ANNO QUINQUAGESIMO QUARTO

GEORGII III. REGIS.

Cap. 105.

An Act for better paving, cleansing, lighting, watching, regulating, and improving the City of *Bath*, and the Liberties and Precincts thereof.

[17th *June* 1814.]

WHEREAS an Act was passed in the Sixth Year of the Reign of His present Majesty, intituled *An Act to remove and regulate the public Markets in the City of* Bath, *for widening certain Streets and Passages within the said City and the Liberties and Precincts thereof, and for opening certain new Streets and Ways within the same; for better paving, cleansing, lighting, watching, and regulating the Streets, Lanes, Ways, and Passages there; to remove all Nuisances and Obstructions therein, and to prevent the same for the future; and for better supplying the Inhabitants of the said City, Liberties, and Precincts with Water:* And whereas since the passing of the said Act the Number of Houses and Buildings, and the Population within the said City of *Bath* and the Liberties and Precincts thereof, have considerably increased; and the Powers, Provisions, and Regulations contained in the said Act, with regard to paving, cleansing, lighting, watching, and regulating the Streets, Lanes, Ways, and Passages within the said City, Liberties, and Precincts, and of removing and preventing all Nuisances and Obstructions therein, are become insufficient for the Purposes thereof, and it is therefore expedient that the same should be altered, amended, extended, and enlarged: May it therefore please 6 G. 3. c. 70.

Part of recited Act repealed.

please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That so much of the said recited Act as relates to the paving, cleansing, lighting, watching, and regulating the Streets, Lanes, Ways, and Passages in the said City, Liberties, and Precincts, to the Removal of all Nuisances and Obstructions therein, and to prevent the same for the future, shall be and the same is hereby repealed: Provided always, that all and every Persons and Person from or by whom any Rates or any Arrears of Rates laid or assessed by virtue of the said recited Act shall be due or unpaid at the Time of passing this Act shall remain and be liable to the Payment thereof under this Act in all respects as if such Rates or Arrears of Rates had been laid or assessed under or by virtue of this Act; and also that each and every Treasurer, Collector, and other Person in whose Hands, Custody, or Control any Money received or collected under or by virtue of the said recited Act shall be at the Time of passing this Act shall be and remain liable to pay, deliver up, and account for the same to the Commissioners for executing this Act, as if the said recited Act had not been repealed, or as if such Money had come to their or any of their Hands by virtue of this Act.

Commissioners.

III. And be it further enacted, That *John Palmer*, *George Hayward Tugwell*, *William Clark*, and *Edmund Anderson*, for and on behalf of the Corporation of the City of *Bath*; *John Smith*, *Charles Trimnell*, *Thomas Jones*, and *John Allen*, for and on behalf of the Parish of *Saint Peter* and *Paul* in the said City; *Robert Moody*, *Samuel Ward*, *Richard Cruttwell*, and *George Stothert*, for and on behalf of the Parish of *Saint James* in the said City; *Joseph Barrett*, *Charles Atkins*, *William Bally*, and *John Daniel*, for and on behalf of the Parish of *Saint Michael* in the said City; and *John Fielder*, *John Palmer*, *William Price*, and *Daniel Thornthwaite*, for and on behalf of that Part of the Parish of *Walcot* which is within the Liberties of the said City, together with the Mayor and Two Senior Justices for the Time being of the said City, shall be and they are hereby appointed and constituted Commissioners for paving, cleansing, lighting, watching, and regulating the said City of *Bath*, and the Liberties and Precincts thereof, and for removing and preventing all Nuisances and Obstructions therein, and for otherwise carrying the several Purposes of this Act into execution.

Commissioners to continue in Office for Five Years.

III. And be it further enacted, That the Commissioners nominated and appointed for and on the Behalf of the Four respective Parishes within the said City of *Bath*, or the Liberties and Precincts thereof, shall continue to act as such Commissioners for the Term of Five Years, to be computed from the passing of this Act; and that all and every the Commissioners and Commissioner to be hereafter elected, nominated, and appointed by and on behalf of the said Four respective Parishes shall also continue as such Commissioners and Commissioner for the like Term of Five Years only, to be computed from the Day on which he or they shall or may be elected, nominated, and appointed such Commissioners or Commissioner, in Cases of Election to fill any Vacancy before the Period of Five Years Service of any Commissioner, or the Day on which the Commissioners or Commissioner, in whose Places or Place they or he shall be so elected, are or is by virtue of this Act to go out of Office by reason of

having served for Five Years as aforesaid: Provided always, that all and every Person and Persons hereby appointed or hereafter to be appointed Commissioners or Commissioner, who shall or may have acted as such for the said Term of Five Years, shall nevertheless be at all Times eligible and competent to be re-elected, nominated, and appointed as Commissioners or Commissioner, and be capable of acting as such, any thing herein contained to the contrary notwithstanding. Commissioners eligible to be re-elected.

IV. And be it further enacted, That it shall be lawful for the Mayor, Aldermen, and Common Council of the said City of *Bath*, in Common Council assembled, for the Time being, and they are hereby authorized, directed, and required, from Time to Time, to elect, nominate, and appoint some fit Person or Persons to supply the Place or Places of such of the said Commissioners nominated and appointed for and on behalf of the said Corporation, or who shall or may hereafter be elected, nominated, and appointed in their Stead, who shall happen to die, or shall refuse to act, or neglect to attend the Meetings of the said Commissioners to be held for the Execution of this Act for the Space of Six Calendar Months; and that it shall and may be lawful to and for the Persons subject to the Payment of the Rates herein-after mentioned, and being either Owners, Tenants, or Occupiers of any Lands, Houses, Buildings, Tenements, or Hereditaments of the yearly Rent or Value of Twenty Pounds or upwards, respectively situate within any or either of the Four following Parishes, namely, *Saint Peter* and *Saint Paul*, *Saint James*, *Saint Michael*, and that Part of the Parish of *Walcot* which is within the Liberties of the said City of *Bath*, for which a Commissioner or Commissioners is or are to be elected, nominated, and appointed for the Purposes of this Act, and who shall in respect of any such Lands, Houses, Buildings, Tenements, or Hereditaments be rated and assessed, and pay such Rates and Assessments made and assessed towards the Relief of the Poor within any or either of such Parishes in their respective Vestries assembled in manner as is herein-after directed, to elect, nominate, and appoint some fit Person or Persons, (being qualified according to the true Intent and Meaning of this Act, and an Owner or Owners, Tenant or Tenants, Occupier or Occupiers of any Lands, Houses, Buildings, Tenements, or Hereditaments within the Parish or Parishes for which he or they shall or may be elected, nominated, and appointed as a Commissioner or Commissioners, and who shall in respect thereof be rated and assessed, and pay such Rates or Assessments made and assessed towards the Relief of the Poor within the Parish or Parishes for which he or they shall or may be elected, nominated, and appointed as aforesaid, and not being a Member of the said Corporation,) to supply the Place or Places of such of the Commissioners nominated and appointed by this Act, or who shall or may hereafter be elected, nominated, and appointed under and by virtue of this Act, who shall have acted as a Commissioner or Commissioners for the Term of Five Years, or shall happen to die before he or they shall have acted as such Commissioner or Commissioners for the Term of Five Years, or shall refuse to act, or shall become a Member or Members of the said Corporation, or neglect to attend at the Meetings of the said Commissioners to be held for the Execution of this Act for the Space of Six Calendar Months; and all Persons who shall be so elected, nominated, and appointed by the Mayor, Aldermen, and Common Council for the Time being, and by the said Owners, Tenants, or Occupiers in their respective By whom new Commissioners are to be elected.

respective Vestries assembled in the Manner herein-after mentioned, are hereby vested with the same Powers for putting this Act in execution as the Person or Persons in whose Place or Places he or they shall be so elected, nominated, and appointed was or were vested with: Provided always, that the Number of Commissioners, including the Mayor and the Two Senior Justices of the said City of *Bath* for the Time being, shall never exceed Twenty-three.

Number of Commissioners never to exceed Twenty-three.

New Commissioners when and how to be elected.

V. And be it further enacted, That it shall be lawful for the said Commissioners or any Five or more of them, and they are hereby authorized, directed, and required, within Thirty Days next after any or either of the said Commissioners hereby nominated and appointed for and on behalf of the said Corporation, or who shall or may hereafter be elected, nominated, and appointed by the Mayor, Aldermen, and Common Council of the said City of *Bath*, shall happen to die or refuse to act, or neglect to attend the Meetings of the said Commissioners to be held for the Execution of this Act for the Space of Six Calendar Months, to cause Notice thereof in Writing to be given to the Mayor, Aldermen, and Common Council of the said City of *Bath* (by serving the same on the Town Clerk or his Deputy or Deputies), and such Mayor, Aldermen, and Common Council of the said City are hereby authorized, directed, and required, from Time to Time, within Ten Days after such Notice, to elect, nominate, and appoint some fit Person or Persons to supply the Place or Places of such of the said Commissioners as shall happen to die as aforesaid, or be disqualified or incapacitated as aforesaid; and it shall be lawful to and for the said Commissioners or any Five or more of them, and they are hereby authorized, directed, and required, from Time to Time, and as often as any Person or Persons nominated Commissioners by this Act, for and on behalf of any or either of the aforesaid respective Parishes, shall have continued as a Commissioner or Commissioners for the Term of Four Years and Ten Calendar Months from and after the passing of this Act, or any Person or Persons who shall or may hereafter be elected by or on behalf of any of the said respective Parishes shall have continued in the Office of Commissioner or Commissioners for executing this Act for the Term of Four Years and Ten Calendar Months, and also within Thirty Days next after any or either of the said Commissioners hereby nominated and appointed, or who shall or may hereafter be elected, nominated, and appointed by and on behalf of any or either of the aforesaid respective Parishes shall happen to die, or refuse to act, or become a Member or Members of the said Corporation, or neglect to attend the Meetings of the said Commissioners to be held for the Execution of this Act for the Space of Six Calendar Months, to cause Notice thereof to be given in Writing to the Churchwardens for the Time being of the Parish or Parishes by and on behalf of which such Commissioner or Commissioners is or are hereby or shall be nominated and appointed, who are hereby authorized, directed, and required, on the Second *Sunday* next after the Receipt of such Notice, to cause public Notice to be given in the Church belonging to such Parish or Parishes during the Time of Divine Service, and affixed to the respective Church Doors, that a Vestry will be held for the Purpose of electing, nominating, and appointing some fit Person or Persons to supply the Place or Places of such of the Commissioners as shall have continued a Commissioner or Commissioners for the Term of Four Years and Ten Calendar Months as aforesaid, or who shall happen

happen to die, or be disqualified or incapacitated as aforesaid; which Notice shall also specify the Time and Place when and where such Vestry will be held, and which Vestry it is hereby declared shall be always held within Five Days next after the Day the said Notice shall be so given in the Parish Church as aforesaid, the Day on which such Notice shall be given, and the Day on which such Vestry shall be held, being both included in the Five Days.

Qualification of Commissioners.

VI. And be it further enacted, That no Person shall be qualified or capable of acting as a Commissioner in the Execution of this Act unless he shall be in his own Right, or in the Right of his late or present Wife, seised or possessed of Lands, Tenements, or Hereditaments, being Freehold, Copyhold, or Leasehold, for a Life or Lives, or a Term of Years determinable on a Life or Lives, or for an absolute Term for or exceeding Fifty Years, either together or separately, of the clear yearly Value of One hundred Pounds over and above all Incumbrances, or possessed of a Personal Estate alone to the Amount or Value of Three thousand Pounds over and above the Amount of his Debts; and that no Person shall be capable of acting in the Execution of this Act until he shall have taken and subscribed an Oath or Affirmation before any Three or more of the said Commissioners, (except in administering such Oath or Affirmation, and which Oath or Affirmation the said Commissioner or any One of them are and is hereby authorized and empowered to administer,) in the Words or to the Effect following; *videlicet*,

Form of the Oath of Qualification.

'I *A. B.* do swear, [*or, being one of the People called Quakers*, do solemnly, declare and affirm,] That I am really and *bonâ fide* in my own Right [*or* in the Right of my late or present Wife, *as the Case may be*,] seised or possessed of Lands, Tenements, or Hereditaments, either Freehold, Copyhold, or Leasehold, for a Life or Lives, or a Term of Years determinable on a Life or Lives, or for an absolute Term of or exceeding Fifty Years, either together or separately, of the clear yearly Value of One hundred Pounds over and above all Incumbrances, [*or* possessed of or entitled to a Personal Estate of the Amount or Value of Three thousand Pounds, *as the Case may be*, over and above the Amount of my Debts,] and that I will truly and impartially, according to the best of my Skill and Knowledge, execute and perform the Powers and Authorities vested in me as a Commissioner in and by a certain Act of Parliament made and passed in the Fifty-fourth Year of the Reign of King *George* the Third, intituled [*here repeat the Title of this Act*], and that without Favour or Affection, Prejudice or Malice.

'So help me GOD.'

Penalty if any Person not being qualified shall act as a Commissioner.

And if any Person shall act as a Commissioner for putting this Act or any of the Powers herein contained in execution contrary to the Intent and Meaning hereof, every such Person shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager at Law, or more than One Imparlance, shall be allowed; and the Person so prosecuted shall prove that he is so qualified, or otherwise shall pay the said Penalty, without any other Proof or Evidence on the Part of the Prosecutor than that such Person hath acted as a Commissioner in the Execution of this Act.

Persons incapacitated from being Commissioners.

VII. Provided also, and be it further enacted, That no Person concerned or interested in any Bargain or Contract directly or indirectly made or to be made by the said Commissioners for or about the paving, cleansing, and lighting the said City, Liberties, and Precincts, or any Part thereof, shall be capable of acting as one of the said Commissioners; and every Person who shall act as such, being so disqualified, shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record by Action of Debt, or by Bill, Plaint, or Information, wherein no Protection, Essoign, or Wager of Law, nor more than One Imparlance, shall be allowed.

First and other Meetings of the Commissioners.

VIII. And be it further enacted, That all the Meetings of the said Commissioners for putting this Act into execution shall be held at the Guildhall within the said City and Liberties in a proper and suitable Room to be provided for that Purpose under the Direction of the Mayor of the said City for the Time being (who is hereby authorized, empowered, and required to provide a suitable Room in the said Guildhall for that Purpose); and that the First public Meeting of the said Commissioners for putting this Act into execution shall be held on the Second *Thursday* after the passing of this Act, or at such other Time as the said Commissioners, or any Five or more of them, shall think proper to order and appoint, by Notice to be affixed on the outer Door of the Guildhall, ten Days at least before such Meeting; and that it shall be lawful for the major Part of the said Commissioners present at such Meeting or any subsequent Meeting to adjourn the said Meeting or any subsequent Meeting to any future Day or Time; and if at any such Meeting there shall not appear a sufficient Number of Commissioners to act, or in case the Commissioners at any Time assembled shall omit to adjourn, then and in every such Case the Clerk to the said Commissioners shall adjourn the Meeting to such future Day as he shall think fit, not exceeding Twenty Days from such last Day of Meeting, and of which Adjournment such Clerk shall and is hereby required to give Ten Days Notice in Writing to all the said Commissioners; and in case of any Omission or Neglect on the Part of such Clerk to adjourn any such Meeting, then it shall be lawful for any Five or more of the said Commissioners to appoint a Day for the next Meeting, by Notice in Writing to be affixed on the outer Door of the Guildhall, Ten Days at least before such next Meeting.

Special Meetings may be appointed.

IX. Provided always, and be it further enacted, That it shall be lawful for the Mayor of the said City for the Time being, and any Two or more Commissioners, from Time to Time to appoint a Special Meeting of the said Commissioners at any Time they shall deem proper for the Execution of this Act, notwithstanding any Adjournment or Non-Adjournment of the said Commissioners, first giving to all of the said Commissioners Three Days Notice in Writing of such Meeting.

Notice of Special Meetings to express the Business to be transacted.

X. Provided also, and be it further enacted, That the Notice of any Special Meeting shall always express the Purport and Substance of the Special Business to be transacted or discussed at the Meeting to be held by virtue of such Special Appointment.

XI. And

Five Commissioners to be a Quorum.

XI. And be it further enacted, That all the Powers and Authorities by this Act granted to or vested in the said Commissioners shall and may from Time to Time be exercised by the major Part of such Number of them as shall attend at any Meeting to be holden by virtue of this Act, provided that the Number of Commissioners present at any Meeting shall not be less than Five; and all the Orders and Proceedings of the major Part of any such Five or more of the said Commissioners present at any such Meeting shall be as valid, and have the same Force and Effect, as if ordered and done by all the Commissioners for the Time being; and that at every such Meeting to be held by virtue of this Act at which the Mayor for the Time being of the said City shall attend, the Mayor for the Time being of the said City shall always preside and be the Chairman; and in case at any Meeting the Mayor of the said City shall not be present before a Chairman shall be elected any Commissioner present may and shall be elected Chairman by a Majority of the said Commissioners then present, and shall preside and be the Chairman of such Meeting; and in case of Equality of Voices on any Question at any such Meeting, including the Voice of the Chairman, such Chairman shall in all such Cases have another and decisive Voice, and no Act or Order, Rule, Regulation, or Proceeding of the said Commissioners, shall be valid unless done, made, or had at some Meeting to be held in pursuance of this Act, except in Cases hereby otherwise particularly provided for.

Chairman appointed, who shall have a casting Vote.

Commissioners may vary or alter any Orders, &c.

No Order to be revoked but by a greater Number than concurred in making it, nor to be valid, unless made at a public Meeting.

XII. And be it further enacted, That it shall be lawful for the said Commissioners at any Meeting to be held for the Purpose, and they are hereby empowered and authorized, to revoke, vary, alter, or make void any Orders, Rules, Regulations, or Proceedings made, done, or had at any previous Meeting, in such Manner as they shall think proper: Provided always, that no Order, Rule, Regulation, or Proceeding made, had, or done by the Commissioners as aforesaid shall be revoked, varied, annulled, or made void, unless the Commissioners present and concurring to revoke, vary, alter, annul, or make void the same, shall exceed in Number the Commissioners who were present and concurred in making such Order, Rule, or Regulation, except in Cases where all the Commissioners shall concur in revoking, annulling, or making void any Rule, Order, or Regulation.

Proceedings to be entered in a Book.

Books may be read in Evidence.

XIII. And be it further enacted, That the said Commissioners shall cause to be provided and kept a Book or Books wherein the several Meetings, and the Names of the Commissioners attending such Meetings, and the Nomination of all Officers and Persons who shall be employed in the Execution of this Act, and all Rules, Orders, and other Proceedings of the said Commissioners at such Meetings, shall from Time to Time be fairly written and entered by their Clerk, or by such other Person as the Chairman at any Meeting, in case of the Absence or Disability of the Clerk, shall nominate and appoint, and such Chairman shall subscribe his Name at the End of the Proceedings of every such Meeting; and all Entries so signed by such Chairman shall be deemed Originals, and shall be admitted to be read as Evidence in all Causes, Suits, Actions, Informations, and Proceedings touching any thing done or to be done in pursuance of or by the Authority of this Act.

XIV. And

Commissioners may appoint Officers.

XIV. And be it further enacted, That it shall be lawful for the said Commissioners at any of their Meetings from Time to Time to nominate and appoint One or more Clerk or Clerks, Treasurer or Treasurers, Surveyor or Surveyors, and One or more Collector or Collectors, as also One or more Scavenger or Scavengers, Raker or Rakers, and all such other Officer or Officers, Person or Persons, as the said Commissioners shall think necessary; and the said Commissioners shall and may take such Security for the due Execution of the respective Offices by such Person and Persons as aforesaid as they shall think proper, and likewise may from Time to Time remove any or either of such Officers or other Persons, and appoint another or others in the Room of such as shall be so removed or shall die, and shall and may, out of the Monies to be raised as hereinafter mentioned, make such Allowance to the said several Officers respectively, and to such other Person or Persons as shall be aiding and assisting in and about the Execution of the Purposes of this Act, as to them the said Commissioners shall seem reasonable.

Officers, &c. appointed under the former Act continued, and their Securities and Contracts binding.

XV. Provided nevertheless, and be it further enacted, That all and every the Clerk or Clerks, Treasurer or Treasurers, Surveyor or Surveyors, Collector or Collectors, Scavenger or Scavengers, Raker or Rakers, and all such other Officers as have been appointed by the said Commissioners for the Purposes of the former Act, shall remain and be continued in such their respective Situations, Offices, and Employments for the Purposes of this Act, subject to be removed from such their several Situations, Offices, and Employments, and subject to the several Clauses, Powers, and Provisions herein contained, in such and the same Manner as if they respectively had been appointed under and by virtue of this Act; and that all and every the Security or Securities, Contract or Contracts, already given and entered into with the said Commissioners for the due and faithful Discharge, Execution, and Performance of the respective Offices, Matters, and Things therein mentioned and contained, shall be as valid and binding on the several Parties executing the same, and the like Remedies and Means may be had and used by the Commissioners under this Act thereon, as if such Security or Securities, Contract or Contracts, had been given and entered into with the Commissioners under this Act; and all such Securities and Contracts may be stated in any Action or Suit to be Securities to and Contracts with the Commissioners under this Act as if the same had been executed and made to and with the Commissioners under this Act, any Law or Usage to the contrary notwithstanding.

Penalty on Officers taking greater Fees than are allowed.

XVI. And be it further enacted, That if any Clerk or Clerks, Treasurer or Treasurers, Surveyor or Surveyors, Collector or Collectors, Scavenger or Raker, or other Officer or Officers, Person or Persons, employed by the said Commissioners for the Purposes of this Act, shall exact, demand, take, or accept any Fee or Reward whatsoever other than such Salaries or Allowances as shall be appointed, allowed, and approved of by the said Commissioners for or on account of any thing done or to be done by virtue of this Act, or for forbearing to do any thing ordered or directed by the said Commissioners, or on any Account whatsoever relative to their respective Duties, or shall any way be directly or indirectly concerned in Interest in any Bargain made or to be made by the said Commissioners or any of them for the Purposes of this Act; or if such Surveyor or Surveyors shall any way be directly or indirectly concerned in the pitching,

cleansing, or lighting any of the Streets, Squares, Lanes, Passages, or public Places within the said City of *Bath*, or the Liberties or Precincts thereof, or in furnishing any of the Materials which shall be used for any or either of such Purposes respectively; every such Person so offending shall, on being duly convicted of the same in manner herein-after directed, be incapable of ever serving or being employed under this Act, or under the said Commissioners, and shall forfeit and pay any Sum not exceeding Five Pounds for every Offence.

Qualification of Surveyor.

XVII. And be it further enacted, That no Person shall be capable of acting as a Surveyor in the Execution of this Act until he shall have taken and subscribed an Oath or Affirmation, which any Three of the Commissioners are hereby authorized and empowered to administer, in the Words or to the Effect following; (that is to say,)

Form of Surveyor's Oath.

'I *A. B.* do swear, [*or, being one of the People called Quakers*, do solemnly declare and affirm,] That I will faithfully, impartially, and honestly, according to the best of my Skill and Knowledge, execute and perform the several Powers and Authorities vested in me as a Surveyor in and by a certain Act of Parliament made and passed in the Fifty-fourth Year of the Reign of King *George* the Third, intituled *An Act* [*here repeat the Title of this Act*], and without Favour or Affection, Prejudice or Malice to any Person or Persons whomsoever. So help me GOD.'

Penalty for acting as Surveyor before he shall have taken such Oath.

And if any Person shall act as a Surveyor for any of the Purposes of this Act before he shall have taken and subscribed such Oath or Affirmation, every such Person shall for every such Offence forfeit and pay the Sum of Ten Pounds, without any other Proof or Evidence on the Part of the Informer than that such Person hath acted as a Surveyor in the Execution of this Act.

Officers to account.

XVIII. And be it further enacted, That all such Officers and Persons so appointed or to be appointed as aforesaid shall, under their Hands, at such Time and Times and in such Manner as the said Commissioners shall direct, deliver to such Commissioners, or to such Person or Persons as they shall appoint, true and perfect Accounts in Writing of all Matters and Things committed to their Charge by virtue of the said recited Act or of this Act, and also of all the Monies which shall have been received by such Officer or Officers, or other Person or Persons respectively, by virtue of and for the Purposes of the said recited Act or of this Act, and how much thereof hath been paid and disbursed by Order of the said Commissioners, and for what Purposes, together with the proper Vouchers for such Payments, and shall pay all such Monies as shall remain in their respective Hands to the said Commissioners, or to such Person or Persons as they shall appoint; and all the said Officers and Persons so accounting as aforesaid shall upon Oath (which Oath any One of the said Commissioners being a Justice of the Peace is hereby empowered and required to administer) verify the said Accounts; and if any such Officer or Person shall not make and render such Account, or shall refuse to verify the same upon Oath, or to produce and deliver the Vouchers relating to the same, or to make Payment as aforesaid, or shall not deliver to the said Commissioners, or to such Person or Persons as they shall appoint, within One Calendar Month after being thereunto required by the said Commissioners, all Books, Papers, and Writings in his Custody or Power relating to the Execution of their respective Offices, Trusts, and Duties,

or shall neglect or refuse to pay such Monies as upon the Balance of any Account or Accounts shall appear to be in their respective Hands to the said Commissioners, or as they shall direct or appoint, then and in either of the Cases aforesaid such Commissioners may and they are hereby authorized and empowered to bring or cause to be brought any Action or Actions against the Officer or Officers, Person or Persons so neglecting or refusing as aforesaid, in order for the Recovery of the Monies that shall be in the Hands of such Officer or Officers, Person or Persons respectively; or if Complaint be made by the said Commissioners, or by any Person or Persons by them appointed, of any such Neglect or Refusal, to One Justice of the Peace for the said City, such Justice may and he is hereby authorized and required, by a Warrant or Warrants under his Hand and Seal, to cause the Officer or Officers, Person or Persons, so refusing or neglecting, to be brought before him, and upon his, her, or their appearing, or not being to be found, to hear and determine the Matter of such Complaint in a summary Way; and if upon the Confession of the Party or Parties, or by the Testimony of any credible Witness or Witnesses upon Oath (which Oath such Justice is hereby empowered and required to administer), it shall appear to such Justice that any of the Monies which shall have been collected and raised by virtue of the said recited Act or of this Act shall be in the Hands of such Officer or Officers, Person or Persons, such Justice may and he is hereby authorized and required, upon Nonpayment thereof, by a Warrant or Warrants under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Officers, Person or Persons respectively; and if no Goods or Chattels of such Officer or Officers, Person or Persons, can be found sufficient to answer and satisfy the said Money, and the Charges of selling the Goods and Chattels so distrained, then and in either of the Cases aforesaid such Justice shall commit every such Offender to the Prison of the said City until he shall give and make a true and perfect Account and Payment as aforesaid, or until he shall compound with the said Commissioners, and shall have paid such Composition in such Manner as they shall appoint, (which Composition the said Commissioners, or any Five or more of them, are hereby empowered to make,) or until he shall deliver up such Books, Papers, and Writings as aforesaid, or give Satisfaction in respect thereof to the said Commissioners; and after such Accounts shall have been delivered in by such Collector or Collectors in manner as aforesaid the same shall be respectively settled, and a general Balance struck by the said Commissioners, on every First *Tuesday* in the Month of *June* from Year to Year, and such Accounts shall lie open at the Guildhall of the said City for the Inspection of any Person or Persons interested in the same, every Day (except *Sunday*) between the Hours of Nine and Four of the Clock for the Space of One Week before the same shall be signed by such Commissioners; and after such Accounts shall have been signed the same shall be final and conclusive in all respects whatsoever, unless an Appeal shall be prosecuted against such Accounts at the next General Quarter Sessions of the Peace to be holden in and for the County of *Somerset* or City of *Bath*, and Notice thereof given in Writing to the Clerk to the said Commissioners before such Accounts have been signed: Provided always, that no Person so committed shall be detained in Prison for want of sufficient Distress only for a longer Space of Time than Three Calendar Months.

For altering and repairing Pavement, &c.

XIX. And

XIX. And be it further enacted, That every Owner or Occupier of any House or Houses or public or other Building or Buildings or Places, or Ground or Land, next adjoining to any Square, Parade, Street, Lane, or other public Passage or Place within the said City or the Liberties or Precincts thereof, and which shall be lighted, cleansed, or watched by virtue or in pursuance of this Act, shall from Time to Time, within Ten Days next after Notice given to such Owner or Occupier, or left at his, her, or their then last or usual Place of Abode, by the said Commissioners, or any Five or more of them, or their Surveyor or Surveyors, well and effectually pitch and pave or pitch or pave, or cause to be pitched and paved or pitched or paved, with such Materials, in such Manner and Form, as shall be expressed in such Notice, the whole of the Foot and Carriage Ways and Terrace, or other public Ways or Passages, before, behind, and at the Side or Sides (as the Case may be) of his, her, or their House or Houses, and public or other Building or Buildings or Places, or Ground or Land respectively, or so much or such Part of such Foot or Carriage Ways as shall be expressed or described in such Notice: Provided always, that where such Foot or Carriage Ways or Platforms, or other public Ways or Passages, shall run or lie between or among any Houses, Buildings, or public Places, then the respective Owners or Occupiers of such Houses, Buildings, or public Places shall pitch and pave or pitch or pave to the Middle, as measured from their respective Houses, Buildings, or public Places, if Footways only; or if Foot and Carriage Ways, then each the whole of the Footway immediately adjoining the Front, Back, or Side or Sides, as the Case may be, and between the House, Building, or public Place, and the Carriageway to the Middle thereof, to be measured from the Edges of the respective Footways: Provided also, that in the Market Place of the same City, where the several and respective Owners and Occupiers of any House or Houses, or other Buildings or Lands, shall pitch and pave or pitch or pave only Eight Feet from his, her, or their House or Houses, or other Buildings or Lands: Provided also, that in all Cases in which any Doubts or Disputes shall arise as to the respective Distances to which any Person or Persons is or are respectively liable by this Act to pitch and pave or pitch or pave, the same shall be decided by the Commissioners under this Act, or any Five or more of them, at any Meeting; and that every such Owner or Occupier shall also from Time to Time, within Ten Days after a like Notice being given to him, her, or them as aforesaid, well and sufficiently repair, amend, raise, lower, alter, remove, or place, or cause to be repaired, amended, raised, lowered, altered, removed, or placed, the Pavement and Pitching of such Footways and Carriageways, and also of such Squares, Parades, Streets, Lanes, or Places not used as Carriageways, and the Gratings or Openings in and over the same, with such Materials, with such Gutters, Drains, Sinks, or Watercourses, and with such new or other Grates or Gratings, on, from, or out of such Footways or Carriageways, and on, from, or out of such Streets, Parades, Lanes, or Places not used as Carriageways, over or into such Arches, Vaults, Drains, Gutters, Sinks, or Watercourses, and in such Manner and Form as shall be directed or required by the said Commissioners, or any Five or more of them, or their Surveyor or Surveyors, and as shall be expressed in such Notice or Notices, either particularly or by Reference to any Pavement or Pitching, Drain, Gutter, Sink, or Watercourse, Grate or Gratings, then done or approved of by the said Commissioners, and being within the said City of *Bath*, or the Liberties or

The Manner of pitching and paving the Streets, &c. by the Inhabitants of Houses, &c.

For altering and repairing Pavement, &c.

Precincts

Arches or Vaults, &c. to be raised, lowered, or altered.

Precincts thereof; and shall also from Time to Time, within Ten Days after a like Notice to be given to him or them as aforesaid, cause any Arch or Arches, Vault or Vaults, already erected, built, or made, or which shall or may be hereafter erected, built, or made, under any Pavement, Footway or Carriageway, and which shall or may encroach on the Pavement, Footway, or Carriageway, or cause any Irregularity in the Form or Level of the Pavement or Pitching, to be raised, lowered, or altered; and also to break up and relay the Pavement and Pitching over and upon any such Arch, Arches, or Vaults, in such Manner and Form as shall be expressed in such Notice; and shall also cause all such Posts as shall be useless or inconvenient to be taken up and removed; likewise all Steps, Bulks, and Showboards encroaching upon the Footways or Carriageways to be removed or altered; as also all Steps and Doors which open or lead from the Footways into Vaults or Cellars, or any under-ground Office or Place, to be altered and made secure; and also all such Doors, Flaps, or Grates as open upon or towards any Pavement, Footway, or Carriageway, and are inconvenient to or incommode Passengers, to be removed or altered and made secure in such Manner as shall be expressed in such Notice; all and every of which Orders and Directions it shall be lawful for the said Commissioners, or any Five or more of them, or their Surveyor or Surveyors, to

The Commissioners to do it if Owners neglect;

make, direct, and give; and in case any Owner or Occupier shall neglect or refuse for the Space of Ten Days next after any such Notice given to or left for him, her, or them as aforesaid, to pitch, pave, repair, amend, raise, lower, alter, break up, relay, take up, remove, make, or place any or either of the Matters or Things directed or required in such Notice or Notices, it shall and may be lawful to and for the said Commissioners, or any Five or more of them, or for their Surveyor or any other Person by their Order, to pitch, pave, repair, amend, raise, lower, alter, break up, relay, take up, remove, make, or place any or either of the Matters or Things aforesaid expressed in such Notice or Notices; and in case any such Owner or Occupier shall cause any such Pavement or Pitching, Drains, Gutters, Sinks, Watercourses, Grate or Gratings, Matters or Things, to be done, repaired, amended, raised, lowered, altered, broken up, relayed, taken up, removed, made, or placed otherwise than according to the Direction, Requisition, or Manner for that Purpose expressed in such Notice or Notices, then it shall and may be lawful to and for the said Commissioners, or any Five or more of them, to cause such Pavement, Pitching, Drains, Gutters, Sinks, Watercourses, Arches, Vaults, Grates, or Gratings (as the Case may be), Matters and Things, to be taken up and relayed, removed, made, or placed agreeably to such Directions, Requisition, or Manner, or in such other Manner as the said Commissioners, or any Five or more of them, shall think proper or direct;

and may alter same if done improperly

They deduce Costs of Paving &c. out of their Rent.

Owners, &c. to refund the Expences.

and the Costs and Charges attending or relating to the taking up and relaying, removing, making, or placing the same as aforesaid, and of raising, lowering, or altering any such Arch or Arches, Vault or Vaults, as shall be hereafter erected, built, or made as aforesaid, and also of breaking up and relaying the Pavement and Pitching over and upon the same, and of removing or altering all such Steps, Bulks, and Showboards, and also all such Steps and Doors as open or lead from the Footways into Vaults or Cellars as aforesaid, shall be reimbursed to the said Commissioners by the Owner or Occupier making Default as aforesaid, or causing the several Matters and Things aforesaid to be done contrary to such Direction or Manner as aforesaid; and in case such Owner

or Occupier shall refuse to pay such Costs and Charges respectively to the Collector or Collectors for the Time being, for the Space of Six Days after Demand thereof in Writing left at his or her then last or usual Place of Abode, it shall and may be lawful to or for One or more Justice or Justices of the Peace for the said City of *Bath*, upon Oath (which Oath he or they is and are hereby authorized and required to administer) of any such Demand and Nonpayment, thereupon by Warrant under his or their Hand and Seal or Hands and Seals (which he or they is and are hereby empowered, directed, and required to grant,) to authorize and direct the said Collector or Collectors respectively to levy as soon as may be such Costs and Charges respectively so refused or neglected to be paid, together with the Costs attending the same, by Distress and Sale of the Goods and Chattels of such Person or Persons so neglecting, refusing, or omitting to pay the same, rendering the Overplus (if any such shall be), on Demand, to the Owner of such Goods and Chattels; and in case there shall not be found a sufficient or any Distress on the Premises whereby to levy and raise the same, then and in either of the said Cases the said Costs and Charges shall be and remain a Charge upon the said Premises, with the same Power of Distress and Sale of the Goods and Chattels of the succeeding or other Tenant or Tenants, Occupier or Occupiers as aforesaid, but no in-coming Tenant or Tenants shall be required to pay or liable to pay any greater Sum for or towards the Discharge of such Costs and Charges as last aforesaid than the Amount of One Quarter of a Year's Rent for the said Premises; or if the said Commissioners, or any Five or more of them, shall think proper, such Costs and Charges respectively shall and may be recovered of and from the Owner or Owners, Proprietor or Proprietors, Occupier or Occupiers, of the Houses or other Buildings, Vaults, Cellars, Lands, or Premises respectively to which the same belong, by Action of Debt, Bill, Plaint, or Information, in which Action or Suit no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

The Commissioners to do it if Owners neglect;

and may alter same if done

Tenants may deduct Costs of Paving, &c. out of their Rent.

XX. Provided always, and be it further enacted, That it shall be lawful for any Tenant or Tenants, Occupier or Occupiers for the Time being, to detain out of his, her, or their Rent or Rents the reasonable Charges of pitching, paving, or repairing such Pavement, Footway, Carriage-way or other Place as aforesaid, and of amending, raising, lowering, or altering any such Arches or Vaults, and of taking up and relaying the Pavement and Pitching over and upon the same, and also of removing, making, or placing any of the Matters or Things aforesaid; and every Landlord is hereby required to allow such Disbursements as and in Part Payment of Rent.

The Costs of raising or lowering Pitching, &c. if required within Two Years to be again done, to be paid out of the Rates.

XXI. Provided nevertheless, and be it further enacted, That in case such Owner or Occupier shall have raised or lowered any Pitching or Pavement by Order of the said Commissioners or their Surveyor, and such Owner or Occupier shall, within Two Years then immediately ensuing, be required by the said Commissioners or their Surveyor again to raise or lower such Pitching or Pavement, the Costs and Charges of such raising or lowering the Pitching or Pavement as aforesaid, within the Period aforesaid, shall be paid and defrayed by the said Commissioners by and out of the Monies to be raised by virtue of this Act.

XXII. Provided

Costs of raising, &c. the Arches and Vaults already built, to be defrayed by the Commissioners out of the Rates, and Recompence for the Damage shall be paid.

XXII. Provided also, and be it further enacted, That the Costs and Charges attending the raising, lowering, or altering any such Arches or Vaults already erected, built, or made, and of breaking up and relaying the Pavement and Pitching over and upon the same, and also a full Recompence for the Damage to be sustained thereby, shall be paid and defrayed by the said Commissioners by and out of the Monies to be raised by virtue of this Act, to the Owner or Owners of such Arches or Vaults; or if such Owner or Owners be under Coverture, to her or their Husband or Husbands respectively; or under the Disability of Infancy, Idiotcy, or Lunacy, to the Guardian or Guardians, Trustee or Trustees, Committee or Committees of such Infant, Idiot, or Lunatic respectively; and in case there shall be any Dispute or Difference touching or concerning the Sum of Money to be paid for such Damage, then such Dispute or Difference shall be settled and determined by the Justices of the said City of *Bath* in Sessions assembled, upon Application made to them by the Owner or Owners; or in case such Owner or Owners shall be under any legal Disability, then by such other Person or Persons acting for him, her, or them as aforesaid, or by the said Commissioners, or any Five or more of them, in a summary Way; and such Justices are hereby authorized and empowered to hear and determine the same, and their Determination in or about the Premises or any Part thereof shall be binding and conclusive.

Posts placed for Protection of Foot Crossings to be removed.

Foot Crossings to be repaired by the Commissioners, and paid for out of the Rates.

XXIII. And be it further enacted, That it shall be lawful for the said Commissioners, or any Five or more of them, to pitch and pave, or pitch or pave, and to repair such Foot Crossing or Foot Crossings as shall or may lead to or from the Entrance, Corner, or Termination of any Street, Square, Lane, Passage, or public Place to any other Street, Square, Lane, Passage, or public Place within the City and Liberties of the said City of *Bath* as the said Commissioners, or any Five or more of them, shall think proper, and to pay and defray the Costs and Charges attending such pitching, paving, and repairing by and out of the Monies to be raised by virtue of the Rates and Assessments hereby directed to be made: Provided that nothing herein contained shall extend to authorize the Commissioners to pay and defray the Costs and Charges attending any Foot Crossing or Foot Crossings which shall or may be made to lead from one Side of a Street, Square, Lane, Passage, or public Place to the other Side thereof, or otherwise howsoever (save only as afore mentioned).

Certain Streets may remain unpaved.

This Act not to extend to Turnpike Roads, &c.

XXIV. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to oblige or empower any Person or Persons whomsoever to pave, pitch, repair, or cleanse (unless for the Purpose of repairing or making Footways) any Way, Lane, Passage, public Place, Foot Crossing, or Road in the said City of *Bath*, or the Liberties or Precincts thereof, which is repaired, altered, or cleansed by virtue of or is under the Powers or Provisions of any other Act or Acts of Parliament, any thing herein contained to the contrary thereof in anywise notwithstanding.

Notice to be given of Intention to take up Pitching, &c. for

XXV. And be it further enacted, That when and as often as it shall be necessary that any Part of the Pitching or Pavement of any of the Streets, Squares, Ways, Lanes, Passages, and public Places already made or built, or making or building, or which shall hereafter be made or built,

built, should be taken up for the Purpose of making, altering, repairing, cleansing, or emptying of any Sewer, Vault, Drain, or Watercourse, or for any other Purpose whatsoever, the Person or Persons so taking up such Pavement or Pitching, or causing the same so to be taken up, shall immediately give Notice thereof to the Surveyor to the said Commissioners, in order that the same may with all convenient Speed be laid down and replaced, under the Inspection of such Surveyor, by the Person or Persons who shall so take up the same, or cause the same to be taken up; and in case such Person or Persons shall neglect or refuse for the Space of Five Days next after Notice in Writing shall be given to or left for him, her, or them to lay down or replace the same, otherwise than as the Commissioners or their Surveyor shall direct, then and in such Case it shall and may be lawful to and for the Commissioners to cause the same to be relaid and replaced in such Manner as they shall think proper and direct, and the Costs and Charges attending the same shall be reimbursed to the Commissioners by the Person or Persons making such Default as aforesaid, and shall be recovered in the same Manner as is hereby expressed and directed concerning the Recovery of the Charges and Expences of pitching and paving the Foot and Carriage Ways in the said City of *Bath*.

repairing or cleansing any Sewer, Vault, &c.

XXVI. Provided also, and be it further enacted, That nothing herein contained shall authorize or empower, or be construed to authorize or empower, the said Commissioners, or their Surveyor or Surveyors, to remove the Posts placed or to be placed between *Hot Bath Street* and *Hetling Court*, or at any other Place or Places within the said City of *Bath*, or the Liberties or Precincts thereof, for the Protection of the Springs of Hot Water against any Damage or Injury thereto by any Waggon, Cart, or other Carriage.

Posts placed for Protection of Hot Springs not to be removed.

XXVII. Provided also, and be it further enacted, That nothing herein contained shall authorize or empower, or be construed to authorize or empower, the said Commissioners, or their Surveyor or Surveyors, or other Person or Persons to be by them appointed, to pitch, pave, or repair any Part of the Streets called the *Abbey Street*, *Kingston Street*, *Church Street*, *York Street*, the *Abbey Green* or *Abbey Gate Street*, or any other Street, Square, Passage, or Place erected, made, or built, or hereafter to be erected, made, or built, within the said City of *Bath*, or the Liberties or Precincts thereof, and to which *Charles* Earl *Manvers* is entitled in Possession, Reversion, or Remainder, or to dig or break up the Pitching or Pavement of the same Streets or Places, or any or either of them, or in any respect to interfere in the said Streets or Places, or any or either of them, save only as to cleansing, lighting, and watching the same, on any Account whatsoever; or to remove the Posts placed or to be placed in any or either of the said Streets or Places, or in any other Street, Square, Lane, or Place situate, lying, and being within the said City of *Bath*, or the Liberties or Precincts thereof, and to which *Charles* Earl *Manvers* is entitled in Possession, Reversion, or Remainder, any thing in this Act contained to the contrary in anywise notwithstanding.

Certain Streets may remain unpaved.

Posts on any of Lord Manvers's Property not to be removed.

XXVIII. Provided also, and be it further enacted, That the Charges of paving and keeping in repair the Plot or Piece of Ground whereon the Market is erected and established shall be defrayed from Time to Time by

Corporation to pave the Market Place, &c.

by the Mayor, Aldermen, and Common Council of the said City; and that the Pitching now laid in the Street called the *High Street* (except as aforesaid), and on the old *Bath Bridge* over the River *Avon*, shall from Time to Time be repaired and kept in repair at the Expence of the said Mayor, Aldermen, and Common Council.

Pitching and paving before and belonging to public Buildings, &c.

XXIX. And be it further enacted, That the present and future Footways and Carriageways of or belonging to any public Building now making or building, or which shall hereafter be made or built, within the City or Liberties of the said City of *Bath*, shall be pitched and paved and kept in repair at the Expence of the Person or Persons in whom such public Building is or shall for the Time being be invested; and that the present and future Footways and Carriageways of or belonging to, or before, behind, and at the Side or Sides of any Church or Chapel now made or built or making or building, or which shall hereafter be made or built, within the City or Liberties of the said City of *Bath*, shall be pitched and paved, or pitched or paved, and kept in repair, at the Expence of the Churchwardens or Chapelwardens of the Parish wherein such Church or Chapel is situate; but if such Church or Chapel or Burial Ground shall be built or made by any private Person or Persons, then the same Footways and Carriageways shall be pitched and paved, or pitched or paved, and kept in repair, by the Owner or Proprietor, Owners or Proprietors for the Time being, of the same Church or Chapel or Burial Ground; and that the present and future Footways and Carriageways of or belonging to, before, behind, or at the Side or Sides of any Meeting House or Meeting Houses, Yard, Chapel, or Burial Place or Ground now made or built or making or building, as well as such as shall hereafter be made or built, within the City or Liberties of the said City of *Bath*, shall be pitched and paved, or pitched or paved, and kept in repair, at the Expence of the respective Ministers and Deacons, or other Persons usually officiating therein, or having the Care or Management of the same; and the same Footways and Carriageways, and the Paving and Pitching thereof, shall be made, paved, pitched, repaired, amended, cleansed, lighted, and watched, and be subject to the same Regulations and Penalties respectively, as herein-before declared, touching the pitching and paving of the Streets and other public Places; and such Penalties shall be recovered respectively in the same Manner as is and are herein expressed, provided, and inflicted.

Hoards to be erected for making Repairs.

XXX. Provided always, and be it further enacted, That it shall be lawful for the said Commissioners, or any Five or more of them, by Writing under their Hands, to require the Proprietors and Inhabitants within the said City of *Bath*, or the Liberties or Precincts thereof, or their Builders or Workmen, to make such Hoard or Hoards, or Fence or Fences, before their respective Houses or any other Buildings, in order to the taking down, rebuilding, or repairing the same, or any Vault, Drain, or Building belonging thereto, and for laying the necessary Materials for the same, and the Rubbish arising therefrom, as the said Commissioners in their Discretion shall from Time to Time think necessary or proper in that Behalf.

Bars may be erected across Streets, &c.

XXXI. And be it further enacted, That it shall be lawful for the said Commissioners, or any Five or more of them, to set up or cause to be set up Posts of Wood or Stone in such Part or Parts of all or any of

the said Streets, Ways, Passages, and other public Places, as they shall judge necessary; and also may set up Fences, Posts, and Rails, for the Prevention of Accidents or Casualties, in any of the Streets, Ways, Passages, or other public Places, or when the same may want repairing; and the Expences thereof shall be borne and defrayed by the said Commissioners, or any Five or more of them, out of the Monies arising from the Rates or Assessments made by virtue of this Act; and the said Commissioners are hereby authorized to cause the Repairs of such Streets which may be inclosed as aforesaid to be done at the same Time, so as to prevent any Irregularity in the Surface thereof; provided that no Street shall be inclosed for the repairing thereof unless the same shall have been previously surveyed by the said Commissioners, or any Three or more of them; and it shall also be lawful for the said Commissioners, when any of the said Streets, Ways, Passages, or other public Places within the City or Liberties or Precincts aforesaid shall be under Repair in the paving or pitching thereof, or during the making or repairing of any of the Sewers, Drains, or Vaults, to fix and place, or cause to be fixed and placed, such and so many Bar or Bars, Chain or Chains, Post or Posts, or other Obstruction or Obstructions across or in any of the said Streets, Ways, Lanes, Passages, or other public Places, to prevent the passing and repassing of Carriages, Waggons, Carts, Drays, and Horses during the Time of such Works and Repairs being carried on, as to them shall seem proper; and if any Person shall break down, take down, alter, or remove any of the said Bars, Chains, Posts, or other Obstructions, without the Authority or Consent of the said Commissioners, every such Person so offending shall for every such Offence forfeit and pay any Sum not exceeding the Sum of Ten Pounds, to be recovered as any Penalty may be recovered before any Justice of the City of *Bath* under this Act.

while Repairs or Alterations are making.

XXXII. Provided always, and be it further enacted, That it shall be lawful for any Person or Persons to erect or set up in any of the Streets, Squares, Parades, Terraces, Ways, Alleys, Lanes, Passages, or other Places within the City or Liberties or Precincts of *Bath*, any Inclosure, Posts, Bars or Rails, or other Matters or Things, for the Purpose of making Mortar, and depositing Brick, Stone, Lime, or other Materials for building or repairing any Houses, Buildings, or other Works; every such Person or Persons first obtaining Leave under the Hands of any Five or more of the said Commissioners for those Purposes respectively, which they are hereby empowered to give; but if any Person or Persons shall erect or set up, or cause to be erected or set up, any Inclosure, Posts, Bars, or Rails, or any other Matter or Thing for the Purposes aforesaid, without such Leave first had and obtained, every such Person shall for every such Offence forfeit and pay a Sum not exceeding Twenty Shillings for every Day such Inclosure, Matter or Thing as aforesaid shall remain and continue after Notice shall have been given by the said Commissioners or their Surveyor to remove the same; and if any Person or Persons shall, in any Street, Square, Parade, Terrace, Way, Alley, Passage, or other public Place as aforesaid, sift, screen, or slack any Lime, or make Mortar, or cause so to be done (except within such Inclosure or Hoard as aforesaid, or unless allowed by the said Commissioners, or any Five or more of them, so to do, without any such Inclosure), such Person or Persons shall forfeit and pay for every such Offence any Sum not exceeding the Sum of Forty Shillings.

Hoards may be erected for repairing or building, first obtaining Leave.

No Lime to be sifted or slacked, or Mortar made, in the Streets, unless within an Inclosure, &c.

Fences to be erected when Vaults, &c. are to be repaired, &c.

XXXIII. And be it further enacted, That if any Person or Persons whosoever, from and after the passing of this Act, shall in any of the Streets, Squares, Lanes, Courts, Ways, Alleys, Passages, or other public Places in the said City or Liberties or Precincts, dig out any Earth, Stone, or Rock, or leave any Hole in any such Street or Place before or near any House or Tenement built or in building, within the Limits aforesaid, for the Purpose of making Vaults, or any other Purpose whatsoever, without inclosing, fencing, or railing off the same in a good and sufficient Manner, to be approved of by the said Commissioners or their Surveyor or Surveyors for the Time being, or shall keep up such Inclosure when made longer than is absolutely necessary, or shall not well and sufficiently fence or rail before the Area or Areas of any Houses or Tenements built or building fronting to any such Street or Place, every Person or Persons guilty of any of the Offences aforesaid shall forfeit and pay any Sum not exceeding the Sum of Five Pounds, and not exceeding the Sum of Five Pounds for every Week such Nuisance shall be continued; and in case any Person or Persons shall neglect to fence off such Hole, Vault, or Pile of Earth, Stone, or other Matter as aforesaid, the said Commissioners, or any Five or more of them, or their Surveyor or other Officer, may and shall fence off and inclose the same, and the Expence attending the same shall be paid by the Person or Persons so neglecting to the said Commissioners or Surveyor, in addition to the Penalty and Weekly Penalty herein-before imposed; and in case of Nonpayment within Four Days after Demand made by Order of the said Commissioners, the same Expences shall be levied and recovered in the same Manner as any Penalty may by virtue of this Act be levied and recovered, and shall be paid to the said Commissioners or Surveyor, and such Expences shall remain a Charge on the Premises to which such Rails or Fences shall belong until paid or recovered as aforesaid.

The Duty of the Scavenger.

XXXIV. And be it further enacted, That the Scavenger or Person or Persons employed in or contracting to sweep and clean the Streets, Squares, Lanes, Passages, and public Places within the City and Liberties of *Bath*, shall daily and every Day before the Hour of Eleven in the Forenoon, or at such other Hour as the Commissioners shall from Time to Time appoint, sweep and collect together all Dirt, Dust, Filth, and Rubbish in such Streets, Squares, Lanes, Passages, and public Places, and shall also bring or cause to be brought a Cart or other proper Carriage into such Streets, Squares, Lanes, Passages, and public Places where such Cart or other Carriage can pass, and shall, at his or their Approach with such Cart or other Carriage, and not before, by Sound of Bell, give Notice to the Inhabitants of his or their coming, and give the like Notice in every Court, Passage, or Place into which such Cart or Carriage cannot pass, and abide and stay a convenient Time in or near the said Places respectively, so that the Inhabitants or Persons concerned may bring forth their Dust, Dirt, Ashes, and other Filth (except Filth from any Privy or Necessary House), and leave the same in some convenient Place near the Doors of their respective Houses and Premises, from whence the said Scavenger, or other Person or Persons aforesaid, shall immediately take and put the same into such Cart or Carriage; all which Dirt, Dust, Ashes, and Filth (except as aforesaid), as well as all such Dust, Dirt, Ashes, and other Filth as shall be swept up and collected together, as aforesaid, the said Scavenger, or other Person or Persons aforesaid, shall

then immediately, or as soon as may be, carry away or cause to be carried away to the Place or Places then used or appointed for depositing the same; and in case any such Scavenger, or other Person or Persons, shall make any wilful Default or Neglect herein, every such Scavenger or other Person or Persons shall forfeit and pay any Sum not exceeding Twenty Shillings for every such Offence or Neglect; and every Person acting as such Scavenger for the Time being shall cause the Words 'Scavenger's Cart' and the Number of each Cart to be painted in large Roman Letters on the Front or other conspicuous Place of their Carts or Carriages used for the Purposes aforesaid, on pain of forfeiting and shall forfeit and pay a further Penalty not exceeding Ten Shillings for every such Neglect therein; and if any Scavenger or other Person acting as such, or employed as aforesaid, shall sweep or throw any Dust, Dirt, Ashes, or Filth into any Sewer, Sink, Drain, or Watercourse within the said City of *Bath*, or the Liberties or Precincts thereof, every Person so offending shall forfeit and pay any Sum not exceeding the Sum of Twenty Shillings.

Penalty for sweeping into any Sewer, &c.

XXXV. Provided nevertheless, and be it further enacted, That if the Scavenger, Raker, or any other Person or Persons appointed or to be appointed for taking, carrying away, and removing the Ashes, Dirt, or Filth from the several Streets or Places within the said City or Liberties, shall be required by any Person or Persons to take, carry away, and remove any such Ashes, Dirt, or Filth out of their respective Houses or Areas, when any such Scavenger, Raker, or other Person or Persons shall be going through any of the said Streets or Places, for the Purpose of taking, carrying away, and removing any Ashes, Dirt, or Filth, that then the said Scavenger, Raker, or other Person or Persons is and are hereby directed and required to enter and go into any such Houses or Areas, and to take, carry away, and remove the Ashes, Dirt, or Filth therefrom; and in case the said Scavenger, Raker, or other Person or Persons shall neglect or refuse so to do, after being thereunto required, that then and in such Case he or they shall for every such Offence forfeit and pay any Sum not exceeding the Sum of Five Shillings.

Scavengers to take the Ashes, &c. out of the Houses if required.

XXXVI. And be it further enacted, That no Person or Persons whomsoever shall take or carry away, or cause to be taken or carried away, any Dirt, Dust, Ashes, or Rubbish out of any of such Streets, Squares, Ways, Lanes, Passages, or public Places as aforesaid, other than such Scavenger or other Officer or Person contracting or to be appointed for that Purpose, on pain of forfeiting, and every such Person shall forfeit and pay, any Sum not exceeding the Sum of Forty Shillings for every such Offence: Provided always, that nothing herein contained shall extend to prevent any Person or Persons from preserving and keeping any Dirt, Dust, Ashes, or Rubbish within his, her, or their Houses, Yards, or Gardens for their own Use, so as such Dirt, Dust, Ashes, or Rubbish be not laid down or placed in any of such Streets, Squares, Ways, Lanes, Passages, or public Places as aforesaid after the Hour of Eleven in the Forenoon, nor for any longer Time than shall be necessary for the loading and carrying away the same, or be suffered to annoy any of the Inhabitants of the said City of *Bath*, or the Liberties or Precincts thereof; but in case any Person so reserving such Dirt, Dust, Ashes, or Rubbish shall thereby annoy any of the Inhabitants, or shall permit

No other Person than the Scavenger to take away the Dirt, &c.

Persons may keep Ashes for their own Use.

permit or suffer the same to remain for any longer Time than from Sun-rising in the Morning to Sun-setting in the Evening, before the same shall be carried away or removed, after Notice in Writing given to him or her, under the Hands of the Commissioners, or of their Surveyors or Surveyor, and left at such Person's Dwelling House, to remove the same, such Person shall forfeit and pay any Sum not exceeding the Sum of Five Shillings a Day for every Day that such Annoyance shall be suffered to remain after such Notice given as aforesaid.

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

XXXVII. And be it further enacted, That no Person or Persons whosoever shall throw, cast, or lay, or cause or permit to be thrown, cast, or laid, any Ashes, Filth, Offal, Dust, Dirt, Rubbish, broken Glass, Earthenware, or other Annoyance, before or by the Side of any Dwelling House, Building, or Wall in any or either of the said Streets, Lanes, Passages, or public Places already made and built, or hereafter to be made and built within the said City, Liberties, or Precincts thereof (except as herein-after mentioned), nor shall throw or cast any such Ashes (except in Time of Frost), Filth, Offal, Dust, Dirt, Rubbish, broken Glass, Earthenware, or other Annoyance into any of the Sewers, Drains, Sinks, or Watercourses within the same, nor into or upon the triangular Piece of Ground lying before the Front of the North Parade in *Bath* aforesaid, nor into or upon the Piece of Ground lying before *Green Park Buildings*, East and West respectively; but shall keep or cause the same to be kept in their respective Houses or Yards until such Time as the Scavenger, or other Officer thereunto appointed, shall come to or near their Houses, Doors, or Places, with the Cart or Carriage, to take the same away; and in case any Person or Persons shall offend herein, every such Person shall forfeit for every such Offence any Sum not exceeding the Sum of Ten Shillings.

Scavengers Carts not to be shod.

XXXVIII. Provided always, and be it further enacted, That no Scavenger or other Person whatsoever, employed or to be employed by virtue of or in pursuance of this Act, for taking and carrying away the Dirt, Dust, Ashes, Soil, Filth, Rubble, or Rubbish as aforesaid, shall drive or cause to be driven any Cart or other Carriage shod with Iron, in, over, or upon any of the Streets, Parades, Lanes, Alleys, or other Places lying and being within the said City or Liberties or Precincts thereof, where Carts or Carriages do not usually come, and which are not or shall not hereafter be pitched or paved as and for a public and common Highway or Passage for Waggons, Carts, and Carriages, upon pain of forfeiting for every such Offence any Sum not exceeding the Sum of Twenty Shillings.

Penalty on Persons sifting Ashes, &c. in the Streets.

XXXIX. And be it further enacted, That no Person shall, after the passing of this Act, pick or sift Dirt, Dust, or Ashes in any of the Squares, Streets, Lanes, Passages, and public Places within the said City of *Bath*, or the Liberties or Precincts thereof, or in or near the triangular Piece of Ground lying before the Front of the *North Parade*, or in or near the Piece of Ground lying before *Green Park Buildings*, East and West respectively, to the Annoyance and Disturbance of the Inhabitants or of Persons passing by and through the said Streets and Places; and that if any Person or Persons shall be guilty of such

Annoyance

Annoyance and Disturbance, and Complaint thereof shall be made to the Mayor, or One other of the Justices of the Peace of the said City, it shall be lawful for the said Mayor, or such other Justice, to grant his Warrant or Warrants to bring before him any Person or Persons so complained of, and upon due Proof being made before such Mayor or Justice of such Offence, by the Oath or Oaths of One or more Witness or Witnesses (which Oath the said Mayor or such other Justice are hereby authorized and empowered to administer), every such Person shall forfeit and pay any Sum not exceeding Five Shillings; and in default of Payment thereof with Costs, such Mayor or such Justice shall and is and are hereby authorized and empowered to commit the Person or Persons so offending to the Gaol of the said City, there to remain for any Time not exceeding Ten Days.

Signs, &c. how to be regulated.

XL. And be it further enacted, That all such Signs, Sign Irons, Sign Boards, Sign Posts, Penthouses, Bow Windows, Boards, Sheds, Spouts, Water Pipes, Gutters, Posts, Rails, Steps, or any Incroachment, Projection or Annoyance whatsoever, already built, made, erected, raised, placed or hung, or which shall or may hereafter be built, made, erected, raised, placed, or hung, in any of the Squares, Parades, Streets, Lanes, Ways, Passages, and public Places within the said City, or the Liberties or Precincts thereof, as in the Judgment of the said Commissioners, or any Five or more of them, shall be inconvenient to or shall incommode Passengers, shall (within Fourteen Days after a Day to be expressed in a Notice in Writing under the Hands of the said Commissioners, or any Five or more of them, or their Surveyor or Surveyors for the Time being, to be for that Purpose given to or left for the Owner or Occupier of the House or Houses, or other Buildings or Land to which such Signs, Sign Irons, Sign Boards, Sign Posts, Penthouses, Bow Windows, Boards, Sheds, Spouts, Water Pipes, Gutters, Posts, Rails, Steps, Incroachments, or Projections, or any of them, shall respectively belong,) be taken down, filled up, removed, or altered, in order that such Signs, Sign Irons, Sign Boards, Sign Posts, and Showboards as shall or may be used or placed in lieu thereof respectively, may be in future fixed or placed to or upon the Front of the Houses, Shops, Warehouses, or Buildings whereunto they respectively belong; and such Spouts or Pipes projecting or hanging over such Foot or Carriage Ways be so affixed to the Sides or Fronts of the Houses or Buildings to which they belong, as to convey the Water down the Side or Front of such Houses or Buildings, and so into the common Channel or Drain, and such Penthouses, Bow Windows, Gutters, Posts, Rails, Steps, or any Incroachment, Projection, or Annoyance whatsoever, be made, altered, removed, or placed in such Manner as not to be inconvenient or incommodious to Passengers; and in case the respective Owners or Occupiers shall refuse or neglect to obey such Notice, and to observe and perform the several Matters and Things hereby respectively required to be done, for the Space of Fourteen Days after the Expiration of the Date to be mentioned in such Notice as aforesaid, then such Owner or Occupier shall for every such Offence forfeit and pay the Sum of Ten Shillings for every Week the same respectively shall so remain undone; and then also it shall and may be lawful to and for the said Commissioners, or any Five or more of them, to cause such Spouts and Pipes to be made and fixed to such Houses or Buildings in the Manner and for the Purposes aforesaid, and such Signs, Sign Irons, Sign Boards, Sign Posts, Penthouses,

houses, Bow Windows, Boards, Sheds, Gutters, Posts, Rails, Steps, Incroachments, and Projections to be taken down, filled up, removed, altered, and fixed in the Manner and for the Purposes aforesaid; and shall return or cause to be returned to the respective Owners thereof, or to be left on the Spot from whence the same shall be so respectively removed, or as near thereto as conveniently may be for such Owners, so much of such Signs, Sign Irons, Sign Boards, Sign Posts, Penthouses, Bow Windows, Boards, Sheds, Gutters, Posts, Rails, Steps, Incroachments, and Projections as shall not be affixed or set up, or otherwise made use of in the Alterations directed by this Act; and the Charges and Expences attending the same shall and may be recovered of or from the Owner or Occupier of the House, Warehouse, or other Building, Land, or Place whereunto they respectively belong, in such Manner as the Costs and Charges to be incurred by virtue of this Act, relative to the pitching and paving, are directed to be recovered; and if such Owner or Occupier shall cause such Spouts or Pipes for the Purposes herein-before mentioned to be fixed, or such Signs, Sign Irons, Sign Boards, Sign Posts, Penthouses, Bow Windows, Boards, Sheds, Gutters, Posts, Rails, Steps, or any other Incroachments or Projections to be hung, placed, erected, built, or made contrary to the Directions of this Act, every such Owner or Occupier so offending shall for every such Offence forfeit and pay any Sum not exceeding Twenty Shillings for every Week the same shall so remain; and then it shall and may be lawful to and for the said Commissioners, or any Five or more of them, to order the same to be taken down, filled up, removed, or altered in such Manner as they shall think proper, without giving any Notice to the Owner or Occupier, or other Person offending therein, and the Charges and Expences attending the same shall or may be recovered of and from the Person or Persons offending in the same Manner as is last herein-before by Reference expressed or directed: Provided that nothing herein contained shall extend to Projections made or to be made in the Nature of Bow Windows for the Convenience of Trade in any of the Streets, Squares, Parades, Ways, Lanes, Passages, or public Places within the said City of *Bath*, or the Liberties or Precincts thereof, in case such Projections do not advance more than Nine Inches over the Footway.

Tenants may deduct Expences of taking down or altering Signs, &c. erected by Order of Landlords.

XLI. Provided always, and it is hereby further enacted, That it shall and may be lawful for any Tenant or Occupier of any such House or Houses, or other Buildings, Land, or Place, to which any such Signs, Sign Irons, Sign Boards, Sign Posts, Penthouses, Bow Windows, Boards, Sheds, Spouts, Water Pipes, Gutters, Posts, Rails, Steps, Incroachments, Projections, or Annoyances shall or may belong or adjoin, and which shall or may have been built, made, erected, raised, placed, or hung by or by the Order of the Landlord or Landlords, to deduct and retain the Costs and Expences which such Tenant or Occupier shall or may be obliged to pay in taking down, filling up, removing, altering, or fixing the same, or any or either of them, out of his or her Rent or Rents; and such Landlords or Owners for the Time being are hereby required to allow or otherwise pay the same to such Tenant or Occupier.

As to Bow Windows taken down by Order of the Commissioners.

XLII. Provided also, and be it further enacted, That the Costs and Charges attending the taking down, removing, altering, and fixing any Bow Window, which shall be fixed prior to the passing of this Act, and

project or advance more than Nine Inches over the Footway, shall be paid and defrayed by the said Commissioners, by and out of the Monies to be raised by virtue of this Act, to the Owner or Owners thereof.

Cellar Windows, &c. to be sufficiently lighted by Night.

XLIII. And be it further enacted, That if any Cellar Window, or any underground Office or Place, Coal Grate, Trap Door, or any other Covering, shall not be well and sufficiently secured, or shall be left open in the Evening or in the Night without the same being sufficiently lighted to prevent Accidents happening thereby or therefrom, or if any Trap Door or Covering over any Place leading from or out of any Pavement or Footway shall have any Kind of Projection from the Surface exceeding One Quarter Part of an Inch in Height or One Quarter of an Inch square, the Tenant or Occupier of such Cellar, underground Office or Premises, under which the same shall be situate or to which it shall belong, shall for every Offence forfeit and pay any Sum not exceeding the Sum of Forty Shillings; and it shall also be lawful for the said Commissioners or their Surveyor to cause such Trap Door or Covering having such Projection from the Surface as aforesaid to be removed and altered; and the Costs and Charges attending such Removal and Alteration shall be recovered from the Owner or Occupier of the Premises to which such Trap Door or Covering shall belong, in the same Manner as herein mentioned and directed concerning the Recovery of the Costs of pitching and paving: Provided nevertheless, that the Costs and Charges attending the Removal or Alteration of any such Trap Door or Covering which shall have been in any Pavement or Footway prior to the passing of this Act shall be paid and defrayed by the said Commissioners by and out of the Monies to be raised by virtue of this Act.

Names of Streets to be put up.

XLIV. And be it further enacted, That the said Commissioners, or any Five or more of them, shall or may cause to be engraved, painted, or otherwise described, in or on a conspicuous Part of any One or more House or Houses, Building or Buildings, or otherwise to be placed in or on a conspicuous Part of any One or more House or Houses, Building or Buildings, at or near each End, Corner, or Entrance of each of the Streets, Squares, Parades, Terraces, Lanes, Courts, Alleys, Passages, and other public Places within the said City or Liberties or Precincts, the Name by which each respective Street, Square, Parade, Terrace, Lane, Court, Alley, Passage, or other public Place is usually called or known, and may also cause every House, Shop, Warehouse, or Building in each of such Streets, Squares, Parades, Terraces, Lanes, Courts, Alleys, Passages or other public Places to be marked and numbered in such Manner as they shall think most proper for distinguishing the same; and if any Person or Persons shall wilfully or maliciously destroy, pull down, alter (unless with the Consent of the Commissioners, or any Five or more of them, for that Purpose first obtained, which they are hereby authorized and empowered to give), injure, obliterate, or deface any such Name, Description, Mark, or Number, or any Part thereof, or cause or procure the same to be done, every Person so offending shall, on Conviction thereof, for every such Offence forfeit and pay any Sum not exceeding the Sum of Forty Shillings.

Tenants may deduct Expences of taking down or altering Signs, &c. ordered by Order of Landlords.

Upon Complaint on the Oaths of any

XLV. And be it further enacted, That from and after the passing of this Act, if any Complaint shall be made in Writing, on the Oaths of

Two

Two or more Persons of Houses, &c. being in a ruiuous Conditinn, Commissioners to order them to be inclosed.

Two or more Persons, before the said Commissioners, or any Five or more of them (which Oaths any One or more of the said Commissioners is and are hereby authorized to administer), that any House, Building, Wall, or Erection in the said City, or the Liberties or Precincts thereof, is, are, or shall be in such a ruinous Condition as to be dangerous to the Lives or Persons of Passengers, or from the Bricks, Tiles, Stones, Timber, or Materials thereof, it shall be lawful for the said Commissioners, or any Five or more of them, and they are hereby required and empowered, to order and direct, with all convenient Speed, a proper and sufficient Hoard or Fence to be put to guard such ruinous House, Building, Wall, or Erection from the public Street or Way, and to cause Notice in Writing to be given to the Owner or Owners or Persons interested in or claiming to be interested in the same, or, if under Coverture, to her or their Husband or Husbands respectively, or, if under the Disability of Infancy, Idiotcy, or Lunacy, to the Guardian or Guardians, Trustee or Trustees, Committee or Committees of such Infant, Idiot, or Lunatic respectively, if he, she, or they can or may be found within the said City or Liberties or Precincts thereof; and if not, to cause such Notice in Writing to be left at or affixed against the said Premises; which Notice shall be in the Form or to the Effect following:

'COMPLAINT having been duly made in Writing to the Commissioners for paving, lighting, and watching the City and Liberties of *Bath*, by and on the Oaths of
'that the House, Building, Wall, or Erection [*as the Case shall be*]
'situate is or are
'in so ruinous a Condition that Persons passing or repassing by or near
'the same are thereby in danger of their Lives or some personal Injury
'from the falling thereof, or from the Bricks, Tiles, Stones, Timber, or
'other Materials therefrom [*as the Case may be*]; take notice, That the
'said Commissioners intend to have the same House, Building, Wall, or
'Erection [*as the Case may be*] surveyed; and that they have appointed
'of their Surveyor
'for that Purpose, to meet at
'[*being at some Place within the said City or Liberties or Precincts aforesaid*] on the Day of next at
'of the Clock in the of the same Day (between the
'Hours of Eight in the Morning and Four in the Afternoon); and they
'do hereby require and call upon you to appoint One other Surveyor or
'able Workman on your Part to meet him at the Time and Place afore-
'said, to view the said and to certify the State and Con-
'dition thereof to them, and whether the same or any Part ought to be
'secured or pulled down and removed. Dated this Day of
'.'

And every such Owner or Person interested therein, or claiming to be interested therein, if he or she is known, and can be met with, or in case he, she, or they be under any Disability as aforesaid, then such Person or Persons as aforesaid, shall appoint One Surveyor or able Workman to meet at the Time and Place in such Notice mentioned, who, together with the Surveyor or able Workman named by the Party giving such Notice on behalf of the said Commissioners, and whose Name shall be expressed in such Notice, shall view such House, Building, Wall, or Erection, and certify in Writing under their Hands, to be verified on their Oaths

Oaths (which any one of the said Commissioners is hereby authorized and empowered to administer) the State and Condition thereof to the said Commissioners, and to the Owner or other Person or Persons as aforesaid, within Seven Days after the Time appointed in such Notice, and whether the same or any Part thereof ought according to their Judgment to be secured or pulled down and removed; but in case Two such Persons cannot agree in their Opinion, they shall choose a Third Surveyor or able Workman to meet them, and view such House, Building, Wall, or Erection within Three Days next after the Time appointed in the said Notice; and which said Three Persons, or any Two of them, are to certify in manner aforesaid the State and Condition thereof to the said Commissioners and to the Owner or any Person or Persons as aforesaid, within Ten Days next after the Time appointed in the said Notice, and whether the same or any Part thereof ought in their Judgment to be secured or pulled down and removed; or in case such Owner or other Person as aforesaid, or, if under any Disability as aforesaid, then such Person or Persons acting for him, her, or them as aforesaid, shall refuse or neglect to appoint such Surveyor or able Workman as aforesaid, according to such Notice, then the Surveyor or able Workman named in such Notice shall and may, within Seven Days next after the Time appointed in such Notice, view such House, Building, Wall, or Erection, and shall certify as before directed unto the said Commissioners, within Seven Days next after the Time appointed in such Notice, the State and Condition thereof, and whether the same or any Part thereof ought to be secured or pulled down and removed; and in case any such Owner or other Person or Persons as aforesaid shall neglect or refuse to secure or pull down and remove such House, Building, Wall, or Erection as aforesaid, within Fourteen Days after a Copy of such Certificate as aforesaid shall have been delivered to or left at the last Place of Abode of such Owner or other Person or Persons as aforesaid, or affixed against or left on the Premises, the said Commissioners, or any Five or more of them, are hereby authorized and required, with all convenient Speed, to order and cause all or so much of such House, Building, Wall, or Erection as shall be certified to be in such ruinous Condition and likely to be dangerous to Persons passing and repassing to be secured or pulled down and removed in such Manner as shall from Time to Time be thought requisite and necessary; and all the Charges of putting up every such Hoard or Fence, and taking down, securing, and removing all or so much of such ruinous House, Building, Wall, or Erection as shall be certified as necessary to be taken down, removed, or made secure for the Safety of Passengers, and also all reasonable Costs and Charges which shall or may be paid by the said Commissioners to the Person or Persons to be appointed by them, or otherwise howsoever, for the Purposes aforesaid, shall from Time to Time be paid by the Owner or Owners or such Person or Persons as aforesaid, if known, and he, she, or they can be met with within the said City, or the Liberties or Precincts thereof; and if such Owner or Owners, not being under such Disability as aforesaid, shall, within Six Days after Demand thereof, neglect or refuse to pay the same, then all such Costs and Charges may, on Proof by Oath of such Demand having been made before One or more Justice or Justices of the Peace for the said City of *Bath* (which he or they are hereby authorized and empowered to administer), immediately thereupon, by Warrant under the Hand or Hands of such Justice or Justices, which he and they are hereby directed to grant, be levied by Distress

and Sale of the Goods and Chattels of such Owner or Owners, if any such can be found in the said City or the Liberties thereof, and if no such Owner or Owners can be met with in the said City or the Liberties thereof, or sufficient Distress of his or their Goods or Chattels cannot be found whereupon such Costs and Charges may be levied, or if such Owner or Owners shall be under any legal Disability as aforesaid, then and in either of such Cases the Person or Persons who shall at any Time hereafter occupy or possess any such House, Building, Wall, or Erection, or the Ground whereon the same stood, is and are hereby required and authorized to pay the same Costs and Charges, and in case he, she, or they pay Rent for the same, then to deduct the same out of such Rent; and if he, she, or they shall neglect or refuse to pay such Costs and Charges, then the same, on Proof by Oath thereof before One or more Justice or Justices of the said City (which Oath he or they are hereby authorized to administer), immediately thereupon, by Warrant under the Hand or Hands of any such Justice or Justices as aforesaid, may be levied by Distress and Sale of the Goods and Chattels of any such Occupier or Occupiers, or Person or Persons possessing the same, in Manner as the Penalties and Forfeitures are by this Act directed to be levied and recovered, together with the Costs of every such Distress and Sale; and the Landlord or Landlords of the Premises is and are hereby required to allow every such Occupier and Occupiers all Charges which he, she, or they shall so pay, or which shall be levied by Distress from him, her, or them as aforesaid, upon Receipt of their respective Rents; and every Occupier or Person paying any such Charges shall be acquitted and discharged for so much Money as he, she, or they shall so pay, as if the same had been actually paid to such Person or Persons to whom his, her, or their Rent should have been due or payable; or such Charges may, if the Commissioners shall think proper, be recovered from such Owner or Owners, or in case such Owner or Owners shall be under any legal Disability, then from such Occupier or Occupiers or Person or Persons possessing the same, by Action of Debt, Bill, Plaint, or Information in any of His Majesty's Courts of Record at *Westminster*; and such Money as shall from Time to Time be raised, levied, or recovered shall be paid to the said Commissioners, to be reimbursed therewith the Costs and Charges to be incurred as aforesaid.

Penalty on suffering Pigs, Goats, &c. to wander in any of the Streets, &c.

Hogstyes and Slaughter Houses to be removed if deemed a Nuisance.

XLVI. And be it further enacted, That in case any Hogstye or Slaughter House (save and except such Hogstyes and Slaughter Houses as shall or may be used in any of the Streets, Squares, Ways, Lanes, Passages, or public Places lying on or towards the Eastward of a Line to be drawn from the lower Rooms through the *Orange Grove* Market Place and *Walcot Street* up to and including *Chatham Row*) shall be used in or near any of the Streets, Squares, Ways, Lanes, Passages, and public Places now made or built, making or building, or which shall or may hereafter be made or built within the City or Liberties or Precincts of the City of *Bath* aforesaid, as shall be watched, lighted, and cleansed, in virtue or pursuance of this Act, it shall be lawful for the said Commissioners, or any Five or more of them, in case they shall deem the same a Nuisance, to order such Nuisance to be removed; and in case the same shall not be removed within Fourteen Days after Notice given to the Person or Persons who ought to remove the same, such Person or Persons shall forfeit and pay the Sum of Ten Shillings daily for every Day that the same shall continue unremoved after the Expiration of the Time mentioned in such Notice.

XLVII. And

Regulations for emptying Necessary Houses.

XLVII. And be it further enacted, That no Person or Persons whosoever shall come with any Cart, Carriage or otherwise for the Purpose of emptying or shall begin to empty any Necessary, Privy, or Boghouse, or to take away any Night Soil from any House or Houses, within the said City or Liberties, or Precincts thereof, before the Hour of Twelve of the Clock in the Night, nor remain or continue to take away the same after the Hour of Five of the Clock in the Morning, from *Michaelmas* to *Lady Day*, or after the Hour of Four o'Clock in the Morning from *Lady Day* to *Michaelmas*; nor shall any Person put or cast, or cause to be put or cast, any such Night Soil out of any Cart, Tub, or otherwise, in or near any of the said Streets, Squares, Parades, Terraces, Lanes, Courts, Alleys, Passages, or other public Places within the said City or Liberties or Precincts thereof; and if any Person or Persons shall be guilty of any such Offence with respect to the emptying of Privies, or taking away or casting or laying of Night Soil, it shall be lawful for any Constable, Beadle, or Watchman (and they are hereby strictly required and directed so to do), or any other Person or Persons whatsoever, to apprehend and carry him or them guilty of either of the said Offences to the Watch House of the said City of *Bath*, and from thence, as soon as conveniently may be, before some Justice of the Peace of the said City of *Bath*, who upon due Proof of such Offence or Offences as aforesaid, upon the Oath of any Person or Persons (which Oath such Justice is hereby required and empowered to administer), shall and may order such Person or Persons guilty of any of the said Offences to forfeit and pay any Sum not exceeding the Sum of Ten Shillings to the Person or Persons who shall detect and apprehend any such Person or Persons as aforesaid, and in default of immediate Payment thereof shall and may commit such Person or Persons guilty as aforesaid to the Gaol or House of Correction for the said City of *Bath* for any Time not exceeding Thirty Days, there to be kept to hard Labour.

Penalty on suffering Pigs, Goats, &c. to wander in any of the Streets, &c.

XLVIII. And be it further enacted, That if any Pigs, Swine, Goats, Kids, Asses, Horses, Mares, Colts, Mules, or other Beasts or Cattle shall be found wandering or straying about any or either of the said Streets, Squares, Parades, Lanes, Courts, Alleys, Ways, Passages, and other public Places within the said City or Liberties, or Precincts thereof, the Owner or Owners thereof shall, for every such Pig or other Animal, Beast, or Cattle, forfeit and pay any Sum not exceeding the Sum of Ten Shillings, on Conviction thereof on the Oath of One Witness before any Justices for the said City of *Bath* (which Oath such Justice is hereby authorized to administer); and it shall and may be lawful to and for any Officer or Officers of the said Commissioners, or any other Person or Persons whomsoever, to impound such Pigs, Swine, Goats, Kids, Asses, Horses, Mares, Colts, Mules, or other Beasts or Cattle in the Common Pound, or such other Place as shall be appointed for that Purpose by the said Commissioners or any Five or more of them, and to detain the same in the said Pound or Place until the said Penalty and the Expence of impounding the same shall be fully paid and satisfied; and if in any such Case such Penalty and Expences shall not be paid within Three Days after such Pigs, Swine, Goats, Kids, Asses, Horses, Mares, Colts, Mules, or other Beasts or Cattle shall be so impounded, it shall be lawful for such Person or Persons as shall be appointed by the said Commissioners, or any Five or more of them, for that Purpose, to sell or cause the same to be sold; and the Costs and Charges of impounding and keeping

keeping the same in Pound, and selling the same, and the said Penalty, shall be deducted thereout, and the Overplus (if any) shall be paid to the Owner or Owners thereof: Provided always, that whether such Pigs, Swine, Goats, Kids, Asses, Horses, Mares, Colts, Mules, or other Beasts or Cattle be so impounded or not, the Owner or Owners thereof shall nevertheless forfeit and pay for every such Offence any Sum not exceeding the said Sum of Ten Shillings, to be recovered in the Manner as the Penalties are by this Act directed to be levied or recovered.

Annoyances how to be removed.

XLIX. And be it further enacted, That if any Person or Persons shall at any Time hereafter carry, run, drive or draw, or cause to be carried, run, driven, or drawn, in or upon any or either of the present or future Footways within the said City or Liberties, or Precincts thereof, any Bier, Truck, Wheel or Wheels, Sledge, Wheel-barrow, Wheel-chair (except a Wheel-chair used by Invalids, and having such a Person therein), Hand-barrow, or other Carriage whatsoever, or shall thereon roll any Cask otherwise than for the necessary loading or unloading thereof, on or upon, from or out of any Carriage, or shall, in or upon any or either of the said Foot Ways or Carriage Ways (except in the Market Place) set, place, or expose to Sale, or cause, permit, or suffer to be set, placed, or exposed to Sale, any Goods, Chattels, Provisions, Wares, or Merchandizes whatsoever, every Person so offending shall for every or either of the said Offences forfeit and pay any Sum not exceeding the Sum of Ten Shillings; or if any Person or Persons shall at any Time hereafter, in or upon any or either of the present or future Foot Ways within the said City or Liberties thereof, wilfully ride, lead, or drive any Horse, Mare, Ass, Mule, or other Cattle of any Kind, or any Beast whether loaded or unloaded; or shall drive, place, or leave, or cause to be driven, placed, or left, in or upon any or either of the Carriage Ways within the said Streets, Squares, Lanes, Alleys, Passages, or other public Places in the said City or Liberties, or Precincts thereof, or in or upon any Part or Parts thereof, any Waggon, Cart, Dray, Sledge, or other such Carriage, for any longer Time than shall be necessary for the loading or unloading thereof; or in case the same shall not during such Time be standing as near the Side of the Street, Square, Lane, Alley, Passage, or Place as conveniently may be; or if any Person or Persons shall set, place, or leave, or cause to be set, placed, or left, any such Carriage, for the Purpose of loading or unloading thereof, or for any other Purpose, upon any Part or Parts of the Foot Crossings in any of the said Streets, Squares, Ways, Lanes, Alleys, Passages, or other public Places aforesaid, so as sufficient Room shall not be left for Persons to pass or repass on such Foot Crossings, or another Carriage to pass; or if any Person or Persons shall suffer any Stage Coach, Post Chaise, or other Carriage let to hire to stand in any of such Streets, Squares, Ways, Lanes, Alleys, Passages, or other public Places, for a longer Time than shall be necessary for taking up and setting down Passengers or Travellers, or for loading or unloading their Luggage; or shall turn loose or pass along with any loose Horse, Ass, or other Beast in or upon any of the said Foot Ways or Carriage Ways within the said City or Liberties thereof; or shall carry or haul, or cause to be carried or hauled, any Timber of Twenty Feet long or upwards upon any Waggon, Cart, Sledge, or other Carriage, in or through the same, without being attended by One or more Person or Persons besides the Person driving such Carriage, for the Purpose of guiding the End of such Timber, and preventing the same from striking against any Person, House, Shop, Wall,

Wall, or Building; or shall drive or draw any Truck, Wheel-barrow, or Hand-barrow, in any of such Streets, Squares, Lanes, Alleys, Passages, or other public Places, without having the Name and Place of Abode of the Owner painted with White or Black Letters of One Inch in Length respectively; or if any Wood or Faggot Pile shall be made or erected within Fifty Feet of any House or other Building within the said City of *Bath*, or the Liberties or Precincts thereof; or if any Person or Persons shall throw, lay, place, or leave, or cause to be thrown, laid, placed, or left, any Timber, Iron, Lead, Bricks, Stone, Lime, Mortar, Hay, Straw, Wood, Faggots, Coals, Boards, Tubs, Casks, Goods, Wares, Merchandizes, Materials, or Things, or other Nuisance or Annoyance whatsoever, in any of such Streets, Squares, Ways, Lanes, Alleys, Passages, or other public Places as aforesaid (unless the same shall be inclosed in a Hoard or other Erection in the Manner herein directed), and the same (except as last aforesaid) shall be suffered to remain for a greater Space of Time than shall be necessary for the housing or removing thereof; every Person so offending shall for every or either of the said Offences forfeit and pay not exceeding the Sum of Forty Shillings; and it shall be lawful for any One of the said Commissioners, or their Surveyor or Surveyors, or other Officers for the Time being, or any other Person or Persons whomsoever, who shall see any or either of such Offences committed, to seize, and also for any other Person or Persons to assist in seizing, any such Bier, Truck, Wheel or Wheels, Sledge, Wheel-barrow, Wheel-chair, Hand-barrow, Horse, Ass, Waggon, Cart, Dray, or other Carriage, together with the Horse or Horses or other Cattle, if any shall be thereunto belonging; and any such Timber, Wood, Faggots, Iron, Bricks, Stone, Goods, Materials, or Things as aforesaid, and drive, take, or remove, or cause the same to be driven, taken, or removed to some secure Pound or Place, there to be kept and detained until the Owner or Owners thereof, or his, her, or their known Servant or Servants, shall and do pay to the Person or Persons in whose Custody the same shall be the said Penalty, together with the Costs and Charges of removing the same, and of keeping such Horses, Asses, Mules, or other Cattle as aforesaid; and in case the same shall not be claimed and the said Penalty and Charges paid within the Space of Five Days next after such Seizure thereof, the same shall be sold, and the Money arising therefrom shall be applied to the Discharge of the said Penalty and Charges and the Costs of selling the same, and the Residue thereof (if any) be rendered to the Owner or Owners thereof: Provided nevertheless, that nothing herein contained shall extend to prevent or hinder any Person or Persons from driving or drawing any Truck, Wheel-barrow, or Hand-barrow across any Pavement or Footway within the said City or Liberties, into any Dwelling House, Shop, Warehouse, or other Building, Land, or Place next adjoining thereto, or to make make him, her, or them liable to any Penalty, or such Matters or Things liable to Seizure in respect thereof; and further provided, that nothing herein contained shall extend to prevent or hinder any Person or Persons from driving or drawing any Wheel-chair, Wheel-barrow, Truck, or Hand-barrow, to, in, or upon any of the Parades, Lanes, Passages, or Places, not fronting a Carriageway, or to make him, her, or them liable to any Penalty, or such Matters or Things liable to Seizure in respect thereof, so as the same be driven or drawn to and for the Use of any Inhabitant in any such Parade, Lane, Passage, or Place; and in case any of the said Nuisances, Obstructions, or Annoyances, or

Penalty if Nuisances continued.

any other Nuisance, Obstruction, or Annoyance, shall be afterwards replaced and continued, or shall be removed and continued as a Nuisance, Obstruction, or Annoyance to or within any other Part or Parts of the said City or Liberties, on the Day in which such Nuisance, Obstruction, or Annoyance shall have been first removed, the Person or Persons convicted of such Second Offence shall forfeit and pay any Sum not exceeding the Sum of Five Pounds, and not exceeding the Sum of Ten Pounds for every repeated Offence on the same Day.

For the Prevention of certain other Nuisances.

L. And be it further enacted, That if any Person or Persons shall, within the said City of *Bath*, or the Liberties or Precincts thereof, burn, dress, or cleanse any Cask, or shall, in either of such Streets, Squares, Parades, Terraces, Courts, Ways, Lanes, Alleys, Passages, or other public Places as aforesaid, hoop, fire, cleanse, wash, or scald any Cask, or cast, throw, or empty any of the Contents of any Cask, Vessel, or other Utensil whatever, therein or thereon; or shall hew, saw, or cut any Stone, Wood, or Timber, or bore any Timber (except for the Purpose of rebuilding, altering, or repairing any House or Building as herein mentioned, or for any of the Purposes by this Act required or authorized to be done, in which Case the same shall, if the Commissioners, or any Five or more of them, shall think proper and direct, be fenced and inclosed in the Manner as herein mentioned); or shall make or repair any Waggon, Sledge, or other Carriage in any of such Streets, Squares, Parades, Terraces, Courts, Ways, Lanes, Alleys, Passages, or other public Places (except such Carriages as may want immediate repairing from any sudden Accident on the Spot, or which cannot be conveniently removed for the Purpose); or shall shoe or bleed any Horse, Ass, or other Cattle (except in case of Accident); or show or expose any Stallion or Stone Horse; or shall make any Bonfire; or shall kill or slaughter, ring, scald, burn, dress, or cut up any Animal, either wholly or in part, in any of such Streets, Squares, Parades, Terraces, Courts, Ways, Lanes, Alleys, Passages, or other public Places as aforesaid; then and in any of such Cases, and as often as they or any of them shall happen, it shall and may be lawful to and for any Justice of the Peace for the said City of *Bath*, and he is hereby required, upon the Oath of any Person or Persons made of the Commission of any such Offence or Offences (which Oath such Justice is hereby authorized and required to administer), to issue a Warrant for apprehending the Party or Parties accused; and the Party or Parties accused being brought before any such Justice, such Justice shall proceed to examine upon Oath any Witness or Witnesses who shall appear or be produced to give Information touching such Offence (which Oath the said Justice is hereby authorized and required to administer); and if the Party or Parties accused shall be convicted of any such Offence, either by his, her, or their own Confession, or upon Information as aforesaid, he, she, or they so convicted of any such Offence respectively shall forfeit and pay any Sum not exceeding the Sum of Forty Shillings; and in case such Offender or Offenders shall not upon Conviction pay such Forfeitures by him, her, or them incurred as aforesaid, together with the Costs and Charges attending such Conviction, the Justice before whom such Offender or Offenders shall be convicted is hereby required to commit him, her, or them to the House of Correction for the said City and Liberties, there to be kept to hard Labour for any Space of Time not exceeding Thirty Days; and if any Person or Persons shall,

in any of the Streets, Squares, Parades, Terraces, Courts, Ways, Lanes, Alleys, Passages, or other public Places now made or built or which shall or may hereafter be made or built within the said City or the Liberties or Precincts thereof, place or hang any Flower Pot, Basket Stand, Box, or other Thing on the Outside of any Window or House, or upon any Wall or Railing, without securing the same by some safe and secure Guard or Fence, or other Means, so as effectually to prevent the same from falling; or shall hang up any Clothes to dry, or beat any Carpet or Carpets in any of the said Streets, Squares, Parades, Terraces, Courts, Ways, Lanes, Alleys, Passages, or other public Places; any Person so offending in any of such Cases shall forfeit and pay for every such Offence any Sum not exceeding the Sum of Ten Shillings.

No Flower Pots, &c. to be placed on the Outside of any Window, &c. unless properly secured.

LI. And be it further enacted, That if any Person or Persons shall, at any Time or Times from and after the passing of this Act, obstruct, hinder, or molest any Surveyor or Surveyors, or other Officer or Officers, Person or Persons whomsoever, who are or shall be employed by the said Commissioners to put this Act in execution, in performance or execution of their Duty, any Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Penalty for obstructing Surveyors, &c.

LII. And be it further enacted, That it shall be lawful for the said Commissioners, or any Five or more of them, to order and direct what Sort and Number of Lamps shall be set up within the said Squares, Streets, Lanes, Ways, Passages, and Places within the said City or Liberties or Precincts thereof, and where and in what Manner and at what Distance such Lamps shall be affixed, and at what Time the Lights within the same shall be lighted, and how long they shall continue lighted, and to cause such Lamps to be numbered.

Lamps to be set up.

LIII. And be it further enacted, That if any Person shall wilfully and maliciously break, throw down, or otherwise damage any of the Lamps which now are or shall be erected by the said Commissioners, or any of the Posts, Irons, or other Furniture thereof, or shall wilfully extinguish any Light or Lights of any of the said Lamps, it shall be lawful for any Justice of the Peace for the said City of *Bath*, and he is hereby required, upon Oath made of the Commission of any such Offence, to issue a Warrant for the apprehending the Party accused; or it shall be lawful for any Person or Persons who shall see such Offence committed to apprehend, as also for any other Person or Persons to assist in apprehending the Offender, and by Authority of this Act, and without any other Warrant, to deliver him or her into the Custody of a Peace Officer, in order to be secured and conveyed before some Justice of the Peace for the said City; and the Party accused being brought before such Justice, 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 accused shall be convicted of such Offence, either by his or her own Confession, or upon Information as aforesaid, he or she so convicted shall for the first Offence respectively forfeit any Sum not exceeding the Sum of Five Pounds, and full Satisfaction shall also be made to the said Commissioners, or to their Surveyor or Clerk, by such Offender, for the Damage so by him or her done; and in case such Offender shall not, upon such Conviction, pay such Forfeiture or Forfeitures by him or her incurred as aforesaid, and make such Satisfaction as aforesaid,

Penalty for breaking, &c. Lamps, &c. wilfully;

aforesaid, the Justice or Justices before whom such Offender shall be convicted is and are hereby empowered to commit him or her to the House of Correction in the said City or the Liberties thereof, there to be kept to hard Labour for any Space of Time not exceeding Three Calendar Months.

accidentally.

LIV. And be it further enacted, That if any Person or Persons shall carelessly or accidentally break, throw down, or damage any of the said Lamps already hung or set up, or to be hereafter hung or set up as aforesaid, or the Irons or other Furniture thereof, and shall not immediately upon Demand make Satisfaction for the Damage done thereto, then and in every such Case it shall be lawful for any One or more of the Justices of the Peace for the said City, upon Complaint thereof to him or them made by One or more credible Person or Persons, to summon before such Justice or Justices the Party or Parties who shall be complained of for doing such Damage as aforesaid; and upon hearing the Allegations and Proofs on both Sides, or Nonappearance of the Party or Parties so complained of, to award such Sum or Sums of Money as the Damage to be proved shall amount unto; and in case of Refusal or Neglect to pay any of the Sums of Money so awarded, within Five Days after Demand, to cause the same to be recovered in such Manner as Fines, Penalties, and Forfeitures are by this Act directed to be recovered.

Lamps, &c. vested in the Commissioners.

LV. And be it further enacted, That the Property of the said Lamps, Iron, Timber, Furniture, and all other Materials and Things which are or shall be made use of for the Purposes of cleansing or lighting the said Squares, Streets, and Places as aforesaid, shall be and the same are hereby vested in the said Commissioners for the Time being, and they are hereby authorized and empowered 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 the preferring of any Indictment or Indictments against any Person or Persons who shall steal, take, or carry away any or any Part of such Materials or Things, and to state and lay the same to be the Property of the Commissioners under this Act; and if any Person or Persons shall wilfully or maliciously break down, destroy, or otherwise damage or spoil any of the said Materials or Things, or any of the Works done in pursuance of the said recited Act or of this Act, or any Part or Parts thereof, every Person so offending therein, and being thereof convicted by One or more Witness or Witnesses, before any Justice or Justices of the Peace for the said City, shall (except otherwise herein provided for) for every such Offence respectively, forfeit any Sum not exceeding Forty Shillings; and the said Commissioners, or any Five or more of them, are hereby fully empowered and authorized to sell and dispose of all or any Part of the old and useless Materials to such Person or Persons as shall be willing to purchase the same; and the Money arising therefrom shall be applied to such and the same Purposes as the Money arising from the Rates and Assessments are in and by this Act directed to be made and applied.

Commissioners may contract for cleansing, lighting, &c.

LVI. And be it further enacted, That the said Commissioners may contract, and they are hereby empowered from Time to Time, at any of their Meetings, to contract with any fit Person or Persons for cleansing and lighting all or any of the said Squares, Streets, Lanes, Ways, Pas-

sages, and Places within the said City or Liberties or Precincts; and also for watering all or any of the said Squares, Streets, Lanes, Ways, Passages, and Places; and also to employ under them in the respective Works aforesaid, such and so many Artificers, Labourers, Carters, and others, whom they shall judge necessary for the due Execution of the said Works respectively: Provided always, that previous to the making of any Contract as aforesaid Ten Days Notice thereof shall be given by Advertisement in some public Newspaper or Newspapers; and such Notice shall also be fixed upon every Parish Church Door within the said City and Liberties, expressing the End of the intended Contract, in order that any Person or Persons willing to engage therein may make Proposals to the said Commissioners at a certain Time and Place in each Notice to be specified; and all Contracts made or to be made in consequence of such Notice 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 completed, together with the Penalties to be incurred in case of the Non-performance thereof; and the same shall be signed by the said Commissioners, or any Five or more of them, as also by the Person or Persons contracting to perform such Works respectively.

Notice to be given of Intention to make Contracts.

LVII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, or any Five or more of them, from Time to Time, and at all Times hereafter, to compound and agree with any Person or Persons against whom such Commissioners 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, Bond or Bonds, or other Security or Securities, made and entered into in pursuance of this Act, or on account of any Breach or Non-performance of any such Contract or Contracts, Bond or Bonds, or other Security or Securities, for such Sum or Sums of Money as they shall think proper.

Commissioners may compound with Persons for Breach of Contract, &c.

LVIII. And be it further enacted, That it shall be lawful for the said Commissioners, or any Five or more of them, and they are hereby empowered and required, at any of their public Meetings to be held in pursuance of this Act, to order and appoint such a Number of Watchmen and Night Constables as they shall judge necessary, to be kept within the said City, Liberties, and Precincts, for One Year commencing from the Day next ensuing the said Order; and shall also order and direct what Number of Watchmen and Constables shall attend every Night within the said City, Liberties, and Precincts thereof, and how such Watchmen shall be armed; and shall also order and appoint, in Writing, at what Stands and Places it is fit such Watchmen should be placed, how long they are to watch, and how often it shall be required to go their Rounds; and the said Commissioners shall further order and direct what Wages and Allowances shall be given to the said Watchmen and Night Constables for their Attendance; and if any of the said Watchmen so by them appointed shall be negligent in his or their Duty, or guilty of any Misbehaviour, then the said Commissioners shall or may from Time to Time remove any Watchmen so negligent or guilty as aforesaid, and nominate and appoint any One or more fit Person or Persons in the room of him or them so removed, or in the room of any Watchmen who

Commissioners to establish a regular Watch.

who shall die within the Time for which they shall be appointed to serve; and the said Commissioners are hereby empowered to make such further Orders and Regulations from Time to Time, for the better Government and Direction of the said Watchmen and Night Constables, as the Nature of each particular Service shall appear to them respectively to require.

Regulations for the Watchmen to be delivered to the Night Constables; who may apprehend Nightwalkers.

LIX. And be it further enacted, That a true Copy or Transcript, as well of all the Orders and Regulations, as of all such Nominations, Appointments, Orders, and Regulations, as shall be so made from Time to Time as aforesaid, for the better Direction and Government of the said Watchmen, shall be fairly written and signed by the said Commissioners, or any Five or more of them, and shall be printed and delivered to all and every the Night Constables of the said City, Liberties, and Precincts; and the said Night Constable or Night Constables shall in their several Turns or Courses of Watching use his and their best Endeavours to prevent Fires, Murders, Burglaries, Robberies, and other Outrages and Disorders; and to that end the said Night Constables, or in their Absence the said Watchmen, or any of them, shall and may and they are hereby empowered and required to apprehend all Nightwalkers, Malefactors, and suspected Persons who shall be found wandering or misbehaving themselves; and the said Watchmen shall take the Person or Persons who shall be by them so apprehended as soon as conveniently may be to the Constable of the Night, and the said Night Constable shall as soon as conveniently may be take such Persons as shall be apprehended by them or delivered to them by the said Watchmen as aforesaid before One or more Justice or Justices of the Peace of and for the said City, to be examined and dealt with according to Law; and shall Twice or oftener at convenient Times in every Night go about the said City and Liberties, and Precincts thereof, and take notice whether all the Watchmen perform their Duties in their several Stations, according to such Orders and Regulations as shall have been made for that Purpose by the said Commissioners or any Five or more of them; and in case any such Watchman shall misbehave himself or neglect his Duty, the said Night Constables, or One of them, as soon as conveniently may be, shall give Notice thereof to the said Commissioners, to the end that they may be forthwith summoned for the Examination and Punishment of such Offence.

Penalty on Beadles and others neglecting their Duty.

Transactions and Occurrences in the Night to be entered in a Book, and produced to the Mayor, &c. every Morning, and to the Commissioners at their public Meetings.

LX. And be it further enacted, That the Constable of the Night, or any other Officer for the Time being, appointed or to be appointed for the Purposes of this Act to keep Watch and Ward within the said City and Liberties thereof is hereby directed and required to keep a Book, and make Entries therein of every Transaction or Occurrence which may happen during the Time the Watch shall be set, and which shall or may in any Manner tend to Riot, Disorder, or Breach of the Peace; and shall every Morning before the Hour of Eleven in the Forenoon produce the said Book for the Inspection and Perusal of the Mayor, or any of the Justices of the Peace within the said City, and to the Commissioners at their public Meetings; and if any such Constable or other Officer shall neglect or refuse to make such Entry or Entries of any such Transactions or Occurrences, or shall not make a true, correct, and faithful Entry of such

Transactions or Occurrences, or shall not produce the said Book every Morning before the Hour aforesaid, and at every public Meeting of the said Commissioners, then the said Constable or other Officer shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds; and shall also, if the said Commissioners, or any Five or more of them, shall think proper, be immediately discharged from his or their Office or Employment, notwithstanding such Constable or other Officer may be serving under any verbal or written Contract or Agreement for any Time then unexpired.

Penalty on Constables and Watchmen neglecting their Duty.

LXI. And be it further enacted, That if any of the said Night Constables or Watchmen so appointed shall wilfully neglect to attend any Night in his or their Turn to keep Watch and Ward within the said City, and Liberties and Precincts thereof, or shall not come to keep Watch and Ward at the respective Hours appointed by the said Commissioners for this and their Attendance thereon, or shall depart from or leave keeping Watch and Ward during the respective Hours appointed by the said Commissioners for keeping the same, or shall neglect any Night of his or their watching for the Purposes aforesaid, or shall omit or neglect to apprehend or arrest any Nightwalkers, Malefactors, or suspected Persons, who shall be found or seen wandering in the Streets, or who shall misbehave themselves, or shall otherwise misbehave himself or themselves against the Duty prescribed to them by this Act, then and in such and every of the said Cases the Person or Persons so offending shall respectively forfeit and pay any Sum not exceeding Twenty Shillings.

Penalty on Beadles and others neglecting their Duty.

LXII. And be it further enacted, That if any Watchman, Beadle, Constable, or other Officer or Person employed by the said Commissioners or any of them shall not observe, perform, and keep the Orders, Rules, and Regulations which shall be made by the said Commissioners, or any Five or more of them, for the Purposes of this Act, or shall in any Manner neglect his Duty and misbehave himself; or if any Labourer or Servant employed by any such Officer or Person in the Performance or Execution of any Matter or Thing relating to this Act shall in any Manner misbehave himself, every Person so offending shall, on Conviction thereof before any Justice of the said City, upon the Oath of any Person (which Oath the said Justice is hereby authorized and required to administer), forfeit and pay for every such Neglect or Offence any Sum not exceeding Ten Shillings; and also every such Watchman, Beadle, Constable, or other Officer or Person employed by the said Commissioners as aforesaid shall, if the said Commissioners, or any Five or more of them, shall think proper, be immediately discharged from his or their respective Office or Employment, notwithstanding such Person, at the Time of committing the Offence, is serving the said Commissioners, or acting under any verbal or written Contract or Agreement with them for any Time then unexpired.

Penalty on Publicans harbouring Watchmen during their Hours of Duty.

LXIII. And be it further enacted, That if any Victualler, Publican, or other Person selling Spirituous or other Liquors, shall entertain, without sufficient Cause assigned, or harbour in his, her, or their House, Habitation, or other Place, any Watchman or Constable, during any of the Hours or

or Times appointed for such Watchman or Constable to be on Duty, in virtue or in pursuance of this Act, then every such Victualler, Publican, or other Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Rate to be made.

LXIV. And be it further enacted, That it shall be lawful for the said Commissioners under this Act, or any Five or more of them, and they are hereby required, immediately after the passing of this Act, and Twice in each Year thereafter, or oftener, in case it shall be deemed necessary by the said Commissioners, to make and assess upon all and every the Lands, Houses, Shops, Warehouses, Cellars, Vaults, or other Tenements within the said City and Liberties, and Precincts, and Parishes and Places, in such competent Sum and Sums of Money as the said Commissioners, or any Five or more of them, shall yearly and every Year order and direct, so as such Rates and Assessments do not exceed in the Whole the Sum of One Shilling in the Pound in any one Year of the yearly Rent or Value of such Lands, Houses, Shops, Warehouses, Cellars, Vaults, or Tenements;

To whom to be paid.

and the several Rates or Sums of Money hereby granted shall be payable and paid to such Collector or Collectors, or other Person or Persons as are already appointed, or who shall or may by virtue of this Act be appointed to collect and receive the same, by all and every such Persons and Person as are or is hereby made liable to be rated or assessed for the Purposes of this Act.

Tenants to pay Rates, and to be allowed the Proportion paid for the Owners.

LXV. And be it further enacted, That all and every Tenant and Tenants, Occupier or Occupiers of Lands, Houses, Shops, Warehouses, Cellars, Vaults, or other Tenements, are and shall be liable to pay the Whole of such Rates to the Collector or Collectors appointed or to be appointed for the Purposes of this Act; and on Payment thereof such Tenant or Tenants, Occupier or Occupiers, shall be at liberty, and is and are hereby authorized, to deduct and retain out of his, her, or their Rent or Rents such Proportion of such Rates as he, she, or they shall respectively pay on account of the several Owners, Proprietor or Proprietors of such Lands, Houses, Shops, Warehouses, Cellars, Vaults, or other Tenements; and shall be hereby saved and kept harmless from any further Payment of any such Rate or Rates to any Person or Persons to whom any such Rent or Rents should or ought to be paid; provided that no Person shall be liable to pay any Rate unless the Receipt for the same shall express for how much in the Pound such Rate or Assessment shall have been made.

For assessing Houses let to different Tenants.

LXVI. And be it further enacted, That it shall be lawful for the said Commissioners, or any Five or more of them, from Time to Time and at all Times when any Rate or Assessment is proposed or intended to be made in pursuance of this Act, to rate and assess the Owner or Owners, Proprietor or Proprietors, Landlord or Landlords of any Houses or Tenements within the said City, Liberties and Precincts, Streets, Squares, Parades, Terraces, Lanes, Alleys, Courts, Ways, Passages, or Places, as shall be let out in Lodgings or Tenements to or occupied by Two or more Tenants; and such Rate or Assessment shall be payable and paid by the Occupier or Occupiers of any

any Part or Parts of such Houses or Tenements; and such Occupier or Occupiers of any Part or Parts of such Houses or Tenements is and are hereby made liable to the Payment of all and every such Rates and Rate, and is and are hereby authorized and required to pay such Sum and Sums of Money as shall be so rated and assessed upon the Owner or Owners, Proprietor or Proprietors, Landlord or Landlords thereof, being duly demanded of such Occupier or Occupiers, and to deduct the same out of his, her, or their respective Rents; and the Owner or Owners, Proprietor or Proprietors, Landlord or Landlords of such Houses or Tenements is and are hereby directed and required to allow such Deductions and Payments upon the Receipt of the Residue of his, her, or their Rent; and every such Occupier, paying such Assessment or Assessments, shall be acquitted and discharged for so much of his or her Rent as the said Assessment or Assessments so paid by him or her shall amount unto, as fully as if the same had been actually paid to the Person or Persons to whom his or her Rent shall be due and payable; and in case any Occupier or Occupiers shall refuse to pay the same to the Collector or Collectors for the Space of Six Days after personal Demand thereof, or in Writing left at his, her, or their said Dwelling House or Apartments, it shall be lawful for One or more Justice or Justices of the Peace for the said City of *Bath*, upon Oath (which Oath he or they are hereby authorized and required to administer) of any such Demand and Non-payment, immediately thereupon, by Warrant under his or their Hand and Seal or Hands and Seals, which he and they are hereby empowered, directed, and required to grant, to authorize and direct the said Collector or Collectors respectively to levy as soon as may be such Rate or Money so in arrear, or refused or neglected to be paid, together with the Costs attending the same, by Distress and Sale of the Goods and Chattels of such Person or Persons so neglecting, refusing, or omitting to pay the same, rendering the Overplus (if any such shall be) to the Owner or Owners of such Goods and Chattels; but no such Occupier or Occupiers shall at any Time be required to pay or be subject or liable to pay any greater Sum for or towards the Discharge of any such Rate or Rates, or any Arrear thereof, than the Amount of the Rent actually due or payable by such Occupier or Occupiers to such Owner or Owners, Proprietor or Proprietors, Landlord or Landlords; provided that it shall be lawful for the said Commissioners, or any Five or more of them, by and with the Consent of Two Justices of the Peace of and for the said City of *Bath*, to excuse and relieve any Person or Persons, on account of his or her Poverty, from the Payment of his, her, or their Rate or Rates, so as such Person or Persons do not occupy any House, Building, Land, or Tenement of the Yearly Rent or Value of Fifteen Pounds within the said City of *Bath*, or the Liberties or Precincts thereof, and in respect whereof such Rate or Rates shall or may be rated or assessed.

Rates may be amended.

LXVII. And be it further enacted, That all Rates and Assessments to be made, laid, and assessed by virtue and in pursuance of this Act shall be allowed and signed by the said Commissioners, or any Five or more of them, and it shall be lawful for the said Commissioners, or any Five or more of them, from Time to Time, and without vitiating or making void the

the whole Rates or Assessments, to amend any such Rates or Assessments, by inserting the Name or Names of any Person or Persons who ought to have been rated, or to increase the Sum he or she is rated at, or by striking out the Name or Names of any Person or Persons who ought not to have been rated, or to lessen the Sum any such Person or Persons is or are rated at; and the said Rates and Assessments, after they are so made, altered, corrected, and confirmed by the said Commissioners, or any Five or more of them, shall be collected and received as soon as may be by such Collector or Collectors, or other Person or Persons already appointed, or to be appointed for the Purposes of this Act, from the Person or Persons respectively on whom the same shall be respectively rated, charged, and assessed.

Application to be made to the Commissioners for Relief, on account of any Rate, &c.

LXVIII. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Rate or Assessment, Rates or Assessments, which shall be made in pursuance of this Act, such Person or Persons shall or may first apply for Relief to the Commissioners at the First or Second Meeting to be holden next after Demand shall be made of such Rate or Assessment; and the Commissioners are hereby authorized and empowered, if they shall think the Person or Persons aggrieved, to give such Relief in the Premises as to them shall seem reasonable; and if any Person or Persons so applying to such Commissioners shall not be satisfied with their Order or Determination, or such Application shall not be attended to by the Commissioners at such First or Second Meeting as aforesaid, then such Person or Persons shall nevertheless be obliged to pay such Rate, and then, and not before, may appeal in the Manner herein-after mentioned to the General Quarter Sessions of the Peace to be holden in and for the said County of *Somerset* or the said City of *Bath*, for Relief in the Premises; but it shall not be lawful for such Justices to quash or alter the whole Rate, but only so far as respects the Individual complaining, unless the Justices shall be of opinion that it is necessary for the Purpose of giving such Relief to the Person or Persons so appealing that the Rate should be wholly quashed, and then and in such Case it shall and may be lawful to and for such Court to quash the whole Rate.

Rate how recoverable.

LXIX. And be it further enacted, That if any Person or Persons shall neglect or refuse to pay the Sum or Sums of Money on him, her, or them rated and assessed by virtue of this Act, for the Purposes hereof, for the Space of Five Days after personal Demand thereof, or Demand in Writing left at the Place of Abode or Occupation of such Person or Persons so rated or assessed, and neglecting or refusing to pay such Rate or Rates, Assessment or Assessments, that then and in every such Case it shall and may be lawful to and for such Collector or Collectors appointed to receive the said Rates or Assessments (by Warrant or Warrants under the Hands and Seals of One or more Justice or Justices of the Peace for the said City, which Warrant or Warrants any One or more of the said Justices is and are hereby authorized and required to grant), by and with the Assistance of a Constable or Tythingman of the said City, who is hereby required to be aiding and assisting to such Collector or Collectors, to enter into any Part of the Premises within the said City and Liberties, Parishes or Places, occupied by

Persons quitting their Houses may be distrained elsewhere.

the Person or Persons so neglecting or refusing to pay such Rate or Rates, Assessment or Assessments, and to distrain his, her, or their Goods and Chattels; and if the Monies shall not be paid within Five Days after such Distress made, together with the Costs and Charges of taking and keeping such Distress, then to sell so much and such Part thereof as will be sufficient to pay the said Rate or Rates, Assessment or Assessments, together with all Costs and Charges of making such Distress, and of keeping and selling the same, returning the Overplus (if any) to the said Owner or Owners of such Goods and Chattels.

Commissioners may sue in the Name of the Clerk.

LXX. Provided always, and be it further enacted, That the said Commissioners, or any Five or more of them, shall and may, if they shall think proper, sue in the Name or Names of their Clerk or Clerks for the Time being for all or any of the Rate or Rates, Assessment or Assessments which have been or shall be made by virtue of the said recited Act or of this Act, or for the Recovery of any Penalty or Sum of Money due or payable by virtue of the said recited Act or of this Act, or for or in respect of any other Matter or Thing relating thereto in any of His Majesty's Courts of Record at *Westminster*, to be commenced by and in the Name or Names of such Clerk or Clerks; in which Action or Suit no Essoign, Protection, or Wager of Law, or more than One Imparlance, shall be allowed; and that the said Commissioners shall and may be sued in the Name or Names of the said Clerk or Clerks; and that no Action or Suit which may be brought, commenced, or prosecuted by or against such Commissioners, or any of them, by virtue or on account of the said recited Act or of this Act, in the Name or Names of the said Clerk or Clerks, shall abate or be discontinued by the Death, Suspension, or Removal of such Clerk or Clerks, or by any Act or Default of such Clerk or Clerks done or suffered without the Consent or Direction of the Commissioners for the Time being; but the Clerk or Clerks to the Commissioners for the Time being shall always be deemed Plaintiff or Plaintiffs, Defendant or Defendants in every such Action or Suit (as the Case may be): Provided always, that every such Clerk or Clerks in whose Name or Names any Action or Suit shall be commenced, prosecuted, or defended, in pursuance of the said recited Act or of this Act, shall always be reimbursed and paid, out of the Monies to arise by virtue of this Act, all such reasonable Costs, Charges, and Expences as he or they shall be put to or become chargeable with by reason of his or their being so made Plaintiff or Plaintiffs, Defendant or Defendants therein.

Persons quitting their Houses may be distrained elsewhere.

LXXI. And be it further enacted, That when any Person or Persons who hath or have been rated or assessed shall quit his, her, or their Dwelling House, Warehouse, Shop, Vault, Cellar, or Tenement in the Parish or Place whereon such Rate or Rates, Assessment or Assessments hath or have been 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, that then and in every such Case it shall and may be lawful to and for the said Collector or Collectors, and any One of them, by Warrant obtained under the Hands and Seals of any One or more Justice or Justices of the Peace of the said City of *Bath* (which Warrant the said Justice or

Justices

Justices is and are hereby authorized and required to grant), in any Place within the said City, Liberties, or Precincts, and such Warrant being afterwards backed or countersigned by some Magistrate in the County where the Goods of the Person or Persons who shall so neglect or refuse to pay shall happen to be, or where such Person or Persons shall reside, to distrain the Goods and Chattels of such Person or Persons so neglecting or refusing, and the same to sell, rendering the Overplus (if any such shall be), after having deducted the reasonable Charges and Expences of such Distress, to the Owner of such Goods and Chattels demanding the same.

In case Tenants remove, &c. Rates may be apportioned.

LXXII. And be it further enacted, That where any Person or Persons shall come into or occupy any House, Land, or Tenement out of or from which any other Person assessed shall be removed, or which at the Time of making such Rate was empty or unoccupied, that then every Person so removing from, and every Person so coming into or occupying the same, shall be liable to pay such Rate in proportion to the Time that such Person occupied the same respectively, in the same Manner as if such Person so removing had not removed, or such Person so coming in or occupying had been originally rated and assessed in such Rate or Assessment, which said Proportion, in case of Dispute, shall be ascertained and apportioned by the said Commissioners, or any Five or more of them.

Arrears of Rates made by virtue of the former Act may be recovered.

LXXIII. And be it further enacted, That the several Powers, Remedies, and Means herein contained for recovering and obtaining Payment of the Rates and Assessments made by virtue of this Act shall extend to and be made use of for recovering and obtaining Payment of the Rates and Assessments made by virtue of the said recited Act, or any Sum or Sums of Money which at the Time of passing this Act shall or may be due or in arrear, as well for Rates as for pitching and paving, or otherwise howsoever.

Contracts between Landlords and Tenants to continue as before.

LXXIV. Provided always, and be it further enacted, That nothing in this Act contained shall be deemed or taken to make void any Contract, Covenant, or Agreement between Landlord and Tenant touching or concerning the pitching, paving, repairing, lighting, cleansing, or watching any or any Part of the said Squares, Streets, or other Places, or either of them; but that every Person who is now or hereafter shall be, by virtue of any such Contract or Agreement, obliged to pitch and pave and keep in repair, cleanse or light or watch, any Part of the said Squares, Streets, or other Places, or either of them, shall continue to pitch and pave or keep in repair as aforesaid, and shall also, in lieu of cleansing, lighting, or watching as aforesaid, be obliged to pay the Rates or Assessments hereby directed to be made and assessed, or so much thereof as shall be by the said Commissioners deemed 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 Agreement the said Commissioners shall have Power finally to hear and determine the same.

LXXV. And

Application of Monies vested in Commissioners; and the Treasurer to pay the same as Commissioners direct.

LXXV. And be it further enacted, That all the Monies raised or to be raised by the said Rates and Assessments to be made and levied by virtue of this Act for the Purposes of cleansing and lighting the Squares, Streets, Lanes, and other Places aforesaid within the said City, Liberties, and Precincts, and for keeping a sufficient and well-regulated Watch in the Night-time within the same, and for removing and preventing Obstructions and Annoyances therein, and for watering the same, and all other Monies which shall come to the Hands of the said Commissioners by virtue of this Act, shall be and the same are hereby vested in the said Commissioners, and shall by them be applied to the Purposes of this Act only; and the Treasurer for the Time being to the Commissioners shall and is hereby authorized and required to pay and apply all such Monies as he or they shall respectively receive by virtue hereof to such Person or Persons, and in such Manner, and at such Time and Times as the Commissioners shall from Time to Time by any Order or Orders under their Hands direct and appoint; and the Commissioners are hereby empowered to make such Order or Orders accordingly.

Expences of the Act to be paid.

LXXVI. Provided always, and be it further enacted, That all the Costs, Charges, and Expences attending the applying for, obtaining, and passing this Act shall in the first place be paid and discharged by the said Commissioners out of the first Monies to be received or collected by virtue of this Act.

Recovery and Application of Penalties.

LXXVII. And be it further enacted, That all Penalties and Forfeitures for all and every the Offences in this Act mentioned, in relation to which the Manner of convicting the Offenders is not particularly mentioned or directed, shall be adjudged by and recovered before any Justice of the Peace for the said City of *Bath* in a summary Way, by Information upon the Oath of any Person or Persons, or on the Confession of the Party offending (which Oath such Justice is hereby authorized to administer); and that all Penalties and Forfeitures by this Act imposed (the Manner of levying or recovering whereof is not hereby otherwise particularly directed) shall be levied by Distress and Sale of the Offender's Goods and Chattels by Warrant under the Hand and Seal of some Justice of the Peace for the said City, which Warrant such Justice is hereby required and empowered to grant upon Confession of the Party or Parties, or upon the Information of One or more credible Witness or Witnesses upon Oath (which Oath such Justice is hereby required and empowered to administer); and one Moiety or Half Part of the Penalties and Forfeitures, when recovered, after rendering the Overplus (if any), on Demand, to the Party or Parties whose Goods and Chattels shall be so distrained (the Charges of such Distress and Sale being first deducted), shall be paid to the Informer, and the other Moiety or Half Part thereof shall be paid to the Collector to the said Commissioners respectively, or to such other Person or Persons as shall be by them respectively appointed, and shall be applied towards the several Purposes of this Act; and in case sufficient Distress cannot be found, and such Penalties and Forfeitures shall not be paid, it shall and may be lawful for such Justice, and he is hereby authorized and required, by Warrant under his Hand and Seal,

to commit such Offender or Offenders to the Prison of the said City for any Time not exceeding Three Calendar Months; and in all Actions, Informations, Causes, and Proceedings whatsoever, relating to and concerning the Execution of this Act, any Inhabitant within the said City or Liberties or Precincts may and shall be admitted to give Evidence, the Rates and Assessments charged upon any such Inhabitant or Inhabitants by virtue thereof notwithstanding.

Inhabitants may be Evidence.

LXXVIII. And be it further enacted, That no Commissioner who is or shall be a Justice of the Peace shall be incompetent to act as a Justice of the Peace in any Case relating to this Act (except with regard to such Matters or Things wherein he shall be individually concerned) by reason of his being a Commissioner of the said City or Liberties.

A Commissioner, being a Justice of the Peace, may act as such.

LXXIX. And be it further enacted, That if any Person or Persons shall be summoned as a Witness or Witnesses to give Evidence before any Justice or Justices of the Peace touching any Matter contained in any Information or Complaint for any Offence against this Act, either on the Part of the Prosecutor or on behalf of the Person or Persons accused, and shall refuse or neglect to appear from Time to Time at the Time and Place to be for that Purpose appointed, without a reasonable Excuse for his, her, or their Refusal or Neglect of appearing, or appearing shall refuse to be examined upon Oath, (or, in case of a Quaker or Quakers, on solemn Affirmation, which Oath or Affirmation such Justice or Justices is and are hereby authorized and required to administer,) and to give Evidence before such Justice or Justices of the Peace, then and in every such Case every such Person shall forfeit and pay for every such Offence not exceeding the Sum of Five Pounds, provided a reasonable Sum shall have been paid or tendered to such Person for Attendance as a Witness.

For compelling the Attendance of Witnesses.

LXXX. And be it further enacted, That if any Witness or Witnesses who shall be examined by or before the said Commissioners or any Justice of the Peace under this Act, upon Oath, or in case of a Quaker or Quakers on solemn Affirmation, shall wilfully and corruptly give false Evidence, and shall be thereof convicted, he, she, or they so giving false Evidence shall be subject to the Pains and Penalties inflicted on Persons guilty of wilful and corrupt Perjury.

Persons giving false Evidence to be punished for Perjury.

LXXXI. And be it further enacted, That in all Cases of Notices and Summonses directed or required to be given or served by this Act which shall or may be necessary for carrying into Execution any of the Powers of this Act, the Service of any such Notice or Summonses, either on the Person or Persons on whom the same ought to be given, or leaving the same, or a true Copy thereof, at his, her, or their Dwelling House or usual or last Place of Abode, shall be good and sufficient Service of any and every such Notices or Summonses; and that in all Cases whatsoever where any such Notices or Summonses ought to be given to Two or more Persons for or respecting the joint Act or Omission of any such Person

Directing the Manner of serving Notices.

or Persons, whether the said Person or Persons be in Partnership in Trade or otherwise jointly concerned in any such Act or Omission, the like Service of any such Notices or Summonses on any one such Partner or Partners, Person or Persons, shall be and is hereby declared to be as good and sufficient Service thereof as if the same had been served on both or all such Persons.

Proceedings to be within Three Calendar Months.

LXXXII. And be it further enacted, That no Person or Persons shall be subject or liable to the Payment of any of the Penalties or Forfeitures inflicted by virtue of this Act for any Offence or Offences against this Act, unless some Proceeding, or Notice of some intended Proceeding, shall be had or given, according to the Direction of this Act respecting such Offence or Offences, within Three Calendar Months next after such Offence committed.

Offenders.

LXXXIII. And for the more easy Conviction of Offenders against this Act, be it further enacted, That a Conviction in the Form or to the Effect following shall be good, without alleging more than the Substance of the Offence; (*videlicet,*)

Form of Conviction.

'City of Bath in the County of Somerset, to wit.' } BE it remembered, That on the Day of in the Year of the Reign of His Majesty King One thousand eight hundred is [*or* are] convicted before me *or* us, *as the Case shall be,*] One [*or* Two, *as the Case shall be,*] of His Majesty's Justices of the Peace for the said City of *Bath*, by virtue of an Act of Parliament passed in the Fifty-fourth Year of the Reign of His Majesty King *George* the Third, intituled [*here insert the Title of this Act*] of having [*specifying the Offence, and the Time and Place where and when the same was committed, as the Case shall be,*] contrary to the said Act, for which Offence I [*or* we, *as the Case shall be,*] doth [*or* do] adjudge the said to have forfeited the said Sum of Given under my Hand and Seal [*or* our, *as the Case shall be*, Hands and Seals,] the Day and Year first above written.'

Distress not to be deemed unlawful for Want of Form.

LXXXIV. And be it further enacted, That when any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Defect or Want of Form in the Summons, Conviction, Warrant, of Distress, or other Proceedings relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers (*ab initio*) on account of any Irregularity which shall be afterwards done or committed by the Party or Parties distraining, but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damage in an Action upon the Case; but no Plaintiff or Plaintiffs shall recover in any Action for any such Irregularity or other Proceedings unless Notice in Writing shall be given to the Clerk to the Commissioners for the Time being, in case of such Action or Suit having been brought against the said Commissioners, or any Person or Persons acting under them, and also

also to the Town Clerk, or his Deputy or Deputies, of the said City of *Bath*, for the Time being, in case of such Action or Suit having been brought against any Justice or Justices of the said City of *Bath*, or any Person or Persons acting under him or them, Thirty Days before such Action shall be brought or commenced, of such intended Action for such Irregularity, by the Attorney for the Plaintiff, specifying the Cause of Action; nor shall the Plaintiff or Plaintiffs recover in such Action if Tender of sufficient Amends shall be made by or on behalf of the Party or Parties who shall have committed or caused to have been committed any such Irregularity or wrongful Proceedings before such Action shall have been brought; and in case no such Tender shall have been made it shall be lawful for the Defendant or Defendants in any such Action, by Leave of the Court in which such Action shall depend, at any Time before Issue joined, to pay into such Court such Sum of Money as he or they shall see fit, whereupon such Proceedings or Orders and Judgments shall be had and made or given in and by such Court as in other Actions where the Defendant is allowed to pay Money into Court.

Proceedings not to be quashed for Want of Form.

LXXXV. And be it further enacted, That no Proceedings to be had and taken in pursuance of this Act shall be made void, quashed, or vacated for Want of Form, or be removed by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere, any Law or Statute to the contrary notwithstanding.

Limitation of Actions.

LXXXVI. And be it further enacted, That no Action, Suit, or Information shall be commenced against any Person or Persons for any thing done or to be done in pursuance of this Act, or of the Orders and Directions herein-before given and granted, or in Execution of the Powers and Authorities thereof, until Thirty Days Notice thereof shall have been first given in Writing to the Person or Persons against whom such Action is intended to be brought, signed by the intended Plaintiff or Plaintiffs, of the Cause and Intention of and for commencing such Action or Suit, and the Time when such Action or Suit will be commenced, nor at any Time whatsoever after sufficient Satisfaction, or Tender thereof, shall have been made to the Party or Parties aggrieved, nor after Three Calendar Months next after the Fact committed for which such Action or Actions, Suit or Suits, shall be so brought; and all such Actions and Suits shall be laid and tried in the County of *Somerset*, and not in any other County or Place; and the Defendant or Defendants in every such Action or Suit may plead the General Issue, and give this Act and the special Matter in Evidence, at any Trial or Trials which shall be had thereupon, and that the Matter or Thing for which such Action or Actions, Suit or Suits, shall be so brought, was done in pursuance and by the Authority of this Act; and if the said Matter or Thing shall appear to have been so done, or if it shall happen that such Action or Suit was brought before Thirty Days Notice thereof given as aforesaid, or that sufficient Satisfaction was made or tendered as aforesaid, or if any such Action or Suit shall not be commenced within the Time herein-before for that Purpose limited, or shall be laid or brought in any other County or

General Issue.

Place

Place than as aforesaid, then the Jury shall find for the Defendant or Defendants therein; and also, if the Plaintiff or Plaintiffs shall become nonsuited, or suffer a Discontinuance of such Action or Actions or Judgment after the Defendant or Defendants shall have appeared thereto, or if Judgment shall be given for the Defendant or Defendants therein, or if any Verdict shall pass against the Plaintiff or Plaintiffs, or if upon Demurrer or otherwise Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have Double Costs, and shall have such Remedy for recovering the same as any Defendant or Defendants hath or may have for his, her, or their Costs in any other Cases of Law.

Persons aggrieved may appeal to the Sessions.

LXXXVII. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Rate or Assessment to be laid or assessed, or by any other Order or Judgment made or given or any other Matter or Thing done in pursuance of this Act, such Person or Persons shall and may, within Two Calendar Months next after the Cause of Complaint shall have arisen, under or from any Act or Acts made or done by the Commissioners, or any Justice or Justices acting in and for the said City of *Bath*, appeal to the Justices of the Peace at the General Quarter Sessions of the Peace to be holden in and for the said County of *Somerset*, or any Adjournment thereof, or to the Mayor and Justices of the said City of *Bath* at the General Quarter Sessions of the Peace to be holden in and for the said City of *Bath*, or any Adjournment thereof (at which last-mentioned Sessions there shall not be less than Five Justices present) such Appellant in such Case first giving or causing to be given Fourteen Days Notice at least in Writing of his, her, or their Intention to bring such Appeal, and of the Matter thereof, to the Clerk for the Time being to the Commissioners, in case such Appeal is from any Act or Acts made or done by the Commissioners, or any Justice or Justices acting in and for the said City of *Bath* for the Time being, or to the Person or Persons who is or are intended to be or may be affected by such Appeal, and within Fourteen Days after such Notice entering into a Recognizance before some Justice of the Peace for the said County of *Somerset* or City of *Bath*, as the Case of such Appeal shall be, with Two sufficient Sureties, conditioned to try such Appeal, and to abide such Order as shall be made, and to pay such Costs as shall be awarded by the Justices at such Quarter Sessions for the County of *Somerset* or City of *Bath*, according as such Appeal may be, or at any Adjournment thereof; and such Justices shall and may summon the Witnesses, both on the Part of the Appellant and Respondent, to appear at such Sessions; and upon due Proof of Notice having been given, and of entering into Recognizances as aforesaid, shall hear and finally determine the Causes and Matters of such Appeal in a summary Way, and shall award such Restitution, Damages, and Costs to the Party or Parties appealing or prosecuting such Appeal, or such Costs, Charges, and Expences to the Respondent or Party or Parties defending such Appeal, as the said Justices shall think proper; and the Determination of the said Justices at such Sessions or Adjournment shall be final, binding, and conclusive, to all Intents and Purposes.

Public Act.

LXXXVIII. And be it further enacted, That this Act shall be deemed and taken to be a Public Act; and shall be judicially taken notice of as such by all Judges, Justices, and others, without being specially pleaded.

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