Anno octavo

Georgii III. Regis.

An Act to amend and render more effectual an Act made in the Second Year of the Reign of His preſent Majeſty, for ſupplying the Town of *Halifax* with Water; and for better paving, cleanſing, and lighting, the Streets and other Places there; and for removing all Nuſances, Incroachments, and Obſtructions, within the ſaid Town, and preventing the like for the future.

WHEREAS an Act of Parliament was made and paſſed in the Second Year of the Reign of His preſent Majeſty, intituled, An Act for ſupplying the Town of *Halifax* with Water: And whereas the Truſtees therein named, have made great Progreſs in the Works for ſupplying the ſaid Town with Water, and have borrowed a conſiderable Sum of Money, at Intereſt, on the Credit of the ſaid Act; the Intereſt whereof, together with the other neceſſary Expences attending the Execution of the ſaid Act, exceeds the annual Amount of the Preamble, reciting Act 2 Geo. III.

the Water Rents authorized to be taken by the said Act: And whereas the said Act is, in many Respects, defective, and it is necessary that the same should be amended, and that Power should be given to the Trustees to borrow a further Sum of Money for compleating the said Works, than is allowed to be raised by the said Act: And whereas the Streets, Lanes, and Passages, of the said Town, are very narrow and incommodious, and the said Town is, in general, ill paved, cleansed, and lighted: And whereas great Benefit would result to the Inhabitants and others possessed of Estates within the said Town, if the said Town was properly supplied with Water, and the several Streets, Greens, Lanes, Alleys, Passages, and Places, within the said Town, were repaired, paved, cleansed, and lighted, and a Power granted to remove and prevent all Nuisances, Incroachments, and Obstructions therein: 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,

Trustees Names.

That the Most Honourable Osborne, commonly called Marquis of Carmarthen; the Right Honourable Charles Lord Viscount Irwin, Sir William Horton, Sir James Ibbetson, Sir Thomas Wentworth, Baronets; Robert Aked, Jeremiah Aked, Richard Bracken, William Bolland, William Buck, Joseph Benson, John Cave, Jonathan Castlow, Henry Cockcroft, John Cooper, John Dyson, Thomas Dyson, Joseph Deykin, Thomas Emmet, John Emmet, John Emmet junior, William Emmet, William Edwards, Samuel Fenton, John Ferguson, William Fawcit, William Foster, Abraham Firth, William Greenwood, William Graham, William Grimshaw, Henry Grice, Joshua Horton, Wats Horton, Thomas Hill, John Hudson, Richard Hollings, John Hargreaves, Thomas Holdsworth, John Hayley, Jonas Ingham, Benjamin Irvin, Christopher Inman, Abraham Kershaw, James Lister, Thomas Lister, John Lister, Jeremiah Lister, John Milne, the Reverend Edward Nelson, George Pollard, John Pollard, William Pollard, John Priestley of Northowram, John Priestley of Sowerby, Joseph Priestley, John Royds junior, Christopher Rawdon, Jeremiah Rawson, John Rawson, William Radcliffe, John Roberts, Henry Rawson, William Serjeantson, Thomas Sayer, George Slack, John Smith, Richard Smith, John Sutcliffe, George Thornhill, James Taylor, Alexander Wedderburn, John Waterhouse, William Walker, William

Walker junior, John Wilkinson, Robert Whitehead, Abraham Whitaker, William Whitaker, John Walker junior, together with the Trustees appointed by the said former Act of Parliament, or such of them as are now living, shall be, and they and their Successors to be elected in pursuance of this Act, are hereby appointed Trustees for putting the said former Act, and this Act, in Execution: And in case of the Death of any of the said Trustees, or Refusal to act, or if any of them who are now Inhabitants of the said Town of Halifax, shall remove out of the said Town; that then, and in any of the Cases aforesaid, it shall be lawful for the surviving or remaining Trustees, or any Seven or more of them, from time to time, by Writing under their Hands and Seals, to elect One or more fit Person or Persons to be a Trustee or Trustees, in the Room and Stead of such Trustee or Trustees, so deceased, refusing to act, or removed as aforesaid; such new Trustees, in the Room of those who lived within the said Town, to be supplied out of Persons Inhabitants within the said Town; and such new Trustees, in the Room of those who lived without the said Town, to be supplied out of Persons living out of the said Town; but Fourteen Days publick Notice of the Time and Place of Meeting for every such Election shall be given, by affixing the same in Writing upon the Market Cross and Church Doors of the Town of Halifax aforesaid; and every Person so elected, is hereby vested with the same Powers for putting this Act, and also the said former Act, in Execution, as the Person in whose Place he shall be chosen was vested with.

On Death, &c. of Trustees, others to be chosen.

Notice thereof to be given.

And be it further enacted by the Authority aforesaid, That no Person shall be capable of acting as a Trustee in the Execution of this Act, unless he shall be in his own Right, or in Right of his Wife, in the actual Possession or Receipt of the Rents of Lands, Tenements, or Hereditaments, of the clear yearly Value of Forty Pounds; or possessed of, or intitled to, a Personal Estate of the Value of One thousand five hundred Pounds; and if any Person, not being so qualified, shall presume to act, every such Person shall, for every such Offence, forfeit and pay Fifty Pounds, to any Person or Persons who shall sue for the same, to be recovered in any of his Majesty's Courts of Record, by Action of Debt, or on the Case, or by Bill, Suit, or Information, together with Costs of Suit, wherein no Essoin, Protection, or Wager of Law, or more than One Imparlance, shall be allowed, and wherein the Proof of Qualifica-

Qualification of Trustees.

Penalty on acting, if not qualified.

tion shall lie on the Person prosecuted; and it shall be sufficient on the Part of the Prosecutor, to prove that the Person so prosecuted had acted as a Trustee in the Execution of this Act.

Time and Place of Trustees Meeting.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, shall meet together at the House of William Mason, being the Sign of The George, in the said Town of Halifax, on the Third Wednesday next after the passing of this Act, and shall then and there proceed to the putting of this Act, and the said former Act, in Execution; and shall then, or at the next, or any future Meeting of the said Trustees, ascertain and set down in Writing, the Monies they shall from time to time adjudge necessary to be borrowed for the respective Purposes of this Act, and of the said former Act; and the said Trustees, or any Three or more of them, are hereby impowered to adjourn themselves from time to time to such House, or other convenient Place within the said Town of Halifax, as they shall think proper for the Purposes of putting this Act in Execution; and the said Trustees, or any Seven or more of them, shall, for the general Purposes of this Act, as also of the said former Act, hold One General Meeting on the Second Thursday after Midsummer Day in every Year, in the said Town of Halifax;

In Default of a sufficient Number to act,

and if at any Meeting so appointed, there shall not appear a sufficient Number of Trustees to act, or adjourn to another Day, or in case the said Trustees so assembled, shall omit, neglect, or refuse to adjourn themselves;

Clerk to give Notice of another Meeting.

then, and in every such Case, the Clerk to the said Trustees shall appoint a Meeting of the said Trustees to be held within Twenty Days after, and at the Place where the last Meeting was appointed to be held, publick Notice whereof shall be given by affixing the same in Writing upon the Market Cross and Church Doors of the said Town of Halifax, at least Ten Days before such adjourned Meeting; and in case of the said Clerk's making Default in giving such Notice, then any Two of the said Trustees shall and may give the like Notice, and in Manner as aforesaid.

No act valid, except at a publick Meeting.

Provided always, That no Order or Determination of the said Trustees shall be valid, unless the same shall be made at a Meeting held in pursuance of, or authorized by, this Act; nor shall any Trustee hereby appointed, or hereafter to be appointed, as aforesaid, be capable of acting as such during the Time he shall enjoy any Office of Profit, by virtue of the Powers given by this Act, or have any Share or Interest in any

Trustees not to act where interested.

Contract relating to the Execution of this Act, or of the said former Act.

And, for the effectually enabling the said Trustees to compleat the said Works already begun for supplying the said Town with Water, be it enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Seven or more of them, or for such Person or Persons as they, or any Seven or more of them, shall from time to time appoint for that Purpose; and they are hereby impowered and directed to ask, demand, receive, and take, of and from every Inhabitant or Occupier of any House, Tenement, or Hereditament, within the said Town, who shall chuse and have the Water which shall be conveyed to the said Town in pursuance of the said former Act, laid into their respective Houses, Tenements, or Hereditaments, such Sum or Sums of Money, to be paid yearly or otherwise, as and for a Water Rent, as the said Trustees, or any Seven or more of them, shall, at a General Meeting to be held on the Second Thursday after Midsummer Day next, after the passing of this Act, or at any other Meeting, to be held within the Space of Thirty Days next after such General Meeting, agree upon, and by Writing under their Hands, assess and appoint, and so from time to time, at any future General Annual Meeting, or within Thirty Days afterwards, so as the annual Rent or Sum to be paid for any One separate Messuage, Dwelling-house, Tenement, or Hereditament, occupied by any Innkeeper, Maltster, Brewer, Distiller, Dyer, Hatter, Woolcomber, or other Person, who shall use large Quantities of Water, do not exceed the Sum of Six Pounds; and for any One separate Messuage, Dwelling-house, Tenement, or Hereditament, occupied by any other Person or Persons, do not exceed the Sum of Three Pounds; all which Water Rents and Sums of Money shall be, and the same are hereby vested in the said Trustees, and shall be applied according to the Directions of the said former Act, and in this Act, and not otherwise; which said Water Rents so to be fixed, assessed, agreed upon, and appointed by, the said Trustees as aforesaid, shall be entered in a Book or Books to be kept for that Purpose, and the Names of the respective Messuages, Dwelling-houses, Tenements, or Hereditaments, for which the same are respectively to be paid, or the Names of the respective Inhabitants and Occupiers who are to pay the same, and shall be signed by the said Trustees, or any Seven or more of them; and which said Book or Books shall, within Four Days after

Trustees may assess the Water Rents;

Entry to be made of the same,

and left with the Clerk for Inſpection.

after ſuch Aſſeſſment ſhall be made, be delivered to, or left with, the Clerk of the ſaid Truſtees, for the free Inſpection of the Inhabitants of the ſaid Town, at all ſeaſonable Times, for the Space of Twenty Days then next enſuing.

Perſons aggrieved may appeal to the Truſtees.

Provided always, and be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall think himſelf, herſelf, or themſelves, aggrieved by any Aſſeſſment ſo made; every ſuch Perſon may appeal to the ſaid Truſtees at any future Meeting to be by them held, not ſooner than Twenty eight Days after the Meeting at which ſuch Aſſeſſment ſhall be made, firſt giving, or cauſing to be given, Four Days previous Notice, at leaſt, in Writing, of his, her, or their Intention to appeal; ſuch Notice to be delivered to, or left with, the Clerk of the ſaid Truſtees, or at his uſual Place of Abode: And the ſaid Truſtees, or any Nine or more of them, at ſuch their ſaid future Meeting, or any other Meeting, and upon due Proof of ſuch Notice being given as aforeſaid, or if the ſame ſhall be admitted by their ſaid Clerk, but not otherwiſe, ſhall hear, and finally determine, the Matter and Cauſe of ſuch Appeal, and give ſuch Redreſs therein as to them ſhall ſeem juſt, reaſonable, and expedient; and the Determination of the ſaid Truſtees, at their ſaid Meeting, ſhall be final, binding, and concluſive, to all Intents and Purpoſes, unleſs a Proteſt and Diſſent be entered and proceeded upon, in Manner herein after mentioned.

A Rate to be paid for keeping the Watercourſe, &c. in Repair.

Provided always, and be it enacted, That if at any ſuch Meeting One full Third Part of the Truſtees then preſent ſhall diſſent from, and proteſt againſt, what ſhall be determined by the Majority thereof, regarding any Order for Rates or Aſſeſſments for the ſaid Water Rents brought before them by Appeal as aforeſaid, and ſhall ſignify ſuch their Diſſent and Proteſt, in Writing, under their Hands, to be then entered in the Book for keeping the Orders and Proceedings of the ſaid Truſtees; that then, and in ſuch Caſe, but not otherwiſe, the ſaid Truſtees, or any Three or more of them, ſhall and may, and they are hereby required to, appoint a Meeting of the Truſtees, not reſiding in the ſaid Town of Halifax, nor intereſted in, or intitled unto, any Meſſuages, Lands, Tenements, and Hereditaments, ſituate within the ſaid Town, to be held within Twenty one Days next after any ſuch Proteſt and Diſſent; of which ſaid Meeting, and the Intent thereof, Fourteen Days previous Notice, in Writing, ſhall be given under

der the Hand of the Clerk, to be affixed upon the said Market Cross and Church Doors: And the said Trustees, or any Five or more of them, not being Inhabitants of the said Town of Halifax, nor interested in, or intitled unto, any Messuages, Lands, Tenements, or Hereditaments, within the same Town, at such their said Meeting, shall and may hear, and finally determine, the Matter against which such Protest and Dissent was made and entered as aforesaid; but in case there shall not appear a sufficient Number of such last mentioned Trustees, at any such Meeting to be appointed in Manner herein before mentioned, then the Order for such Rate or Assessment shall be final, binding, and conclusive, to all Intents and Purposes.

Conditions, on which Inhabitants and others may be served with Water from *Well Head* Spring.

And be it further enacted by the Authority aforesaid, That the several Persons now occupying, or who shall hereafter occupy, the several and respective Estates through which the Water of the Spring called Well Head now runs, within and towards the said Town of Halifax, and all such other Inhabitants of the said Town, who shall not chuse to have any Water laid into their Houses, and pay for the same in Manner herein before, and in the said recited Act, directed, shall, in consideration of their paying, from time to time, to the said Trustees, or any Seven or more of them, or to such Person or Persons as they, or any Seven or more of them, shall, from time to time, appoint to receive the same, a Rate or Assessment of Two Pence in the Pound for every Pound Rent which they, or any of them, shall yearly, and every Year, be assessed to the Land Tax throughout the said Township of Halifax, towards keeping the said Spring, called Well Head, and the Watercourse thereof, in Repair, have proper Places, Troughs, Cisterns, Spouts, Brass Cocks, or other Conveniences, allotted and provided for holding, taking up, and delivering, Water for such their respective Uses (except for the watering of Land) in or near to the usual Places in the said Watercourse, as they would by any Law, Usage, or Custom, be intitled to if this or the said recited Act had never been made, without paying any other Sum or Gratuity for the same, notwithstanding any thing herein, or in the said recited Act, contained to the contrary.

Certain Watering Places to be supplied with Water Four Hours in each Day.

Provided nevertheless, That the old accustomed Watering Places in the said Town, from a Place there called The Old Cock Back Gates, to and at a Place called The Chair in the Wool Shops, shall be supplied with Water issuing from the said Spring, called Well Head,

no less than Four Hours in each Day, at such Time or Times in the Day as the said Trustees, or any Five or more of them, shall, from time to time, direct or appoint; any thing herein before or in the said former Act contained to the contrary notwithstanding.

Clause in former Act repealed.

And be it further enacted by the Authority aforesaid, That so much of the said recited Act as enables any Person or Persons, not having the Water laid into his or their respective Houses in the said Town, to use the Water of the said Spring, called Well Head Spring, upon certain Conditions therein mentioned, shall be, and is hereby repealed.

Penalty on Persons taking away Water, not renting the same;

And be it further enacted by the Authority aforesaid, That if any Person or Persons, not paying, or assessed to pay, for Water laid into his, her, or their Messuage, Dwelling-house, Tenements, or Hereditaments, in pursuance of the said former Act, or of this present Act, shall take or carry away any Water for his, her, or their own Use, or for the Use of any other Person or Persons not paying, or assessed to pay, Rent for the same as aforesaid, from the Pipe or Cock of any Person or Persons who hath or shall have the same laid into his, her, or their Messuage, Dwelling-house, Tenements, or Hereditaments; every such Person, so offending, shall forfeit and pay, for every such Offence, a Sum not exceeding the Sum of Forty Shillings: And if any Person or Persons who hath or shall have Water laid into his, her, or their Messuage, Dwelling-house, Tenements, or Hereditaments, as aforesaid, shall authorize, or knowingly permit or suffer, any other Person or Persons not paying, or assessed to pay, Rent for Water laid into his, her, or their Messuage, Dwelling-house, Tenements, or Hereditaments, to take and carry away Water from his, her, or their Cock or Pipe, so laid as aforesaid; every such Person, so offending, shall in like Manner, for every such Offence, forfeit a Sum not exceeding the Sum of Forty Shillings.

and on Persons knowingly suffering the same to be done.

Water to be used without any Satisfaction in case of Fire.

And be it further enacted by the Authority aforesaid, That in case of any Fire happening within any Part of the said Town, it shall and may be lawful to and for any Inhabitant thereof, or other Person or Persons whomsoever, to open any Pipe, Waterhouse, Reservoir, or Cistern, that shall be laid or made in pursuance of this Act, or of the said former Act; and to make use of such Water in order to extinguish such Fire, without any Satisfaction being made to, or Molestation given for the same; such Inhabitant, or other Person or Persons, not wilfully wasting the said Water, and doing

as little Damage as may be to such Pipe, Waterhouse, Reservoir, or Cistern.

Method of recovering Water Rents.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall, at any Time or Times hereafter, neglect or refuse to pay the respective Water Rents, or Sums of Money already agreed upon, assessed, and to be paid in pursuance of the said former Act; or shall, at any Time or Times hereafter, neglect or refuse to pay the respective Water Rents, or Sums of Money, which shall at any Time or Times hereafter be fixed, assessed, agreed upon, and appointed to be paid in pursuance of this present Act, for the Space of Twenty Days after the same shall become due and payable, and be demanded; that then, in both or either of the Cases aforesaid, it shall and may be lawful to and for the Collector or Collectors of the said Rents, or such other Person or Persons as the said Trustees, or any Five or more of them, shall for that Purpose, by Writing under their Hands, appoint, to enter into and upon the Messuage, Dwelling-house, Tenements, and Hereditaments, of such Person or Persons who shall make Default in Payment of the said Water Rents, or Sums of Money by him, her, or them, payable as aforesaid, at any Time in the Day, and there to seize and distrain all or any Part of the Goods or Chattles then and there found, and to take and carry away the same, leaving at the Place or Places where such Distress shall be made Notice in Writing of the Cause of such Distress and Taking: And in case the Inhabitant or Owner of the Goods and Chattles so taken and distrained shall not, within Five Days next after such Distress made, and Notice thereof as aforesaid given, replevy the same, with sufficient Sureties to be given, according to the Laws in being for Distresses in Cases of Non-payment of Rent; that then, after such Distress and Notice as aforesaid, and Expiration of the said Five Days, the said Collector or Collectors, or such Person or Persons as the said Trustees, or any Five or more of them, shall for that Purpose appoint as aforesaid, shall and may, with the Assistance of a Constable, cause the Goods and Chattles so distrained to be appraised and valued by Two sworn Appraisers (whom such Constable or Constables are hereby impowered to swear) according to the best of their Understanding and Judgement; and after such Appraisement, it shall and may be lawful to and for the said Collector or Collectors, or such other Person or Persons as the said Trustees, or any Five or more of them,

shall

ſhall for that Purpoſe appoint as aforeſaid, to ſell and diſpoſe of the Goods and Chattles ſo diſtrained, for the beſt Price that can be got for the ſame, towards Satisfaction of the reſpective Water Rents, or Sums ſo already aſſeſſed and agreed upon, or to be agreed upon, aſſeſſed, and made payable by virtue of the ſaid former Act, or of this Act; and of the Charges of ſuch Diſtreſs, Appraiſement, and Sale, leaving the Overplus (if any) in the Hands of the ſaid Conſtable, for the Uſe of the Perſon ſo diſtrained upon.

Truſtees may appoint Officers;

And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Five or more of them, ſhall and may, by Writing under their Hands and Seals, at any Meeting held in purſuance of this Act, appoint One or more Clerk or Clerks, Collector or Collectors, Surveyor or Surveyors, and ſuch other Officer or Officers, Servants and Workmen, to be employed for the Execution of the ſaid former Act, and this Act, as they the ſaid Truſtees, or any Five or more of them, ſhall think proper; and, from time to time, remove him or them, and appoint others, as they ſhall find neceſſary or convenient; and by and out of the Monies to be raiſed by virtue of this Act, may, and are hereby impowered to, pay ſuch Salaries and Allowances to ſuch Officers, and to all other Perſons by them the ſaid Truſtees ſo employed, as they ſhall think reaſonable: And the ſaid Truſtees, or any Five or more of them, ſhall and may, and they are hereby required to, take ſuch Security from the Clerk, Treaſurer, and Collector, for the due Execution of their reſpective Offices and Employments, as they the ſaid Truſtees, or any Five or more of them, ſhall think proper: And ſuch Perſon or Perſons as is or are by this Act made liable to pay the ſeveral and reſpective Rents, Aſſeſſments, or Sums of Money hereby granted and made payable, ſhall pay the ſame to ſuch Perſon or Perſons as ſhall, from time to time, be appointed by the ſaid Truſtees, or any Five or more of them, to collect and receive the ſame: And all ſuch Officers ſo to be appointed as aforeſaid, ſhall, under their Hands, at ſuch Time and Times, and in ſuch Manner, as the ſaid Truſtees, or any Five or more of them, ſhall direct, deliver to ſuch Truſtees true and perfect Accounts, in Writing, of all Matters and Things committed to their Charge by virtue of this Act; and alſo of all the Monies which ſhall have been by ſuch Officer or Officers reſpectively received by virtue, and for the Purpoſes, of this Act, and alſo of the ſaid former Act, and how much thereof hath been paid and diſburſed, and for what Purpoſes, together

and remove them, and appoint others.

Truſtees to allow Officers Salaries.

Treaſurer, &c. to give Security.

Officers to account upon Oath.

ther with the proper Vouchers for such Payments; and shall pay all such Monies as shall remain in their respective Hands to the said Trustees, or any Five or more of them, or to such Person or Persons as they shall appoint to receive the same: And all the said Officers so accounting as aforesaid, shall upon Oath, if thereunto required (which Oath the said Trustees, or any Two or more of them, are hereby impowered and required to administer) verify their said Accounts: And if any such Officer shall not make and render, or shall refuse to verify, upon Oath, any such Account, or to produce or deliver up the Vouchers relating to the same, or to make Payment as aforesaid, or shall not deliver to the said Trustees, or any Five or more of them, or to such Person or Persons as they shall appoint to receive the same, within Thirty one Days after being thereunto required by any Two or more of the said Trustees, all Books, Papers, and Writings, in his or their Custody or Power, relating the Execution of this, or of the said former Act; or shall refuse or neglect to pay such Monies as, upon the Balance of any Account or Accounts, shall appear to be in their respective Hands, to the said Trustees, or any Five or more of them, or to such Person or Persons as they shall direct or appoint to receive the same; then, and in either or any of the Cases aforesaid, the said Trustees, or any Five or more of them, may, and are hereby authorized and impowered to bring, or cause to be brought, any Action or Actions in the Name or Names of them the said Trustees, or of any One or more of them, or in the Name or Names of the Treasurer or Treasurers, Clerk or Clerks, or other Officer to be appointed in pursuance of this Act, against the Officer or Officers so neglecting or refusing as aforesaid, in order for the Recovery of the Monies that shall be in the Hands of such Officer or Officers respectively; or if Complaint shall be made by the said Trustees, or by any Two or more of them, or by such Person or Persons as they shall appoint for that Purpose, of any such Refusal or Neglect as aforesaid, to any Two or more of the Justices of the Peace for the West Riding of the said County, or for the Place where such Officer or Officers so neglecting or refusing shall be and reside; such Justices may, and are hereby authorized and required, by a Warrant or Warrants under their Hands and Seals, to cause the Officer or Officers so refusing or neglecting to be brought before them; and upon his and their appearing, or not being to be found, to hear and determine the Matter in a summary Way; and if, upon the Confession

Officers to account upon Oath.

Officers refusing to account,

Justices may enquire into the Default.

Balance may be levied by Diſtreſs and Sale.

ſion of the Party or Parties, or by the Teſtimony of any credible Witneſs or Witneſſes, upon Oath, it ſhall appear to ſuch Juſtices, that any of the Monies that ſhall have been collected or raiſed by virtue of this Act, or of the ſaid former Act, ſhall be in the Hands of ſuch Officer or Officers, ſuch Juſtices may, and are hereby authoriz-ed and required, upon Nonpayment thereof, by a War-rant or Warrants under their Hands and Seals, to cauſe ſuch Money to be levied by Diſtreſs and Sale of the Goods and Chattles of ſuch Officer or Officers offending in the Premiſſes reſpectively; and if no Goods or Chat-tles of ſuch Officer or Officers can be found ſufficient to anſwer and ſatisfy the ſaid Money, and the Charges of diſtraining and ſelling the ſame; or in caſe it ſhall ap-pear to ſuch Juſtices, by the Confeſſion of the ſaid Party ſo offending, or by the Teſtimony of any credible Witneſs upon Oath, that any Books, Papers, or Writ-ings, relating to the Execution of this Act, ſhall be in the Cuſtody or Power of any ſuch Officer or Officers, and he or they ſhall refuſe to deliver the ſame as afore-ſaid; then, and in either of the ſaid Caſes, ſuch Ju-ſtices ſhall commit every ſuch Offender to the Common Gaol or Houſe of Correction for the County or Place where ſuch Offender ſhall be and reſide, there to remain without Bail or Mainprize, until he ſhall give and make a true and perfect Account and Payment as aforeſaid, or until he ſhall compound with the ſaid Truſtees, or any Five or more of them, and ſhall have paid ſuch Com-poſition in ſuch Manner as they ſhall appoint; which Compoſition the ſaid Truſtees, or any Five or more of them, are hereby impowered to make; and until he ſhall deliver up ſuch Books, Papers, and Writings as afore-ſaid, or give Satisfaction in reſpect thereof to the ſaid Truſtees, or Five or more of them.

For want of Diſtreſs, the Offenders to be committed,

until Payment or Compoſi-tion made.

Officer not to be impriſoned longer than 6 Months.

Provided always, That no Perſon who ſhall be com-mitted on account of his having no Goods or Chattles, ſhall be detained in Priſon for any Term longer than Six Months.

Officers taking any Reward,

And be it further enacted, That if any Perſon who as a Clerk, Surveyor, or any other Officer or Servant, ſhall be any ways employed by the ſaid Truſtees in put-ting this Act, or the ſaid former Act, or any the Powers thereof, in Execution, ſhall exact, take, or accept, any Fee or Reward whatſoever, other than ſuch Salaries, Allowances, and Rewards, as ſhall be appointed, al-lowed, and approved of, by the ſaid Truſtees, or any Five or more of them, for, or on account of, any thing done, or to be done, by virtue of this Act, or of the

ſaid

said former Act, or on any Account whatsoever relative to the putting this Act, or the said former Act, in Execution; or shall any ways be concerned in Interest in any Bargain or Contract made, or to be made, by the said Trustees, or any of them, or any other Person or Persons by their Order, or for their Use, for the Purposes of putting this Act, or the said former Act, in Execution; every such Person so offending shall be incapable of ever acting, or being employed, under this Act, or the said former Act, and shall, over and above, forfeit the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, by Action of Debt, Bill, Plaint, or Information, in any of his Majesty's Courts of Record, within Six Calendar Months after the Offence committed; in which said Suit, no Essoin, Protection, or Wager of Law, nor more than One Imparlance shall be allowed.

or being interested in any Bargain, are disqualified,

and shall forfeit 50 *l.*

And be it further enacted by the Authority aforesaid, That from and after the said Third Wednesday after the passing of this Act, the said Trustees, or any Five or more of them, at their next or any subsequent Meeting, shall have full Power and Authority, from time to time, to cause, order, and direct, the Streets, Greens, Lanes, Alleys, Passages, and other Places, within the said Town of Halifax, or any of them, to be paved, repaired, raised, sunk, or altered; and also to cause, order, and direct, the same to be cleansed and lighted at such Times, and in such Manner, as they shall think fit,

Streets, &c. to be paved, cleansed, and lighted.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall also have full Power and Authority to cause to be dug, carted, and carried out of, or brought into, the said Streets, Greens, Lanes, Alleys, Passages, and Places, such Gravel, Stones, and other Materials, and to employ such Artificers, Workmen, Labourers, Carters, and others, and to issue such Money on those Accounts, and to do all and every such other Acts and Things as the said Trustees, or any Five or more of them, shall judge necessary or conducive to the accomplishing the respective Ends and Designs of this Act, and of the said former Act.

Materials may be dug out of, or brought into, the Streets, &c.

And be it further enacted, That the said Trustees, or any Five or more of them, may, and are hereby impowered, from time to time, at any of their Meetings to be held in pursuance of this Act, as Occasion shall require, to contract with any fit Person or Persons for paving and keeping in Repair the said Streets, Greens,

Trustees may make Contracts.

Lanes, Alleys, Paſſages, and Places, in the ſaid Town, or any of them, and for cleanſing and lighting the ſame; which Contract and Contracts ſhall ſpecify the ſeveral Works to be done, and the Prices to be paid for the ſame, and the Time or Times when the ſaid Works ſhall be compleated, and the Penalties to be ſuffered in caſe of Non-performance thereof; and ſhall be ſigned by the ſaid Truſtees, or any Five or more of them, or by their Treaſurer, Clerk, or other Officer, by their Order, and by the Perſon or Perſons contracting to perform ſuch Works; but previous to the making of any ſuch Contract, Ten Days Notice ſhall be given, by affixing the ſame upon the Market Croſs and Church Doors of the ſaid Town of Halifax, expreſſing the Intention of the intended Contract, in order that any Perſon or Perſons willing to undertake the ſame may make Propoſals for that Purpoſe, to be offered and preſented to the ſaid Truſtees at a certain Time and Place in each ſuch Notice to be mentioned.

Notice to be given.

Materials veſted in Truſtees.

And be it further enacted by the Authority aforeſaid, That the Right and Property of the Springs, Watercourſes, Reſervoirs, Conduits, Water-houſes, Engines, Buildings, Aqueducts, Pipes, or other Neceſſaries, erected, made, or uſed, or to be erected, made, provided, or uſed, for the Purpoſes of the ſaid former Act, and thereby veſted, or intended to be veſted, in the Truſtees thereby appointed; and alſo the Right and Property of the Pavements, Lamps, Iron, Timber, Furniture, and of all other Materials and Things which ſhall be provided and made uſe of for the Purpoſes of this Act; ſhall be, and the ſame are hereby, veſted in the Truſtees appointed, or to be appointed, and elected by and in purſuance of this Act; and they, or any Five or more of them, are hereby authorized and impowered, from time to time, to order the ſame, and diſpoſe thereof, as they ſhall think proper; and to bring, or cauſe to be brought, any Action or Actions, in the Name or Names of any One or more of them, or to prefer and order, and direct, the preferring of Indictments againſt any Perſon or Perſons, who ſhall ſteal, take, or carry away, or injure any, or any Part of ſuch Property, Materials, or Things, or diſturb or moleſt them in the Poſſeſſion thereof.

Penalty on damaging or extinguiſhing the Lamps, &c.

And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall wilfully break, throw down, or otherwiſe damage, any of the Lamps which ſhall be erected by the ſaid Truſtees, or any of the Poſts, Irons, or other Furniture thereof, or extinguiſh any

any of the said Lamps when lighted; it shall and may be lawful to and for any One or more Justice or Justices of the Peace, acting in and for the West Riding of the said County of York, and he and they is and are hereby required, upon Oath made of the Commission of any such Offence, to issue a Warrant or Warrants for apprehending the Party or Parties accused; or, it shall be lawful for any Person or Persons whatsoever who shall see such Offence committed, to apprehend, as also for any other Person or Persons to assist in apprehending the Offender or Offenders, and by Authority of this Act, and without any other Warrant, to convey him, her, or them, or to deliver him, her, or them, into the Custody of a Peace Officer, in order to be secured and conveyed before some Justice of the Peace for the said West Riding, to be dealt with as herein after is directed; and the Party or Parties accused being brought before any such Justice, or Oath being made before him that such Party or Parties cannot be found and apprehended, such Justice shall proceed to examine upon Oath any Witness or Witnesses who shall appear, or be produced to give Information touching such Offence; and if the Party or Parties accused shall be convicted of such Offence, either by his, her, or their own Confession, or upon such Information as aforesaid, he, she, or they, so convicted, shall, for the First Offence, respectively forfeit the Sum of Twenty Shillings for each Lamp so broken, thrown down, damaged, or extinguished, as aforesaid; and for the Second, and every subsequent Offence, the Sum of Forty Shillings; and full Satisfaction shall also be made and paid to the said Trustees, or to their Surveyor or Clerk, by such Offender or Offenders, for the Damage so by him, her, or them, done as aforesaid: And in case such Offender or Offenders shall not upon Conviction pay such Forfeiture by him, her, or them incurred, and make such Satisfaction as aforesaid, the Justice before whom such Offender or Offenders shall be convicted, is hereby required to commit him, her, or them, to the Common Gaol or House of Correction for the said West Riding of the said County, there to be kept to hard Labour for any Time not exceeding the Space of Three Calendar Months; and such Offender or Offenders shall not be discharged before the Expiration of the Time for which he, she, or they, shall be committed, unless such Forfeiture and Satisfaction shall be sooner paid and given; and One Moiety of the said respective Forfeitures, when recovered, shall be paid to the Informer or Informers; and the other

Moiety shall be applied for the Purposes of this Act: And if any Person shall negligently or accidentally break, throw down, or otherwise damage, any of the said Lamps, or any of the Posts, Irons, or other Furniture thereof, and shall not, upon Demand, make Satisfaction to the said Trustees, or any Five or more of them, or to their Surveyor or Clerk, for the Damage by such Person done as aforesaid; it shall be lawful for any Justice of the Peace for the said West Riding, and he is hereby required, upon Complaint to be made by any Five or more of the said Trustees, or by their Surveyor or Clerk, to summon the Party complained of, and upon his or her Appearance, or making Default to appear (Oath being made that the Party complained of was served with such Summons, or that the same was left at his or her Dwelling-house, or Place of Abode, if known, or that he or she could not be found) such Justice shall proceed to examine the Matter of the said Complaint; and upon Proof thereof, either by Confession of the Party complained of, or by the Oath of One or more credible Witness or Witnesses, shall award and order such Satisfaction to be made by the Party complained of, for the Damage so by him or her done, as to such Justice shall appear just and reasonable; and shall cause the Sum so awarded (in case the same be not paid forthwith upon the making such Award or Order) to be levied by Distress and Sale of the Offenders Goods and Chattles, rendering to him or her the Overplus (if any be) upon Demand, after the Charges of prosecuting such Complaint, and of such Distress and Sale, shall be deducted.

For interrupting Trustees, Workmen, &c.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall at any Time or Times obstruct, hinder, or molest, any of the said Trustees, or any Surveyor or Surveyors, or other Officer or Officers, Workmen, Person or Persons whatsoever, who is, are, or shall be, employed by virtue of this Act, or of the said former Act, in the Performance or Execution of their Duty, every such Person so offending shall, for every such Offence, forfeit the Sum of Forty Shillings.

Trustees may sell the old Materials, &c.

And it is hereby further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall have full Power and Authority, from time to time, to sell and dispose of all or any Part of the old Pavement, or other Materials, to such Person or Persons as shall be willing to purchase the same, and to apply the Purchase-money to the Purposes of this Act.

And be it further enacted by the Authority aforesaid, That when and so often as any Part of the Pavement of the said Streets, Greens, Lanes, Alleys, Passages, or Places, shall be taken up for the Purpose of making, repairing, altering, cleansing, or emptying, any Sewer, Vault, or Drain; or of laying, altering, or amending, any Water Pipe or Plug, or for any other Purpose whatsoever; the Person or Persons so taking up such Pavement shall immediately give Notice thereof to the Surveyor or Clerk to the Trustees for putting this Act in Execution, in order that the same may, with all convenient Speed, be laid down and repaired, under the Inspection of the said Surveyor or Clerk, and the Charges and Expences thereof shall be paid by the said Trustees, and they shall be reimbursed the same by the Person or Persons who shall take up, or cause or procure to be taken up, the said Pavement, or any Part or Parts thereof.

Notice to be given to Surveyor of taking up Pavement, &c.

Trustees to relay it, and be reimbursed the Expences.

And be it further enacted by the Authority aforesaid, That no Person or Persons shall make, or cause to be made, any Alteration in the Form of any of the Pavement or Pavements of the said Streets, Lanes, Alleys, Passages, or Places, or of any Part thereof, without the Consent and Direction of the said Trustees, or any Five or more of them, under their Hands and Seals, upon Pain of forfeiting, for every such Offence, the Sum of Twenty Shillings, over and above all Expences incurred, or to be incurred, in reinstating the same.

No Alteration to be made in the Form of the Pavement without Trustees Consent.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Five or more of them, from time to time, to direct and cause the Course of any Gutter or Channel, running in or through the said Streets, Greens, Lanes, Alleys, Passages, or Places, or any of them, to be turned or altered in such Manner as they shall think proper; and to direct the Grates already placed, or hereafter to be placed, over any Sewers or Drains, to be removed and replaced in such Manner, and at such Place and Places, as they shall think most proper and convenient, except such Gutters and Channels as are or ought to be made in pursuance of the said former Act, for conveying the spare or waste Water into the upper Mill Dam of Charles Lord Viscount Irwin; all which shall, from time to time, be done at the Expence of the said Trustees, and paid for out of the Money arising by virtue of this Act; any Law, Usage, or Custom, to the contrary notwithstanding.

Course of Gutters to be turned, if necessary,

and Grates altered, &c.

And

Penalty on laying Aſhes, &c. in the Streets.

And be it further enacted by the Authority aforeſaid, That no Perſon or Perſons whatſoever ſhall throw, caſt, or lay, or cauſe, or permit, or ſuffer, to be thrown, caſt, or laid, any Aſhes, Duſt, Dirt, Soil, or other Filth whatſoever, before any Dwelling-houſe, Shop, Stable, Building, or Wall, in any of the ſaid Streets, Greens, Lanes, Alleys, Paſſages, or Places, upon Pain of forfeiting for the Firſt Offence, the Sum of Five Shillings; for the Second Offence, the Sum of Ten Shillings; and for the Third and every other Offence, the Sum of Twenty Shillings.

Penalty on obſtructing the Streets, &c. by Carriages, &c.

And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall, from and after the ſaid Third Wedneſday next after the Paſſing of this Act, ſet out, leave, or lay, any Coach, Cart, Dray, Waggon, or other Carriage, Wheels, Timber, Stones, or any other Materials, Matter, or Things, which may occaſion any Annoyance, Nuiſance, or Obſtruction whatſoever, in the ſaid Streets, Greens, Lanes, Alleys, Paſſages, or Places, or any of them, ſo as to obſtruct, incommode, or endanger, any Perſon or Perſons, Carriage or Carriages whatſoever, paſſing thereon or therethrough; or if any Cart, Waggon, or other Carriage, with Hay or Straw therein for Sale, or any Cart, Waggon, Coach, or other Carriage, intended to be let out or worked for Hire, ſhall be ſuffered to ſtand in any of the ſaid Streets, Greens, Lanes, Alleys, Paſſages, or Places aforeſaid reſpectively; or if any Cart, Waggon, or other Carriage, or any Wheel-barrow, ſhall be ſuffered to remain in the ſaid Streets, Greens, Lanes, Alleys, Paſſages, or Places, or any of them, any longer than is needful and proper for the neceſſary loading or unloading thereof; or if any ſuch Cart, Dray, or other Carriage, ſhall be placed or ſet acroſs any Part of the ſaid Streets, Greens, Lanes, Alleys, Paſſages, or Places, or any of them, for the Purpoſes of loading or unloading the ſame; it ſhall and may be lawful, in any of ſuch Caſes, for any Five of the ſaid Truſtees, though not at any Meeting to be held in purſuance of this Act, to order all ſuch Carts, Waggons, Coaches, or other Carriages, and Matters and Things, occaſioning ſuch Annoyance, Nuiſance, or Obſtruction, to be removed, taken, carried away, and depoſited in ſuch Place or Places, as they the ſaid Truſtees, or any Five or more of them, ſhall direct or appoint; there to remain until the Offender or Offenders ſhall have paid and diſcharged all Coſts, Charges, and Expences, attending the carrying away and depoſiting the ſame as aforeſaid, as alſo a Sum

a Sum not exceeding Twenty Shillings for each such Offence.

Trustees to order the Number and Sorts of Lamps to be set up, &c.

And be it further enacted, That the said Trustees, or any Five or more of them, shall and may yearly, and every Year, order, direct, and appoint, what Number and Sort of Lamps shall be erected or set up within the said Streets, Greens, Lanes, Alleys, Passages, and other Places; and may appoint or contract with any Person or Persons for such Lamps, (or find and provide the same themselves as they shall think fit;) and also for the lighting, cleansing, supplying, maintaining, and repairing, such Lamps; and shall likewise direct and appoint, in Writing, how and where the said Lamps shall be placed, and at what Time, and how long, the said Lamps shall be and continue lighted; and what Sum or Sums of Money shall be paid to the Person or Persons appointed or contracted with to light, maintain, and repair, the said Lamps.

Signs, Spouts, &c. to be regulated.

And be it further enacted by the Authority aforesaid, That from and after the said Third Wednesday next after the Passing of this Act, the said Trustees, or any Five or more of them, shall cause all Signs which then, or at any Time after, shall be placed or hung in any Part of the said Streets, Greens, Lanes, Alleys, Passages, or Places, to be fixed or placed in the Fronts of such Houses respectively whereto the same shall belong; and also shall and may cause all Signs, Sign Irons, Posts, Boards, Spouts, Gutters, Penthouses, or other Things, occasioning any Obstruction or Annoyances in the said Streets, Greens, Lanes, Alleys, Passages, and Places, to be removed or altered in such Manner as the said Trustees, or any Five or more of them, shall think most proper and convenient; and that for the future all Water shall be conveyed from the Tops of the Houses, Shops, Warehouses, or Buildings, in Pipes, or otherwise, close by the Side of the Houses, Shops, Warehouses, or Buildings, whereunto they respectively belong, and not otherwise: And if any Person or Persons shall, at any Time hereafter, hang or place any Sign, Sign Post, Iron, or Board, or shall convey the Water from the Tops of the Houses, Shops, Warehouses, or Buildings, or cause the same to be done in any other Manner than as aforesaid; or shall in any Manner occasion any such Incroachment or Annoyance in the said Streets, Greens, Lanes, Alleys, Passages, or Places; every such Person shall, for every such Offence, forfeit and pay any Sum not exceeding Forty Shillings.

Posts, &c. unused, to be returned.

Provided always, and be it further enacted by the Authority aforesaid, That if any, or any Part of any, such Signs, Sign Irons, Posts, Boards, Gutters, Spouts, Penthouses, or other Projections, shall remain unused after the Alteration made thereto as before directed, the same shall be returned to, and be the Property of, the Person or Persons to whom the same belonged before such Removal or Alteration.

And whereas the said Streets, Greens, Lanes, Alleys, Passages, and Places, are in some Parts thereof greatly obstructed and made dangerous to Foot Passengers by Steps projecting from Houses, Shops, and Doors, Cellars, Vaults, and other Places, and by Shew Glasses, Shew Boards, and other Matters or Things, projecting from Shops or Houses over and beyond the Area belonging to such Houses, or into the Foot-ways; be it therefore enacted by the Authority aforesaid,

Steps, &c. projecting too far, to be removed.

That from and after the said Third Wednesday after the passing of this Act, all Steps projecting into the Foot-ways of the said Streets, Greens, Lanes, Alleys, or other Places, belonging to any House, Shop, Warehouse, Cellar, Vault, or Tenement, as likewise all Shew Glasses, or Shew Boards, projecting over and beyond the Areas, or into the Foot-ways; and all and every other Material, Matter, or Thing, belonging to any House, Shop, Cellar, or other Building, which do or shall cause or occasion any Nuisance, Annoyance, Incroachment, or Obstruction, in the said Streets, Greens, Lanes, Alleys, Passages, and Places, or any of them, either in the Foot or Carriage-way thereof; shall be, at the Expence of the said Trustees, from time to time, removed, fixed, placed, or altered, in such Manner and Form as shall be approved of by the said Trustees, or any Five or more of them, or their Surveyor by their Direction.

Trustees enabled to purchase Lands,

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, shall be, and are hereby, impowered to agree with the Owners or Proprietors of, and Persons interested in, any Messuages, Dwelling-houses, Buildings, Erections, Lands, Tenements, and Hereditaments, which they the said Trustees, or any Seven or more of them, shall judge necessary or proper to be pulled down, removed, cut, digged, altered, or used, for the Purposes of this Act, or

and incapacitated Persons to treat.

of the said former Act: And it shall be lawful for all Bodies Politic and Corporate, Husbands, Guardians, Trustees, Committees, Executors, or Administrators, for and on Behalf of their Cestuique Trusts, whether

Infants or Issue unborn, Lunaticks, Ideots, or Femes Covert, and to and for all and every other Person and Persons whatsoever, who are or shall be seized or possessed of, or interested in, any such Messuages, Dwelling-Houses, Buildings, Erections, Lands, Tenements, and Hereditaments, to contract for, and to sell and convey, the Inheritance in Fee Simple of all or any such Messuages, Dwelling-houses, Buildings, Erections, Lands, Tenements, and Hereditaments, unto the said Trustees, or any Seven or more of them, or to such Person or Persons as they, or any Seven or more of them, shall nominate and appoint; and that all such Contracts, Agreements, Bargains, Sales, and Conveyances, shall be good and valid in the Law, to all Intents and Purposes, not only to convey the Estate and Interest of the Person and Persons conveying, but also to convey all Right, Estate, Interest, Use, Property, Claim, and Demand whatsoever, of their several and respective Cestuique Trusts, whether Infants or Issue unborn, Lunaticks, Ideots, Femes Covert, or other Person whatsoever, and all claiming, or to claim, by, from, or under them; any Law, Statute, Usage, or any other Matter or Thing whatsoever, to the contrary thereof in any wise notwithstanding: And that all Persons so conveying as aforesaid, are and shall be indemnified for what they shall do by virtue and in pursuance of this Act: And that all such Sales and Conveyances, so to be made as aforesaid, shall be inrolled by the Clerk of the Peace for the said West Riding; and true Copies of the same, signed by the Clerk of the Peace for the time being, shall be deemed and taken to be good Evidence thereof in all Courts whatsoever.

Upon Refusal to treat,

And it is hereby further enacted, That if any such Bodies Politic or Corporate, or any Person or Persons whatsoever, shall, for the Space of Twenty one Days next after Notice in Writing given to the principal Officer or Officers of such Bodies Politic or Corporate, or to such Person or Persons respectively, or to the Tenant or Tenants in Possession of the Messuages, Dwelling-houses, Buildings, Erections, Lands, Tenements, and Hereditaments, intended to be pulled down, removed, cut, digged, altered, or used as aforesaid, shall neglect or refuse to treat, or shall not agree with the said Trustees, or any Seven or more of them, or by reason of Absence shall be prevented from treating touching the Matters aforesaid; then, and in every such Case, the said Trustees, or any Seven or more of them, shall and may, and they are hereby authorized and impowered,

Trustees to issue a Warrant to the Sheriff, &c. to summon a Jury.

ed, from time to time, to issue out their Warrant or Warrants under their Hands and Seals, to be directed to the Sheriff of the County of York for the time being; or in case such Sheriff shall happen to be interested in the Matter in Question, or any ways related to any of the Parties interested or concerned therein, then to One of the Coroners of the said County, requiring such Sheriff or Coroner to impanel, summon, and return, a Jury; and the said Sheriff or Coroner, to whom the said Warrant or Warrants shall be directed, is hereby required accordingly to impanel, summon, and return, a Jury of able and sufficient Men, qualified according to the Laws and Statutes of this Realm, not being Inhabitants of the said Town of Halifax, to be returned for Trials of Issues joined in His Majesty's Courts at Westminster, to appear before the said Trustees, or any Seven or more of them, at such Time and Place as by such Warrant or Warrants shall be directed and appointed, not being less than Ten Days after such Warrant shall be served upon the said Sheriff or Coroner respectively, or more than Twenty Days after such Service, upon Pain to forfeit for every Default in not making such Return Ten Pounds, to be sued for and recovered in the Manner herein after directed; and also to return in Issues upon every Person so impanelled and returned not appearing, contrary to the true Intent and Meaning of this Act, the Sum of Five Pounds, which shall be levied upon the Goods and Chattles of the Person not appearing as aforesaid, by Warrant or Warrants under the Hands and Seals of the said Trustees, or any Seven or more of them; and in case a sufficient Number of Jurymen shall not appear, the said Sheriff or Coroner shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured to attend that Service, being so qualified as aforesaid, to make up the said Jury to the Number of Twelve; and all Parties concerned shall and may have their lawful Challenges against any of the said Jurymen; and the said Trustees, or any Seven or more of them, are hereby impowered, by Warrant or Warrants under their Hands and Seals, from time to time, as Occasion shall require, to summon and call before them all and every such Person and Persons as shall be thought proper or necessary to be examined as Witnesses touching the Matters in Question; and the said Trustees, or any Seven or more of them, may order and authorize the said Jury, or any Six or more of them, to view the Place or Places, or Matters in Question; which

Jurors may be challenged.

Witnesses may be summoned, and examined upon Oath.

which Jury, upon their Oaths, to be administered by the said Trustees, or any Two or more of them (and which Oath, as also the Oaths to such Person or Persons as shall be called upon to give Evidence, the said Trustees, or any Two or more of them, are hereby impowered to administer) shall inquire of, assess, and ascertain, such Damages and Recompence as they shall adjudge fit to be awarded severally to the Owners and Occupiers of, and also all Persons respectively interested in, any such Messuages, Dwelling-houses, Buildings, Erections, Lands, Tenements, and Hereditaments, or any Part thereof; and the said Trustees, or any Seven or more of them, shall give Judgement for such Damages and Recompence so to be assessed by such Juries; which said Verdict, and the Judgement thereupon declared or pronounced by the said Trustees, or any Seven or more of them, and the Value and Recompence so assessed (Notice in Writing being first given of their Meeting, at least Twenty one Days before such Meeting, to the Parties concerned, or left at their Dwelling-houses, or usual Places of Abode, or with the Tenant or Occupier of the Premisses, or at his or her usual Place of Abode) shall be binding and conclusive to all Intents and Purposes against the King's Majesty, his Heirs, and Successors, and against all and every other Party or Parties, their Heirs, Successors, Executors, Administrators, or Assigns, and all others claiming any Title or Interest in the same Messuages, Dwelling-houses, Buildings, Erections, Lands, Tenements, and Hereditaments, or any Thing thereunto belonging or appertaining, in Possession, Reversion, Remainder, or Expectancy, or otherwise, as well Bodies Politic and Corporate, Infants, Ideots, Lunaticks, Femes Covert, Tenants in Tail, as others, and their respective Heirs, Successors, Executors, and Administrators, and all claiming by, from, or under him, her, or them, or any of them.

Jury to settle the Damages and Recompence.

Verdict of the Jury to be final.

Provided also, and be it enacted by the Authority aforesaid, That if any Person or Persons, summoned as aforesaid to give Evidence, shall neglect or refuse to appear at such Time or Times, Place or Places, as shall be appointed in the Warrant or Warrants granted by the said Trustees, or any Seven or more of them, or appearing, shall refuse to be sworn or examined by, or give Evidence before, the said Trustees; or if any Person, summoned as a Juryman as aforesaid, shall, after his Appearance, refuse to be sworn, or being so sworn, refuse to give or not give his Verdict, or in any other

Penalty on Witnesses, and Jurors, not appearing, or refusing to be sworn.

Manner wilfully neglect his Duty in the Premiſſes, contrary to the true Intent and Meaning of this Act, every Perſon ſo offending, having no reaſonable Excuſe, to be allowed by the ſaid Truſtees, or any Seven or more of them, ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding the Sum of Five Pounds; to be levied by Diſtreſs and Sale of the Goods and Chattles of the Perſon or Perſons ſo offending, by Warrant or Warrants under the Hand and Seal, or Hands and Seals, of One or more Juſtice or Juſtices of the Peace for the ſaid Weſt Riding of the County of York; rendering the Overplus to the Owner thereof, after ſuch Penalty, and the Charges of ſuch Diſtreſs and Sale, are deducted.

Fine not to exceed 5 *l.*

Expences of the Jury how to be borne.

Provided always, and be it further enacted by the Authority aforeſaid, That in caſe any Jury, to be ſummoned and ſworn as aforeſaid, ſhall give a Verdict for more Monies, as a Recompence or Satisfaction for any Meſſuages, Dwelling-houſes, Buildings, Erections, Lands, Tenements, and Hereditaments, or for any Damage to be done thereto, than what ſhall have been offered by the ſaid Truſtees, or any Seven or more of them, before the ſummoning or returning of ſuch Jury, for ſuch Recompence or Satisfaction, that then the Expences of ſummoning and maintaining ſuch Jury, and the Witneſſes, ſhall be paid by the ſaid Truſtees, or any Seven or more of them, out of the Monies to ariſe by virtue of this Act; but if any ſuch Jury ſhall give a Verdict for no more or for leſs Monies than ſhall have been offered by the ſaid Truſtees, or any Seven or more of them, before the ſummoning and returning ſuch Jury, for ſuch Recompence or Satisfaction, that then the Expences of ſummoning and maintaining ſuch Jury, and the Witneſſes, ſhall be borne by the Perſon or Perſons with whom the ſaid Truſtees ſhall have ſuch Controverſy or Diſpute; and ſuch Expences, having been aſcertained and ſettled by Two of his Majeſty's Juſtices for the ſaid Weſt Riding, ſhall be deducted and taken out of the Monies ſo aſſeſſed, and adjudged as ſo much Money advanced to, and for the Uſe of, ſuch Perſon or Perſons; and the Payment or Tender of the Remainder of ſuch Monies ſhall be deemed and taken, to all Intents and Purpoſes, to be a Payment and Tender of the whole Sum or Sums ſo aſſeſſed and adjudged.

Verdicts to be filed with the Clerk of the Peace.

And it is hereby further enacted, That the ſaid Verdicts and Judgements ſhall be ſet down in Writing, under the Hands and Seals of the Truſtees acting in the

the Premisses, or any Seven or more of them, and be kept amongst the Records and Writings of the Quarter Sessions of the Peace for the West Riding of the County of York, by the Clerk of the Peace for the time being of the said Riding; and the same, or true Copies thereof, signed by the said Clerk of the Peace, shall be taken, adjudged, and deemed good and sufficient Evidence and Proof in any Court of Law or Equity whatsoever; and all Persons may have Recourse to the same gratis, at all convenient Times, and may take Copies thereof, paying for every Copy not exceeding Two hundred Words the Sum of Two Shillings and Six Pence; and so proportionably for any greater or lesser Number of Words.

Satisfaction being made, or tendered, &c. Trustees may proceed in the Works.

And it is hereby further enacted and declared, That upon Payment of the Sum or Sums so agreed on, contracted for, or assessed and adjudged for Damages and Costs to the Parties concerned, or for the Purchase of any such Messuages, Dwelling-houses, Buildings, Erections, Lands, Tenements, and Hereditaments, or legal Tender thereof made to them respectively, which Sum or Sums of Money, the said Trustees, or any Seven or more of them, are hereby authorized to pay out of any Monies to be raised by virtue of this Act: And in case any such Parties cannot be met with, or shall refuse to accept the same, then, upon Payment of such Sum into the Hands of such Person or Persons as the said Trustees, or any Seven or more of them, shall, under their Hands in Writing, appoint, for the Use of the Parties interested as aforesaid, it shall and may be lawful to and for the said Trustees, and their Agents, Workmen, and Servants, to enter upon, remove, dig, cut, or use, such or so much of the said Messuages, Dwelling-houses, Buildings, Erections, Lands, Tenements, and Hereditaments, for which such Satisfaction shall have been contracted for, agreed on, assessed, or decreed, as aforesaid, and the same to use and employ for the effecting and executing any of the Powers of this Act, as the said Trustees, or any Seven or more of them, shall think requisite: And this Act shall be sufficient to indemnify, as well the said Trustees, as all Persons employed or authorized by them, against the said Owners, Occupiers, or other Persons interested, their Heirs, Successors, Executors, Administrators, and Assigns, and against all and every other Person and Persons, to all Intents and Purposes whatsoever.

And, for defraying the Expences of paving and repairing the said Streets, Greens, Lanes, Alleys, and other Places,

Places, or any of them; and of cleansing and lighting the same, and for preventing Annoyances and Incroachments therein, and other the Purposes of this Act; be

Rates. it further enacted by the Authority aforesaid, That from and after the passing of this Act, One or more Rate or Rates, Assessment or Assessments, shall, once in every Year, or oftener, if it shall be thought needful by the said Trustees, or any Seven or more of them, be made, laid, and assessed, by the said Trustees, or any Seven or more of them, of and upon all and every Person and Persons, who do or shall inhabit, hold, or occupy, any House, Shop, Warehouse, Cellar, Vault, Yard, Frontstead, or other Tenement, of the yearly Value of Forty Shillings, or upwards, within the said Town of Halifax, and in such competent Sum and Sums of Money as the said Trustees, or any Seven or more of them, shall yearly and every Year, or otherwise, order and direct, so as such Rates or Assessments do not exceed in the Whole the Sum of Two Shillings in the Pound, in any One Year, of the yearly Rent or yearly Value of such Houses, Shops, Warehouses, Cellars, Vaults, Yards, Frontsteads, or other Tenements within the said Streets, Greens, Lanes, Alleys, Passages, and Places respectively.

Exception as to Lord *Irwin's* Mills. Provided always, That nothing in this Act contained shall extend, or be construed to extend, to impower the said Trustees to charge or assess the Mills in the said Town of Halifax, belonging to the said Charles Lord Viscount Irwin, or the Tenant or Tenants thereof, or to cause the said Mills to be pulled down, removed, or altered, to or for any of the Purposes of this Act.

Manner of recovering Rates. And be it further enacted by the Authority aforesaid, That all Rates made for Paving, Repairing, Cleansing, and Lighting, by virtue of this Act, shall be collected Half-yearly, by such Person or Persons as the said Trustees, or any Five or more of them, by Writing under their Hands, shall, from time to time, appoint to collect the same; and if any Person or Persons shall refuse, neglect, or omit to pay the Sum or Sums of Money which he, she, or they, shall be rated or assessed, for the Space of Ten Days after Personal Demand made thereof, or Demand in Writing left at the Place of Abode or Occupation of such Person or Persons; then, and in every such Case, it shall and may be lawful to and for the said Collector or Collectors of the said Rates, and he and they is and are hereby authorized by Warrant under the Hand and Seal, or Hands and Seals, of One or more Justice or Justices of the

Peace for the said West Riding, to levy the same by Distress and Sale of the Goods and Chattles of such Person or Persons so neglecting, refusing, or omitting to pay the same, rendering the Overplus (if any) after the reasonable Charges of making such Distress and Sale are deducted, to the Person or Persons so distrained upon; and in case no such Goods or Chattles can be found, whereon to make such Distress, that then, upon Information thereof given to any Two Justices of the Peace for the West Riding of the said County, it shall and may be lawful for such Justices, and they are hereby required, to commit the Offender or Offenders to the Common Gaol or House of Correction for the said West Riding, there to remain without Bail or Mainprize for any Time not exceeding the Space of One Month, or until the Payment of such Rate or Assessment, and reasonable Charges occasioned by the Non-payment thereof as aforesaid.

No Houses under 40 *s. per Ann.* to be rated.

Provided always, and be it further enacted, That no House, Shop, Warehouse, Cellar, Vault, Yard, Frontstead, or other Tenement within the said Town of Halifax, the annual Rent or Value whereof shall be under Forty Shillings, shall be rated to or for the paving, cleansing, and lighting, of the said Streets, Greens, Lanes, Alleys, Passages, and Places, within the said Town, by virtue of this Act.

Tenants and Occupiers to pay the Rates.

And, to the end the said Rates for Paving, Cleansing, and Lighting, may be more effectually collected and received, be it further enacted, That all and every Tenant or Tenants, Occupier or Occupiers, of Houses, Shops, Warehouses, Cellars, Vaults, Yards, Frontsteads, or other Tenements, are, and shall be liable to pay the Whole of such Rates to the Collector or Collectors thereof, to be appointed by virtue of this Act.

Occupiers quitting, without paying Rates, may be followed.

And be it further enacted by the Authority aforesaid, That when any Person or Persons, who hath or have been, or shall be rated or assessed, by virtue of this Act, to the Paving, Cleansing, and Lighting, as aforesaid, or to pay for the Use of Water as aforesaid, shall quit his, her, or their Dwelling-house, Warehouse, Shop, Vault, Cellar, Yard, Frontstead, or Tenement, whereupon, or for or in respect whereof any such Rate or Assessment has been or shall be made, before he, she, or they, shall have paid the same, and shall afterwards refuse to pay the same when due and demanded by the Person or Persons authorized and appointed to collect and receive the same respectively; that then, and in every such Case, it shall and may be lawful to and for the said Collector or Collectors,

lectors, and every or any of them, by Warrant under the Hands and Seals of any Two or more Justices of the Peace for the said West Riding; which Warrant the said Justices are hereby authorized and required to grant, into any Place within their respective Jurisdictions, or out of the Limits thereof, such Warrant being first backed or countersigned by some Magistrate in the County, City, or Liberty, where the Distress is to be made; to distrain and sell the Goods and Chattles of such Person or Persons so neglecting or refusing, rendering the Overplus (if any) after deducting the reasonable Charges and Expences of such Distress and Sale, to the Owner of such Goods and Chattles upon Demand.

Persons paying this Rate exempted.

And be it further enacted, That all and every Person or Persons paying the said Rates and Assessments for Paving, Cleansing, and Lighting, as aforesaid, by this Act laid, or to be laid, shall be, and they and every of them is and are hereby, exempted and discharged from all other Charges and Expences of paving, cleansing, or lighting, the said Streets, Greens, Lanes, Alleys, Passages, and Places, or any Part or Parts thereof, and all other Streets, Lanes, Alleys, and Places, within the said Town, and also from all Penalties which may or might be incurred by reason or means of their neglecting to pave, cleanse, or light, the same respectively; any Law, Statute, or Usage, to the contrary notwithstanding: And that as soon as any Rate or Assessment shall be made, laid, or assessed, by virtue of this Act, on the Tenants or Occupiers of any Houses, Shops, Warehouses, Cellars, Vaults, Yards, Frontsteads, or other Tenements, for the Purpose of paving, cleansing, and lighting, the said Streets, Greens, Lanes, Alleys, Passages, and Places, such Owners or Occupiers respectively, shall be no longer liable to be charged to any other Rate or Assessment for the like Purpose, on account of such Houses, Shops, Warehouses, Cellars, Vaults, Yards, Frontsteads, or other Tenements.

Arrears of former Rates still recoverable.

Provided always, and it is hereby enacted and declared, That nothing in this Act contained shall extend, or be construed to extend, to repeal, annul, or make void, any Rate or Assessment, now made or charged, which shall be due and payable, or in Arrear, on the said Third Wednesday next after the passing of this Act, for any Rent, Sum or Sums of Money, now charged, or which shall be due and payable on the said Third Wednesday next ensuing the passing of this Act, for the Use of

the said Water in pursuance of the said former Act, or any of the Remedies, Powers, or Provisions, given or provided for the collecting, levying, or recovering, the same; but all such Rents and Sums of Money, and all Arrears thereof, which shall remain, or become due and payable, on the Days and Times aforesaid, and all the Remedies, Powers, and Provisions, now in being, or by this Act provided, for the collecting, levying, and recovering, the same, shall continue and be in Force; any thing herein before contained to the contrary thereof in any-wise notwithstanding.

Agreement between Landlord and Tenant touching the paving, &c. not vacated.

Provided always, and be it further enacted by the Authority aforesaid, That nothing in this Act contained shall be deemed or taken to make void any Contract, Covenant, or Agreement, between any Landlord and Tenant touching or concerning the paving, lighting, or cleansing, the said Streets, Greens, Lanes, Alleys, Passages, and Places, any or any Part of them, or any of them; but that every Person who is now by virtue of any such Contract or Agreement obliged to pave, keep in Repair, cleanse, or light, any Part of the said Streets, Greens, Lanes, Alleys, Passages, or Places, or any of them, shall, in lieu thereof, be obliged to pay the Rates hereby directed to be made and assessed for that Purpose, or so much thereof as shall by the said Trustees, or any Seven or more of them, be deemed just and reasonable according to the true Meaning of such Contract, Covenant, or Agreement, for and during such Time as such Contract, Covenant, or Agreement, shall remain in Force; and in case any Dispute shall arise concerning such Contract, Covenant, or Agreement, the said Trustees, or any Seven or more of them, shall have Power, and they are hereby required, to hear, and finally determine the same.

Executors of Collectors to make Account within a certain Time.

And be it further enacted by the Authority aforesaid, That if any Collector or Collectors of any of the Rates, Rents, or Assessments, to be collected and paid for Paving, Cleansing, and Lighting, or for Water, in pursuance of this Act, shall happen to die during the Time he or they shall be in or hold such Office or Employment; that then his or their Executors or Administrators shall, within Forty Days after his Decease, deliver in to the said Trustees, or any Five or more of them, an Account of the Monies collected by such Collector or Collectors respectively; and shall also deliver all Books, Papers, and Things, concerning his and their Office to the succeeding Collector or Collectors, or to such other Person or Persons as the said Trustees, or any Five or more of them,

them, shall appoint; which Money, if any due, shall be paid by the Executors or Administrators of such deceased Collector or Collectors in Preference to and before any of his or their other Debts are paid or satisfied.

In case of Collector becoming insolvent, the Money to be again assessed.

And it is hereby further enacted, That in case any Collector or Collectors of the said Rates, Rents, or Assessments, to be collected and paid for Paving, Cleansing, and Lighting, or for Water, in pursuance of this Act, shall embezzle or make away with, detain or misapply, any Sum or Sums of Money so collected by him or them for the respective Uses aforesaid; or that the Collector or Collectors, and Person or Persons giving Security for him or them, shall become insolvent, so that the same cannot be recovered; or shall die possessed of any Sum or Sums of Money by him or them collected by virtue of this Act, and which shall not be paid by his or their Executors or Administrators; then, and in every such Case, the said Trustees, or any Seven or more of them, shall and may again rate and assess such Sum and Sums of Money as shall be sufficient for raising and supplying such respective Loss and Deficiency, as shall so happen on the said several and respective Accounts of Paving, Cleansing, and Lighting, and supplying Water; to be applied to those several and respective Purposes in such Manner as the said respective Rates and Assessments are directed to be made by this Act; and shall be collected, levied, recovered, and raised, in such Manner, and under such Penalties, as are herein provided for collecting and levying the said respective Rates and Assessments made payable by this Act.

Money may be advanced for the Purchase of Annuities,

And whereas the Money to be collected by virtue of the respective Rates and Assessments to be made in pursuance of this Act, may not be sufficient for compleating the said Water Works, and for the speedy carrying into Execution the said Works of Paving, Cleansing, and Lighting, as aforesaid; be it further enacted, That it shall and may be lawful to and for any Person or Persons to contribute, advance, and pay into the Hands of the said Trustees, or any Seven or more of them, or to such Person or Persons as they shall appoint to receive the same, such Sum or Sums of Money as they shall think necessary to borrow for the Purposes of this Act, and of the said former Act, for the absolute Purchase of One or more Annuity or Annuities, to be paid and payable during the full Term of the natural Life of such Contributor respectively, or the natural Life of such other Person or Persons as shall be nominated by or on the Behalf of such Contributor or Contributors respectively,

respectively, at the Time of Payment of his, her, or their Contribution-money, so as the said Annuity or Annuities do not exceed the Rate of Nine Pounds by the Hundred, and so in Proportion for any greater or less Sum so to be paid as aforesaid; and also that it shall and may be lawful for the said Trustees, or any Seven or more of them, from time to time, to borrow and take up, by way of Mortgage, at Interest, such Sum and Sums of Money as they shall think necessary for the respective Purposes of this Act, and of the said former Act; and, by Writing under their Hands and Seals, or under the Hands and Seals of any Seven or more of them, to assign over the respective Rates, Rents, and Assessments, to be collected by virtue of this Act, or any Part or Proportion of them respectively, for any Term or Number of Years, to the Person or Persons lending the same, for securing the Repayment of any such Sum and Sums of Money and Interest thereupon: But no Money shall be borrowed by the said Trustees on the Credit of this Act, unless Notice in Writing, under the Hands of the said Trustees, or of Seven or more of them, for that Purpose, be affixed upon the Market Cross and Church Doors of the said Town of Halifax, at least Fourteen Days before the borrowing of such Money. or on Mortgage.

And it is further enacted, That all and every the Annuity or Annuities so to be purchased under and by virtue of this Act, shall be, and are hereby charged upon, and shall be paid and payable from time to time out of the Monies arising by the respective Rates, Rents, and Assessments, whereon the same shall be charged as aforesaid; and all and every the Contributor and Contributors upon the Credit of this Act, duly paying the Consideration or Purchase-money for any such Annuity or Annuities as aforesaid, or his, her, or their respective Executors, Administrators, or Assigns, shall have, receive, and enjoy, and be intitled, by virtue of this Act, to have, receive, and enjoy, the respective Annuity or Annuities to be purchased out of the said respective Rates, Rents, and Assessments, by this Act appointed for the Payment thereof as aforesaid, during the Term of the natural Life of the Person to be nominated by each such Purchaser or Contributor as before-mentioned; and that all and every such Purchaser and Purchasers, and his, her, and their Executors, Administrators, or Assigns, shall have good, sure, absolute, and indefeazible Estates and Interest in the Annuity or Annuities so by him, her, or them, respectively to be purchased, ac- Annuities charged upon the Rates, and deemed indefeazible Estates,

cording to the Tenor and true Meaning of this Act; and that none of the said Annuities shall now or hereafter be subject or liable to any Tax charged, or to be charged, by Authority of Parliament; and that every Contributor upon this Act, for the Purchase of any such Annuity or Annuities as aforesaid, his, her, or their Assigns, upon Payment of the Consideration or Purchase-money, shall have a Receipt or Receipts for the same; and also an Order on Parchment for Payment of the said Annuity or Annuities, for and during the natural Life of the Person who shall be so nominated as aforesaid, by half-yearly Payments; which Order shall be signed by the said Trustees, or any Five or more of them; and after signing thereof, the same shall be firm, valid, and of good Effect in the Law, according to the true Purport and Meaning of this Act.

not chargeable to the Land Tax.

Receipts and Orders to be signed, &c.

Annuities, &c. may be assigned.

And be it further enacted, That it shall and may be lawful to and for any Purchaser or Purchasers of any such Annuity or Annuities as aforesaid, and for every Person and Persons to whom any Mortgage or Mortgages, Assignment or Assignments, of the said respective Rates, Rents, and Assessments, shall be made by the said Trustees as aforesaid, and his, her, or their Executors, Administrators, or Assigns, at any Time or Times, by Writing under his, her, or their Hand and Seal, or Hands and Seals, to assign and transfer such Annuity or Annuities, and such Mortgage and Mortgages, Assignment or Assignments, as shall be made by the said Trustees as aforesaid, and all his, her, and their Right, Title, and Interest therein, to any Person or Persons whomsoever, and so toties quoties; and a Memorandum or Entry of all such Orders, Mortgages, and Assignments, shall be made in the Book to be kept for that Purpose, at the Charge of the said Trustees, for which Entry or Memorandum Two Shillings and Six Pence shall be paid, and no more; and no such Assignment or Transfer shall be deemed valid, unless such Memorandum or Entry shall be first made as aforesaid.

Rates exempt from Taxes.

Provided always, and be it further enacted, That the said Rates, Rents, and Assessments, to be collected by virtue of this Act, shall, at all Times hereafter, be exempt from the Payment of any Taxes, Rates, Assessments, or Impositions, Parliamentary, Parochial, or otherwise howsoever; any Law or Statute to the contrary notwithstanding.

And be it further enacted by the Authority aforesaid, That all Monies raised or collected by Virtue, or by Means,

Means, or under the Authority, of this Act, shall be, and the same are hereby vested in the said Trustees; and all Monies raised or collected, or to be raised or collected, by virtue of this Act, and of the said former Act, for supplying the said Town of Halifax with Water, shall be applied for that Purpose only; and that all Monies to be raised or collected for the Purpose of Paving, Cleansing, and Lighting, as aforesaid, shall be applied for those Purposes only, and distinct and separate Accounts shall at all Times hereafter be kept of the same respectively.

Monies raised to be vested in the Trustees, and applied for the Purposes of this Act.

Provided always, and be it further enacted by the Authority aforesaid, That the Charges and Expences of procuring and passing this Act shall be paid in Manner following; that is to say, One Moiety thereof out of the First Monies that shall be raised or collected on account of the said Paving, Cleansing, and Lighting, as aforesaid; and the other Moiety thereof out of the First Monies which shall be raised or collected on account of the said Water-works.

Charges of passing this Act how to be paid.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Seven or more of them, from time to time, to compound and agree with any Person or Persons against whom the said Trustees, or any Seven or more of them, shall bring, or cause to be brought, any Action or Actions, Suit or Suits, for any Penalty or Penalties contained in any Contract or Contracts hereafter to be entered into, on account of any Breach or Non-performance of any such Contract or Contracts, for such Sum or Sums of Money as they, or any Seven or more of them, shall think proper; and also to mitigate, compound, or lessen, any other the Penalties or Forfeitures incurred under this Act, so as the Sum so compounded and agreed for be not less than the Injury or Damage sustained by the Breach or Nonperformance of such Contract or Contracts, and all the Costs, Charges, and Expences, which shall be occasioned thereby; and so as the Mitigation of the other Penalties or Forfeitures as aforesaid do not extend to remit above One Moiety of the said Penalties or Forfeitures respectively.

Penalties may be mitigated.

And be it further enacted, That all Contracts and Agreements which shall, in pursuance of an Order of the said Trustees for that Purpose, be entered into and made by the Treasurer, Clerk, or other Officer of the said Trustees, with any Person or Persons, for any of the Purposes in this Act, shall be binding upon the Parties to and signing such Contract and Agreement, and as

Contracts may be made valid.

valid and effectual, to every Intent and Purpose, as if the same was made, entered into, and signed, by the said Trustees, and the Person or Persons so contracted with.

Actions, &c. may be brought in Names of Officers, &c.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Five or more of them, and they are hereby authorized and impowered, from time to time, to bring, or cause to be brought, any Action or Actions, Suit or Suits, Bills, Plaints, or Informations, in their own Names, or in the Name or Names of any One or more of them, or in the Name or Names of their Treasurer or Treasurers, Clerk or Clerks, or any other their Officer or Officers, for the recovering of any Penalty or Forfeiture, or for any Breach of Contract, or for any other Matter, Cause, or Thing, of, concerning, appertaining to, or arising from, this present Act, or the said former Act, for which they the said Trustees, or any Five or more of them, shall think any Action, Suit, Bill, Plaint, or Information, necessary.

Inhabitants competent Witnesses.

And be it further enacted, That in all Cases where the Execution of this present Act, or of the said former Act, or any Matter or Thing in the said Acts, or either of them contained, or arising therefrom, shall be inquired into, tried, heard, or determined, in any Court of Law or Equity, or elsewhere, or otherwise, no Inhabitant of the said Town of Halifax (otherwise competent) shall be adjudged or deemed an incompetent Witness for being charged with, or paying, any Rate, Rent, or Assessment, paid or collected, or to be paid or collected, in pursuance of this Act.

Trustees who are Justices for the West Riding may act.

And be it further enacted, That any of the said Trustees being a Justice or Justices of the Peace for the West Riding of the said County of York, may nevertheless act as a Justice or Justices for the Purposes of this Act.

Persons aggrieved may appeal to the Quarter Sessions.

Provided always, and be it further enacted by the Authority aforesaid, That if any Person shall think himself or herself aggrieved by any thing done in pursuance of this Act, and for which no particular Method of Relief hath been already appointed, such Person may appeal to the Justices of the Peace, at any General Quarter Sessions to be held for the West Riding of the said County of York, within Four Calendar Months after the Cause of such Complaint shall have arisen; such Appellant first giving, or causing to be given, Eight Days Notice, at the least, in Writing, of his or her Intention to bring such Appeal, and of the Matter thereof, to the Clerk to the said Trustees; and, within Two

Days after such Notice, entering into a Recognizance before some Justice of the Peace for the said West Riding, with sufficient Surety or 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 Quarter Sessions; and the said Justices at such Sessions, upon due Proof of such Notice being given as aforesaid, and of the entering into such Recognizance, shall hear, and finally determine, the Causes and Matter of such Appeal in a summary Way, and award such Costs to the Parties appealing, or appealed against, as they the said Justices shall think proper; and the Determination of such Quarter Sessions shall be final.

Penalties and Forfeitures how to be recovered and applied.

And be it further enacted by the Authority aforesaid, That all Penalties and Forfeitures by this Act imposed (the Manner of levying and recovering whereof is not hereby otherwise particularly directed) shall be levied and recovered by Distress and Sale of the Offender's Goods and Chattles, by Warrant under the Hand and Seal of One Justice of the Peace acting in and for the said West Riding; which Warrant such Justice is hereby impowered and required to grant, upon the Confession of the Party or Parties, or upon the Information of any One or more credible Witness or Witnesses, upon Oath; and the Penalties and Forfeitures, when recovered, after rendering the Overplus (if any) upon Demand, to the Party or Parties whose Goods and Chattles shall be so distrained and sold (the Charges of such Distress and Sale being first deducted) shall be paid to the Treasurer or Clerk to the said Trustees for the time being, and be applied towards the Purposes of this Act: And in case sufficient Distress shall not be found, or such Penalties and Forfeitures shall not be paid forthwith, it shall and may be lawful to and for such Justice, and he is hereby authorized and required, to cause such Offender or Offenders to be committed to the Common Gaol, or House of Correction, for the said West Riding, there to remain, without Bail or Mainprize, for any Time not exceeding Three Calendar Months, nor less than Fourteen Days, unless such Penalties and Forfeitures, and all reasonable Charges, shall be sooner paid and satisfied.

Trustees may reward Informers.

Provided always, and be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Five or more of them, from time to time, if they shall see Cause, to pay and apply such Part of the said Penalties and Forfeitures, or any of them, as they shall think proper, not exceeding

One Moiety thereof, to and for the Use of the Informer or Informers, or any of them; any thing herein contained to the contrary notwithstanding.

Justices impowered to administer Oaths.

And be it further enacted by the Authority aforesaid, That in all Cases where Cognizance is given to any Justice or Justices of the Peace by this Act, it shall and may be lawful for such Justice or Justices to administer Oaths to any Person or Persons for his or their more certain Information in the Matters then depending.

Books to be kept for entering Commissioners Names;

And be it further enacted, That a Book or Books shall be prepared and kept by the said Trustees, or by such Person or Persons as they, or any Five or more of them, shall appoint; wherein shall be fairly entered, from time to time, the Names of such Persons as they, or any Five or more of them, shall nominate and appoint to put in Execution the Purposes of this Act; and Copies of all Orders and Proceedings relating thereto, and also an Account of what Monies have been assessed, raised, levied, and paid, by virtue of this Act, for the respective Purposes of this Act, and of the said former Act, and how the same shall have been applied; and the Name and Names of the Annuitant or Annuitants, Mortgagee and Mortgagees, and what Sum or Sums he, she, or they, paid for such Annuity or Annuities, or advanced upon such Mortgage or Mortgages as aforesaid respectively; and what he, she, or they, is or are to receive for the same Annuity or Annuities, and the Interest of the said Mortgage or Mortgages; which Book or Books the said Annuitant or Annuitants, Mortgagee or Mortgagees, or any of them, and all Persons contributing to the said Rates or Assessments, may at all convenient Times peruse and inspect, without Fee or Reward.

which may be inspected *gratis*.

Trustees to defray their own Expences.

And be it further enacted by the Authority aforesaid, That the said Trustees shall, at all their Meetings under this Act, pay their own Expences.

Distress not unlawful for want of Form;

And be it further enacted by the Authority aforesaid, That where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Default or Want of Form in any Proceedings relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers ab initio, on account of any Irregularity which shall afterwards be done by the Party or Parties distraining, but the Person or Persons aggrieved by any such

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

such Irregularity, may recover full Satisfaction for the Special Damage in an Action on the Case.

Plaintiff not to recover, if Tender of Amends has been made.

Provided always, That no Plaintiff or Plaintiffs shall recover in any Action for any such Irregularity, Trespass, or other Proceedings, if Tender of sufficient Amends shall be made by or on the Behalf of the Party or Parties who shall have committed, or caused to be committed, any such Irregularity, Trespass, or wrongful Proceedings, before such Action brought; and in case no such Tender shall have been made, it shall and may be lawful for the Defendant or Defendants, in any such Action, by Leave of the Court where such Action shall depend, at any Time before Issue joined, to pay into Court such Sum of Money as he or they shall see fit; whereupon such Proceedings, or Orders and Judgements, shall be had, made, and given, in and by such Court, as in other Actions where the Defendant is allowed to pay Money into Court.

Writings to be without Stamps.

And be it further enacted by the Authority aforesaid, That no Nomination, Contract, Bond, Warrant, Judgement, or other Writing whatsoever, under the Hand and Seal, or Hands and Seals of, or only signed by, any Trustee or Trustees, or Justice or Justices of the Peace, or exhibited before them, or under the Hand and Seal, or Hands and Seals of, or only signed by, any other Person or Persons whatsoever, relating to the Execution of this Act, shall be chargeable with any Stamp-duty whatsoever.

Reservation of Rights.

And be it further enacted by the Authority aforesaid, That nothing in this Act contained shall extend, or be construed to extend, to prejudice, lessen, alter, or defeat, the Right, Title, or Interest, of the present, or any future Lord or Lords of the respective Manors of Wakefield, Halifax, Ovenden, and Warley, or any of them, of, in, and to, the Seignories, Rights, Royalties, Liberties, and Privileges, incident, appendant, belonging, or appertaining to, the said Manors respectively.

Proceedings to be entered in a Book.

And be it further enacted by the Authority aforesaid, That all Orders and Proceedings of the said Trustees, at their Meetings, shall be entered in a Book or Books to be kept for that Purpose; and such Orders and Proceedings, so entered, shall be signed by the Clerk or Clerks at any Meeting of Three or more of the said Trustees assembled as the Case shall require; and such Orders shall be deemed and taken to be original Orders; which said Book or Books shall and may be produced and read in Evidence in all Courts whatsoever.

Books may be read in Evidence.

And

Proceedings not to be quash'd for want of Form,

And be it further enacted by the Authority aforesaid, That no Proceeding to be had touching the Conviction of any Offender or Offenders against this Act, or any Order made, or other Matter or Thing to be done or transacted in, or relating to the Execution of this Act, shall be vacated or quashed for want of Form only, or removed by Certiorari, or any other Writ or Process whatsoever, into any of his Majesty's Courts of Record at Westminster; any Law, Statute, or Usage, to the contrary notwithstanding.

nor removeable by *Certiorari.*

Limitation of Actions.

And be it further enacted by the Authority aforesaid, That no Action or Suit shall be commenced against any Person or Persons, for any thing done in pursuance of this Act, after Six Calendar Months next after the Fact committed for which such Action or Actions, Suit or Suits, shall be so brought, and unless Twenty one Days Notice thereof shall be given, in Writing, to the Clerk to the said Trustees; and every such Action shall be brought, laid, and tried, in the County of York, and not elsewhere; and the Defendant or Defendants in such Actions and 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 it shall appear to have been so done, or that such Action or Suit was brought after the Time limited for bringing the same, or without Twenty one Days Notice as aforesaid, or that sufficient Satisfaction was made, or tendered to be made; the Jury or Juries shall find for the Defendant or Defendants; 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 discontinue such Action or Actions; or if upon any Demurrer or Demurrers, Judgement shall be given for the Defendant or Defendants; then, and in any of the Cases aforesaid, the Defendant or Defendants shall have Treble Costs, and shall have such Remedy for recovering the same, as Defendants have for Costs in any other Cases by Law.

General Issue.

Treble Costs.

Publick Act.

And be it further enacted by the Authority aforesaid, That this Act shall be taken and allowed in all Courts of Justice as a Publick Act; and all Judges, Justices, and others, are hereby required to take Notice thereof as such, without the same being specially pleaded.

FINIS.