be made by virtue of this Act.

Indemnity to Collectors, &c. in case of Rates discharged on any *Certiorari*.

And be it further enacted by the Authority aforesaid, That no Action or Suit shall be commenced or prosecuted against any Person or Persons, who shall have been employed in the collecting or receiving any Money in pursuance of this Act, or any Rate or Rates, which shall or may be quashed or discharged on any Certiorari, to be brought in any of His Majesty's Courts of Record at Westminster, or otherwise, for any Money collected or received on any such Rate or Rates, before such Writ of Certiorari shall be brought and allowed; but that Justice may be done to such Persons who shall or may pay towards any Rate, which shall be quashed or discharged, the several Sums which shall appear to have been paid by them on such Rates, either in Whole or in Part, more than they ought to have paid, shall be repaid, or allowed to them respectively, in the next Rate or Rates which shall be made in pursuance of this Act, as though the same had been paid on such new Rate or Rates; any thing in this Act, or any Law, Usage, or Custom, to the contrary thereof in any wise notwithstanding.

But Persons paying such Rate to be relieved in a future Rate.

Distress not to be deem'd unlawful for want of Form;

And be it further enacted by the Authority aforesaid, 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, arrested, or committed, by virtue of this Act, such Distress, Sale, Arrest, or Commitment, shall not be deemed to be unlawful, nor the Party or Parties making or 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 or Assessment, Summons, Conviction, Order, Commitment, or other Proceeding or Proceedings whatsoever, relating to or concerning any such Distress, Sale, Arrest, or Commitment; nor shall the Party or Parties making such Distress, Sale, Arrest, or Commitment respectively, be deemed or construed a Trespasser or Trespassers ab initio, on account of any Irregularity which shall be afterwards 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 Damages only, and in every such Action shall have no more Costs than Damages.

nor the Party distraining be deemed a Trespasser *ab initio*.

Provided

Provided always, That no Action or Actions whatsoever shall be commenced or prosecuted against any Person or Persons for any thing done or to be done in pursuance of this Act, or any Clause, Power, or Thing, herein contained, until after One Calendar Month's Notice thereof in Writing, signed by the Party aggrieved, shall be given to the Clerk of some or One of the Justices acting for the said Townships, or to the Clerk of the said Commissioners for the time being, under whose Power or Authority the Grievance shall have most immediately arisen; in which Notice the Cause of Action, which every such Person claimeth to have, shall be fully, clearly, and explicitly mentioned; nor after a sufficient Satisfaction or a Tender thereof hath been made to the Party or Parties so alledging him, her, or themselves to be aggrieved; nor after Six Calendar Months next following such Grievance and the Fact committed; and every such Action shall be laid in the County Palatine of Lancaster, and not elsewhere; and the Defendant or Defendants, in every such Action or Suit shall and may plead, at his Election, specially, or the General Issue, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance of this Act, and by Force of some or One of the Powers and Authorities hereby given: And if the same shall appear to be so done, or if it shall appear that such Action or Suit was brought before One Calendar Month's Notice had been thereof given as aforesaid, or after sufficient Satisfaction made or tendered, or after the Time limited for bringing the same as is herein before directed; or if such Action or Suit shall be laid in any other County or Place than as aforesaid; then the Jury, in every such Case, shall find a Verdict for the Defendant or Defendants; and in every such Action, if a Verdict shall be found for the Defendant or Defendants, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Actions, after the Defendant or Defendants shall have appeared; or if, upon Demurrer, Judgement shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall and may recover Treble Costs, and have such Remedy for the same, as any Defendant or Defendants hath or have in any other Cases by Law.

Limitation of Actions.

General Issue.

Treble Costs.

Proviſo. And be it further enacted, That no Evidence ſhall be permitted to be given by the Plaintiff or Plaintiffs on the Trial of any ſuch Action as aforeſaid, of any Cauſe of Action, except ſuch as is contained in the Notice hereby directed to be given.

Publick Act. And be it enacted by the Authority aforeſaid, That this Act, and every thing herein contained, ſhall be deemed, adjudged, and taken to be, a Publick Act; and ſhall be judicially taken Notice of as ſuch by all Judges, Juſtices, and other Perſons whatſoever, without ſpecially pleading the ſame.

FINIS.