ANNO SEPTIMO & OCTAVO

GEORGII IV. REGIS.

****

Cap. lxxxvi.

An Act for watching, regulating, and improving the City of *Carlisle* and the Suburbs thereof.

[14th *June* 1827.]

WHEREAS the City of *Carlisle* and the Suburbs thereof have of late Years, from an increased Trade and from Manufactures, become very large and populous, and the said Suburbs are without the Liberties of the said City, and it would tend greatly to the personal Comfort as well of the Inhabitants of she said City and Suburbs, as also of all other Persons resorting to and travelling through the same, if the Streets and other public Places within the said City and Suburbs were more effectually regulated and watched, and for this Purpose it is expedient that one and the same Establishment should extend over the said City and the Suburbs thereof; but as the same cannot be effected without the Aid and Authority of Parliament, May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Mayor, Recorder, and Aldermen of the said City respectively, occupying any Dwelling House within the said City, or within Three Miles thereof, and the Dean and Prebendaries of the Cathedral Church of *Carlisle*, together with Fifty Persons to be elected as herein-after mentioned, shall

Commissioners for carrying Act into Execution.

shall be and they are hereby appointed Commissioners for carrying this Act into Execution.

Qualification of Commissioners.

II. And be it further enacted, That no Person shall be chosen a Commissioner for putting this Act into Execution, unless he be an Occupier of a Tenement or Tenements, or other Hereditaments, of the clear annual Value of Thirty Pounds, situate within the said City or Suburbs, or an Owner and Occupier in his own Right, or in Right of his Wife, of any Tenement or Tenements, or Hereditaments, of the clear annual Value of Twenty Pounds, situate within the said City or Suburbs, such yearly Value respectively to be computed according to the Assessments for the Relief of the Poor within the said City and Suburbs; and all Persons in the actual Possession or in the Receipt of the Rents and Profits of any Tenement or Tenements or Hereditaments, being Leasehold for one or more Life or Lives, or for any Residue of a Term of Twenty-one Years or upwards dependant on any Life or Lives, or for any Residue of a renewable Term of Twenty-one Years or upwards, shall be deemed Owners thereof within the Meaning of this Act; provided that no Innkeeper, Alehouse Keeper, or Victualler, or any Person holding any Place or Office of Profit, or being any way interested or concerned in any Contract to be made by virtue of this Act, or any Work or Business to be done under the same, shall be eligible or shall act as such Commissioner.

Qualification of Persons entitled to vote for Commissioners.

III. And be it further enacted, That all Male Persons of the Age of Twenty-one Years, being in the Occupation of any Tenements or Hereditaments lying within the said City or Suburbs of the annual Rent of Ten Pounds, to be computed as aforesaid, shall be entitled to vote at Elections of Commissioners; provided that every such Person shall have been actually assessed to the Relief of the Poor for Six Months previous to such Election.

Electing Commissioners by Ballot.

IV. And be it further enacted, That for the Purpose of electing Fifty Persons as Commissioners, that is to say, Sixteen for that Part of the Parish of *Saint Cuthbert* called *Saint Cuthbert Within*, which lies within the Liberties of the said City, Sixteen for that Part of the Parish of *Saint Mary* called *Saint Mary Within*, which lies within the Liberties of the said City, Six for that Part of the said Suburbs called *Botchardgate*, Six for that Part of the said Suburbs called *Rickergate*, and Six for that Part of the said Suburbs called *Caldewgate*, it shall be lawful for the several Persons qualified to vote for the Election of Commissioners in respect of Property lying within each of the above-mentioned Townships or Districts, to assemble on the Second *Thursday* next after the passing of this Act, between the Hours of Nine and Twelve of the Clock in the Forenoon, in the Vestry Rooms of their respective Districts, or at such other Place or Places within the said City or Suburbs where Vestry Meetings are usually held for each of such respective Districts; and a Chairman shall in the first place be appointed by a Majority assembled at every such Vestry Meeting so to be held of each District, and then Three Inspectors of Votes for every such Meeting, and also a Clerk

to take down the Voters Names; and such Inspectors shall then proceed to collect into a Box, which shall be locked and the Key thereof kept by the Chairman, and which shall have a Hole in the Lid sufficient to receive the Ballot or List from each Person qualified and attending personally to vote at such Meeting, containing the Names and Descriptions of any Number of Persons qualified to be elected as Commissioners, not exceeding the Number of such Persons directed to be elected for each respective District represented by such Meeting, and the Clerk shall take down the Name and Description of each Voter as his Ballot is taken by the Inspectors, and also the Property in respect whereof he claims to vote; and on the Day next following after such several Meetings, the Chairman, Inspectors, and Clerk appointed at every such Meeting shall attend at the Moot Hall in the said City, before the Mayor or senior Alderman of the said City, or any One of His Majesty's Justices of the Peace for the County of *Cumberland*, and the said Ballot Box of each such respective Meetings shall then be opened by the Chairman of each Meeting, and the Ballot List shall be opened and examined by the Inspectors, and the Number of Votes shall be ascertained which shall therefrom appear to be given for or in favour of each Person therein named; and the said Mayor, senior Alderman, or Justice, as the Case may be, shall from such Inspection and Return make out a List in Writing of the several Persons therein named, and of the Number of Votes in favour of each of such Persons, and thereupon the several Persons appearing on the Face of such List to have the greatest Number of Votes at the said respective Vestry Meetings, and being respectively duly qualified, shall be Commissioners, along with the said Mayor, Recorder, Aldermen, Dean, and Prebendaries, for executing this Act; and the said Mayor, senior Alderman, or Justice respectively, before whom such Returns of Votes shall be laid, shall thereupon declare, in the Presence of the Chairman, Inspectors, and Clerks of the said respective District Meetings, the Names of each of the Persons as Commissioners upon whom the Choice of the respective District Meetings shall have fallen; and the said Mayor, senior Alderman, or Justice respectively, or his or their Clerk, shall within Three Days after such Returns shall have been made and such Election ascertained, cause to be fixed a List in Writing, containing the Names and Descriptions of the several Persons so elected for each of the Districts within the said City and Suburbs, on the Door of the Moot Hall or on the Market Cross of the said City, for public Inspection, and such Fifty Commissioners shall continue in Office until the First Meeting shall be held of Fifty other Commissioners to be chosen in their Places in manner herein-after mentioned: Provided always, that every Person who shall be assessed in respect of Property to the Amount of Ten Pounds a-year, situate in different Townships or Districts within the said City or Suburbs, shall be entitled to vote in such One of the said Districts as he shall think fit, but not to vote in more than One of the said Districts.

For choosing future Commissioners.

V. And be it further enacted, That on the First *Thursday* in the Month of *June* One thousand eight hundred and thirty, and on the First

First *Thursday* in *June* which will be in every Third following Year, District or Township Meetings within the said City and Suburbs shall be held for electing Persons to be future Commissioners for executing this Act, in the same Manner as is herein-before directed respecting the holding of Meetings for electing the Fifty Commissioners under this Act; and the Appointments of such future Commissioners respectively shall take place in the same Manner as herein-before mentioned in regard to the Appointment of the Fifty Commissioners under this Act; and the First Meeting of the said Commissioners after every new Election shall be held on the last *Thursday* in the Month of *June*.

For supplying Vacancies in Commissioners.

VI. And be it further enacted, That in case any of the Commissioners to be chosen for carrying this Act into Execution by any of the Townships or Districts within the said City and Suburbs, shall die, or become incapable to act, or shall neglect to attend for One whole Year at the Meetings to be held in pursuance of this Act, or shall cease to be qualified, or shall be disqualified to act as a Commissioner or Commissioners in the Execution of this Act as herein-before mentioned, then and in every of the said Cases the Place of such Commissioner or Commissioners is hereby declared to be vacant; and thereupon a new Commissioner or Commissioners shall be chosen in the Place or Stead of the Commissioner or Commissioners so dying, or becoming incapable, or refusing or neglecting to attend, or becoming disqualified as aforesaid, at a Meeting, to be convened as herein-after directed, of the Persons qualified to vote as aforesaid within the District for which such Commissioner or Commissioners shall be so wanting; and for the Purpose of convening such Meeting, the existing or remaining Commissioners for carrying this Act into Execution within such District, or any Nine of them, shall, within Twenty-one Days after such Vacancy or Vacancies shall be ascertained, give Ten Days Notice of the Time and Place of such Meeting, by causing a Copy of such Notice to be affixed on the Door of the Moot Hall, or on the Market Cross of the said City; and in default of such Notice being given by the said remaining Commissioners of the said District, then any Three or more of the Inhabitants of the said District, qualified to vote in the Election of Commissioners within such District, shall and may call such Meeting at any Time within Six Weeks next after such Vacancy or Vacancies shall be known to them, giving such Notice thereof as last aforesaid; and the Election of such new Commissioner or Commissioners shall take place in the same Manner as is herein-before mentioned and provided with respect to the Election of original Commissioners for putting this Act into Execution within the said District; and the Persons qualified to vote in Choice of Commissioners as herein-before mentioned shall then and there proceed to elect a Person or Persons to be a Commissioner or Commissioners to supply such Vacancy or Vacancies, and such Person or Persons so to be elected shall be and continue a Commissioner or Commissioners for so long Time as the Person or Persons in whose Room or Stead he or they shall have been appointed would have continued in Office if he or they had not died,

died, become incapable, or refused or neglected, or become disqualified to act as aforesaid.

Penalty on disqualified Persons acting as Commissioners.

VII. And be it further enacted, That every Person who, not being qualified, or being disqualified as aforesaid, shall act as a Commissioner in the Execution of this Act, shall for every such Offence forfeit the Sum of Fifty Pounds to any Person who shall sue for the same, to be recovered with full Costs of Suit in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, Plaint, or Information, wherein no Essoign, Protection, Wager of Law, nor more than One Imparlance, shall be allowed; and every Person so sued for acting, not being duly qualified, shall prove that he was at the Time of acting qualified, or otherwise shall pay the said Penalty and Costs, without any other Proof being given on the Part of the Plaintiff than that such Person hath acted as a Commissioner in the Execution of this Act; provided that all Acts of any Person acting as a Commissioner in the Execution of this Act, though not duly qualified, done previous to his being so convicted, shall be as valid as if such Person had been duly qualified.

Oath of Commissioners.

VIII. And be it further enacted, That no Person shall be capable of acting as a Commissioner in the Execution of this Act, except in administering the Oath or Affirmation herein-after mentioned, until he shall have taken and subscribed, before any Two or more of the said Commissioners at a Meeting to be holden by virtue of this Act, (who are hereby required and authorized to administer to each other the same,) an Oath or Affirmation in the Words or to the Effect following:

'I *A. B.* do swear, [*or being one of the People called Quakers*, do solemnly declare and affirm,] That I will truly and impartially, 'according to the best of my Skill and Judgment, execute and perform all and every the Powers and Authorities reposed in me by 'virtue of an Act passed in the Eighth Year of the Reign of His 'Majesty King *George* the Fourth, intituled *An Act* [*set forth the 'Title of this Act.*] So help me GOD.'

[*Or being a Quaker omit the Words* 'So help me God.']

Meetings of Commissioners.

IX. And be it further enacted, That the said Commissioners, qualified as aforesaid, or any Nine or more of them, shall meet and assemble at the Moot Hall, or elsewhere in the said City or Suburbs, on the last *Thursday* in the Month of *June* One thousand eight hundred and twenty-seven, between the Hours of Nine and Twelve of the Clock in the Forenoon, and shall proceed to put this Act into Execution; and the said Commissioners shall then and from Time to Time afterwards adjourn themselves, to meet at such Time or Times, and at such proper and convenient Place or Places within the said City or Suburbs, as they or any Nine present at such Meeting shall from Time to Time appoint; and if there shall not appear on the respective Days above-mentioned, or at any other of the said Meetings for that Purpose, a sufficient Number of the said Commissioners

Meetings on Emergencies.

to act and to adjourn to another Day, or if they shall omit or neglect to adjourn, or if there shall be any particular Occasion to hold a Meeting before the Time of Meeting pursuant to any Adjournment, then and in such Case any Nine or more of the said Commissioners shall and may appoint a Meeting to be holden at the Place aforesaid, or at such other Place or Places within the said City and Suburbs at which the Meetings of the said Commissioners shall for the Time being usually be held; and no Act of the said Commissioners shall be valid unless made or done at some Meeting to be held by virtue of this Act, (except the calling of Meetings as aforesaid): Provided always, that no Meeting of the said Commissioners pursuant to this Act, except by Adjournment, subsequent to the First Meeting hereinbefore directed for putting this Act into Execution, shall be held, unless Notice thereof, signed by Nine of the said Commissioners, shall be given in a *Carlisle* Newspaper Four Days before the holding thereof; and that the said Commissioners shall at all their Meetings defray their own Expences; and at every such Meeting One of the said Commissioners, to be appointed by a Majority of the Commissioners present, shall be Chairman, and shall, besides his own Vote, have a casting Vote, in case of an Equality of Voices.

No Order to be rescinded or altered except at a Meeting.

X. And be it further enacted, That no Act, Order, or Proceeding of the said Commissioners, or any of them, shall be made, rescinded, or altered, unless at some Meeting to be holden in pursuance of this Act; and that all Powers and Authorities, Acts and Proceedings, by this Act granted to or vested in the said Commissioners, or authorized or directed to be done by them, shall and may from Time to Time be exercised or transacted by the major Part of them present at their respective Meetings to be holden in pursuance of this Act, except in such Cases wherein the contrary is herein expressly provided, the whole Number present not being less than Nine.

Books of Proceedings to be kept, and be open to Inspection.

XI. And be it further enacted, That the Clerk to the said Commissioners shall cause fair and regular Entries to be made, in a Book or Books to be kept for that Purpose, of all the Acts, Orders, and Proceedings of the said Commissioners relative to the Execution of the said recited Act and of this Act, and the Chairman of every Meeting shall always subscribe his Name at the End of the said Proceedings, and the said Clerk shall enter in the said Book or Books the Names of all the Commissioners who are actually present at any such Meeting; and all Entries in such Book or Books, being signed as aforesaid, shall be deemed original Entries, and shall be allowed to be read as Evidence in all Courts and upon all Occasions whatsoever; and at any of the Meetings of the said Commissioners, and at all the convenient and seasonable Times to be directed by the said Commissioners, such Book or Books shall be open to the Inspection of all and every the said Commissioners, and all and every other Person and Persons who shall be rated and assessed for the Purposes of this Act, without any Fee or Reward.

Commissioners to elect a Trea-

XII. And be it further enacted, That it shall and may be lawful for the said Commissioners from Time to Time, at the first or any

other of their Meetings to be held in pursuance of this Act, to elect and appoint a Treasurer, a Clerk or Clerks, and also all other necessary Officers and Persons for the Execution of this Act, either annually or in any other Manner, as the said Commissioners shall think proper, and from Time to Time to remove and displace all or any of such Officers as they shall see Occasion, and to elect and appoint others in the Room or Place of such of them as shall be so removed, or shall die, or shall resign their Offices; also, that it shall and may be lawful for the said Commissioners, at any of their Meetings to be held in pursuance of this Act, from Time to Time, by and out of the Monies to be raised or received by virtue of this Act, to pay such Wages and Salaries, and make such Allowances to the said Officers, and to all such other Persons to be employed in or about the Execution of this Act, as the said Commissioners shall think reasonable and proper; and they shall require and take such Security from every such Treasurer and other Officer so to be appointed, for the Execution of their respective Offices, as they the said Commissioners may think proper.

Surer, Clerk, and other Officers, and take Security from them.

XIII. Provided always, and be it further enacted, That after the First Meeting of the said Commissioners no new Officer shall be appointed, unless Seven clear Days Notice shall have been given, specifying the Intention of proposing the Appointment of such an Officer, in the like Manner as is herein-before directed for calling Meetings on Emergencies.

Notice of Intention to appoint new Officers to be given.

XIV. And be it further enacted, That the said Commissioners shall and they are hereby required from Time to Time and at all Times to order and direct a Book or Books to be provided and kept by their Clerk for the Time being, in which Book or Books such Clerk shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended for or on account of this Act, and of the several Articles, Matters, and Things for which any Sums of Money shall have been disbursed, laid out, and paid, and such Book or Books shall at all seasonable Times be open to the Inspection of the said Commissioners, or any Person or Persons paying any Rates or Assessments under the Authority of this Act, or any Creditor or Creditors on the Rates or Assessments granted by this Act, without Fee or Reward; and the said Commissioners, Creditors, or Rate Payers as aforesaid, shall or may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof, without paying any thing for the same; and in case the said Clerk shall refuse to permit or shall not permit the said Commissioners, or such Creditors or Rate Payers, or any of them, to inspect the same, or take such Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum not exceeding Five Pounds, to be levied and recovered in manner herein-after directed.

Account Books to be kept, and be open to Inspection.

XV. And be it further enacted, That all such Officers to be appointed under or by virtue of this Act shall under their Hands, at such Time and Times and in such Manner as the said Commissioners

Officers to account to Commissioners.

sioners shall direct, deliver to the same 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, and of all Monies which shall have been received by such Officers and Persons respectively by virtue of this Act, and how much thereof hath been paid and disbursed, and for what Purposes, together with Vouchers for such Payments, and shall pay all such Money as shall remain due from them respectively to the said Commissioners, or to such Person or Persons as they shall appoint; and if any such Officer or Person shall refuse or wilfully neglect to make and render any such Accounts, or to produce and deliver up the Vouchers relating to the same, or to make Payment as aforesaid, or shall refuse or neglect to deliver to the said Commissioners, or to such Person or Persons as they shall appoint, within Ten Days after being thereunto required by the said Commissioners, or any Nine of them, by Notice in Writing to be given to or left at the last or usual Place of Abode of such Officer or Person, all Books, Papers, and Writings in his Custody or Power relating to the Execution of this Act, and to give Information and Satisfaction to the said Commissioners respecting the same, then and in every such Case, upon Complaint made by the said Commissioners or any Nine of them, or by any Person or Persons whom they shall appoint for that Purpose, of any Neglect or Refusal as aforesaid, to any Two or more Justices of the Peace for the County, City, or Place within whose Jurisdiction such Officer or Person may be resident, such Justices may and are hereby authorized and required, by a Warrant under their Hands and Seals, to cause the Officer or Person so refusing or neglecting to be brought before them, and upon his appearing, or having been summoned and not appearing, or not being to be found, to hear and determine the Matter in a summary Way; and if upon the Confession of the Party, or by the Testimony of any credible Witness or Witnesses upon Oath or by Affirmation, which Oath or Affirmation such Justices are empowered to administer, it shall appear to such Justices that any of the Money which shall have been collected or raised by virtue of this Act shall be in the Hands of such Officer or Person, such Justices may and they are hereby authorized and required, upon Nonpayment thereof, by Warrant under their Hands and Seals to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Person; and if no Goods or Chattels of such Officer or Person can be found sufficient to answer and satisfy the said Money, and the Charges of distraining and selling the same, or if it shall appear to such Justices that such Officer or Person shall have refused or wilfully neglected to render or give such Account, or to produce the Vouchers relating thereto, or that any Books, Papers, or Writings relative to the Execution of this Act shall be in the Custody or Power of such Officer or Person, and he shall have refused or wilfully neglected to deliver up or give Satisfaction respecting the same as aforesaid, such Justices shall commit such Offender to the Common Gaol or House of Correction for the County, there to remain without Bail or Mainprize until he shall have given a true and perfect Account and Payment as aforesaid, or until he shall compound with the Commissioners for such Money, and shall have paid such Composition

position in such Manner as they shall appoint, which Composition the said Commissioners are hereby empowered to make and receive, and until he shall have delivered up such Books, Papers, and Writings as aforesaid, or have given Satisfaction in respect thereof to the said Commissioners; provided that no Person who shall be committed by virtue of this Act, on account of his not having sufficient Goods and Chattels, shall be detained in Prison for any longer Term than Twelve Calendar Months: Provided also, that if any Money shall remain due from such Officer or Person, Officers or Persons, the Commitment of him or them to Prison shall not be deemed a Discharge for the same, nor exonerate his or their Surety or Sureties, but such Officer or Person, Officers or Persons, and his and their Surety and Sureties, shall remain liable to the Payment thereof in the same Manner as if such Officer or Person had not been committed to Prison.

Clerk and Treasurer not to be the same Person.

XVI. Provided always, and be it further enacted, That it shall not be lawful for the said Commissioners to continue or appoint the Person who has been or may be appointed their Clerk in the Execution of this Act, or the Partner of any such Clerk, or any Person in the Employ of any such Clerk or of his Partner, to be the Treasurer for the Purposes of this Act, or to continue or appoint any Person who has been or may be appointed Treasurer, or the Partner of any such Treasurer, or any Person in the Employ of any such Treasurer or of his Partner, to be the Clerk for the Purposes of this Act; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk, or in the Employ of any such Clerk or of his Partner, shall accept the Office of Treasurer, or shall act as Deputy or in any Manner officiate for the Treasurer, or being the Partner of any such Treasurer, or in the Employ of any such Treasurer or of his Partner, shall accept the Office of Clerk in the Execution of this Act, or shall act as Deputy or in any Manner officiate for such Clerk, or if any such Treasurer shall hold any Place of Profit or Trust under the said Commissioners other than that of Treasurer, every such Person so offending 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 with full Costs of Suit in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

Clerk not to be concerned in any Prosecution.

XVII. Provided always, and be it further enacted, That it shall not be lawful for the Person who may be appointed a Clerk in the Execution of this Act, or the Partner of any such Clerk, or any Person in the Employ of such Clerk or of his Partner, to be concerned in the Prosecution of any Person or Persons for any Offence or Offences committed within the Limits of this Act, either at the Assizes for the said County, or at the Quarter Sessions for the said County or for the said City; provided that nothing in this Act contained shall prevent the Clerk of the said Commissioners from being

employed as the Clerk of the Justice or Justices of the Peace acting in the Execution of this Act; and in case any such Clerk of the said Commissioners, or his Partner, or any Person in the Employ of such Clerk, shall be concerned in any such Prosecution other than as aforesaid, every such Person so offending 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 with full Costs of Suit in manner herein-before mentioned; and every Person so offending shall be thenceforth disqualified from holding any Office whatever under this Act, and from acting as a Commissioner under this Act.

Penalty on Officers taking any other Emolument than their Salary.

XVIII. And be it further enacted, That if any Clerk, Treasurer, Surveyor, or Collector, or other Officer employed by the said Commissioners for the Purpose of this Act, shall exact, demand, take, or accept any Emolument or Reward whatsoever (other than such Salary or Allowance as shall be appointed and allowed by the said Commissioners), for or on account of any thing done by virtue of this Act, or for forbearing to do any thing ordered or directed by the said Commissioners, or on any other Account whatsoever relative to his Employment or Duty, or shall be concerned or interested in any Bargain or Contract made by the said Commissioners for the Purposes of this Act, every such Person so offending shall be incapable of afterwards serving or being employed under the said Commissioners, and shall forfeit and pay the Sum of Fifty Pounds for every such Offence to any Person or Persons who shall sue for the same, together with full Costs of Suit, to be recovered as herein-before mentioned.

Audit Meeting to be held.

XIX. And be it further enacted, That a General Meeting of the said Commissioners shall be held on the Second *Thursday* in the Month of *June* at the Place herein-before appointed or to be appointed as aforesaid, at which the Accounts of all Monies received and paid in pursuance of the Powers and Provisions of this Act shall be produced and stated to the said Commissioners, and be examined, audited, and settled by them, and shall be signed by Nine Commissioners at least; and when and as soon as the said Account shall be audited, allowed, and signed, the Clerk to the said Commissioners shall forthwith make out a Statement of the Debts, Revenues, and Expenditure of the said Commissioners in the Form contained in the Schedule to this Act annexed, which said Statement shall be submitted to the Commissioners assembled at such Meeting, and when approved by the Majority of them shall be signed by the Chairman; and the said Statement being so approved and signed, the said Clerk shall within Ten Days thereafter transmit the same to the Clerk of the Peace of the said County, to be by him produced to the Justices assembled at the Quarter Sessions to be held next after the Receipt thereof, and also to be registered and kept amongst the Records of the Quarter Sessions; and such Statement, when registered, shall be open to the Inspection of all and every Person and Persons whatsoever, who may take Extracts therefrom or Copies thereof, paying to the Clerk of the Peace the Sum of One Shilling for each Inspection,

and the Sum of Sixpence for every Seventy-two Words of each Extract or Copy taken; and such Statement shall also be published, within Ten Days from the Settlement thereof, in some Newspaper printed or published in the said City of *Carlisle*.

How the Commissioners may sue and be sued.

XX. And be it further enacted, That the said Commissioners may sue and be sued in the Name of any Two of the said Commissioners or their Clerk for the Time being; and all Actions and Suits which may be necessary or expedient to be brought for the Recovery of any Penalty or Sum or Sums of Money due or payable by virtue of this Act, or for or in respect of any other Matter or Thing relating to this Act, may be brought in the Name of any Two of the said Commissioners or their said Clerk; and that no Action or Suit which may be brought, commenced, or prosecuted by or against the said Commissioners or any of them, by virtue or on account of this Act, in the Name of any Two of the said Commissioners or any of them, or of their Clerk, shall abate or be discontinued by the Death, Suspension, or Removal of such Commissioners or Clerk, or by any Act or Default of such Commissioners or Clerk done or suffered with the Consent or Direction of the said Commissioners, but Two of the said Commissioners, or the Clerk to the said Commissioners for the Time being, shall always be deemed Plaintiff or Defendant in every such Action or Suit (as the Case may be), except in such Action or Actions as shall be prosecuted between the said Commissioners and their Clerk for the Time being, in which Action or Suit any Two of the said Commissioners shall or may be Plaintiff or Defendant, as the Case may be: Provided always, that every such Commissioner or Clerk in whose Name any Action or Suit shall be commenced, prosecuted, or defended in pursuance of this Act, shall always be reimbursed and paid, out of the Monies to be raised by virtue of this Act, all such Damages, Costs, Charges, and Expences as such Commissioners shall be put to or become chargeable with by reason of his being so made Plaintiff or Defendant therein; and no such Commissioner or Clerk shall be personally answerable or liable for the Payment of the same, or any Part of the same, unless such Action or Suit shall arise in consequence of his own wilful Act, Neglect, or Default, or have been brought or commenced without the Order or Direction of the said Commissioners or any Nine of them.

Commissioners empowered to establish a Watch and Patrol.

XXI. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and required, from Time to Time to cause the Streets, Roads, Lanes, Highways, Passages, and Places of and in the said City and Suburbs respectively, or such of them as they shall think fit, to be safely and properly watched, and for that Purpose from Time to Time to appoint such a Number of able-bodied Men to be employed as Watchmen, or as a Patrol (either on Foot or Horseback), or as Beadles, to act, as well for the Day as the Night, as they the said Commissioners shall judge necessary, and to order and direct how many of the said Watchmen, Patrolmen, or Beadles shall attend nightly within the said City and Suburbs, and how they shall be armed, and how many of them by Day, and also from Time to Time and at their Discretion to remove

and

and displace such Watchmen or Patrol or Beadles, or any of them, and to appoint others in their Place and Stead, and also to erect and set up, in such Situations as they shall think proper, in any of the Streets, Lanes, or public Places within the said City and Suburbs, proper Watchboxes, Watch-houses, or Places for the Reception of such Watchmen or Patrol or Beadles, and for the safe Custody of such Persons as may be apprehended by such Watchmen or Patrol or Beadles while on Duty, and also to pay to such Watchmen or Patrol or Beadles reasonable Wages or Allowances; and every Watchman or Patrolman or Beadle who shall be guilty of Neglect or Misbehaviour in his Office, shall forfeit any Sum not exceeding Forty Shillings; and the said Commissioners are hereby further authorized and empowered from Time to Time to make such Orders and Regulations as they the said Commissioners shall deem expedient for the better Government of the Watchmen or Patrolmen or Beadles to be appointed as aforesaid, and to repeal such Orders and Regulations or any of them, and to substitute others, and to give and allow such Rewards or Allowances as the said Commissioners shall think fit to any Watchmen, Patrolmen, or Beadles, or any Person or Persons assisting them, who may be disabled, hurt, or wounded in the Execution of his or their Office or Duty.

Duty of Watchmen.

XXII. And be it further enacted, That it shall and may be lawful for such Watchmen, Patrolmen, or Beadles, or any of them, and they are hereby required in their respective Stations to prevent Fires, and to keep Watch and Ward within the said City and Suburbs, also to apprehend and secure, in some proper Place or Places of Security to be for that Purpose provided as aforesaid, or elsewhere in the meanwhile, all Felons, Malefactors, Rogues, Vagabonds, Vagrants, idle or disorderly Persons, Disturbers of the public Peace, Prostitutes, Night-walkers, and others who shall be found wandering and misbehaving themselves, and to convey all such Persons, as soon as conveniently may be, before any Justice of the Peace having Jurisdiction in the Place in which the Offence shall be committed, to be examined and dealt with according to Law; and any One Justice of the Peace may summarily examine the Case, and commit the Offender or Offenders to the Gaol or House of Correction for the District for any Time not exceeding Two Calendar Months, to be kept to hard Labour, or otherwise commit or let out on Bail the Offender or Offenders, to be tried in the ordinary Course of Law.

Duty of Beadles, &c. in the Day-time.

XXIII. And be it further enacted, That it shall and may be lawful for the Watchmen, Patrolmen, or Beadles, and they are hereby required, to patrol the Streets and other public Places within the said City and Suburbs in the Day-time, on such Days and during such Hours and Times as the said Commissioners shall direct and appoint, and to apprehend and secure, in the Place or Places of Security to be for such Purpose appointed by the said Commissioners, all and every drunken, riotous, and disorderly Person or Persons, or committing any Nuisance, Persons defacing the Walls of the said Streets, Highways, Lanes, or public Places, or writing or making any obscene Words or Figures thereon, Persons wilfully obstructing or hindering the

the free Passage of any of the said Streets, Highways, or public Places within the said City and Suburbs, Persons beating or shaking Carpets at any Time after Nine of the Clock in the Morning in any of the said Streets, Highways, or public Places, Persons playing at any Game in the Streets or other public Places, setting any Dogs to fight, abetting and encouraging any Dog Fight, or by any other Means disturbing the good Order and public Peace of the said City and Suburbs, and to carry all such Persons before some Justice of the Peace for the said City or County of *Cumberland*.

Watchmen to be sworn in as Constables.

XXIV. Provided always, and be it further enacted, That all such Watchmen, Patrolmen, or Beadles as aforesaid, and also the Superintendent and Superintendents, shall, before they respectively begin to act, be sworn in as Constables by any Justice of the Peace having Jurisdiction in the District for which they shall be appointed, and they are hereby invested with and shall have and enjoy the like Powers and Authorities, Privileges and Immunities, and shall be liable to the same Duties and Penalties, as any Constable or Constables is or are invested with or have and enjoy by Law.

Victuallers not to harbour Watchmen.

XXV. And be it further enacted, That if any Victualler, Alehouse Keeper, or other Person selling Ale, Beer, Cider, Spirituous or other Liquors by Retail, shall entertain or harbour in his or her House and Premises any Watchman, Patrolman, or Beadle during any of the Hours or Times appointed for the Attendance on Duty of such Watchman, Patrolman, or Beadle under this Act, every such Victualler, Alehouse Keeper, or other Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Appointing a Watch Committee.

XXVI. And be it further enacted, That it shall and may be lawful to and for the said Commissioners to appoint a Committee or Committees of such and so many Commissioners within the said City and Suburbs, for the Purposes of managing, regulating, suspending, and appointing Watchmen, Patrolmen, or Beadles, as Occasion may from Time to Time require, between the Terms of holding the said Meetings of the said Commissioners as aforesaid; and it shall be lawful for the said Commissioners to appoint any One or more Person or Persons, with a Salary or otherwise, as a Superintendent or Superintendents of the Watchmen, Patrolmen, or Beadles, with full Powers and Authorities in that Behalf, and to provide for the occasional Absence of any Watchman, Patrolman, or Beadle, and for allowing any such Watchman, Patrolman, or Beadle to provide or procure any approved Substitute for any limited Time, as the said Superintendent or Superintendents shall from Time to Time think proper; and every such Substitute shall be subject to the same Provisions and Regulations as if he had been a Watchman, Patrolman, or Beadle regularly appointed, and to have the same Protection in the Exercise of his Duty.

Watchmen, &c. guilty of Misconduct

XXVII. And be it further enacted, That in case any Constable of the Night, or any Superintendent, Watchman, Patrolman, or Beadle to

liable to be prosecuted and punished.

to be appointed by virtue of this Act, shall be guilty of any Neglect or Misconduct in the Execution of his Duty, it shall be lawful for Two or more Justices of the Peace, upon Complaint against any such Constable, Superintendent, Watchman, Patrolman, or Beadle, of any such Neglect or Misconduct, to commit any such Constable, Superintendent, Watchman, Patrolman, or Beadle to the Common Gaol or House of Correction for the said County or City for any Time not exceeding Three Calendar Months, to be there kept to hard Labour.

Penalty on assaulting Watchmen, &c.

XXVIII. And be it further enacted, That if any Person shall obstruct or assault any Watchman, Patrolman, or Beadle to be employed or appointed by virtue of this Act in the Execution of his Duty, every Person so offending, upon being thereof convicted before Two or more Justices of the Peace in and for the said City, or for the said County of *Cumberland*, shall be liable to a Penalty not exceeding Forty Shillings; and in case of Nonpayment such Justices may commit any such Persons to the House of Correction for the said County for any Time not exceeding Three Calendar Months, to be there kept to hard Labour.

Regulations as to removing Night Soil.

XXIX. And be it further enacted, That no Person shall empty or begin to empty any Privy, or take or carry away the Soil of any Privy, or the Refuse of any Slaughter-house, or bring or place any Cart or other Carriage for removing the same respectively from any House, Building, or Place already or hereafter to be erected, built, or made in the said City or Suburbs, at any other Time than between the Hours of Twelve of the Clock at Night and Seven in the Morning from the First Day of *March* to the First Day of *October*, and between the Hours of Twelve of the Clock at Night and Eight in the Morning from the First Day of *October* to the First Day of *March*; and if any Person shall offend herein, he shall for every such Offence forfeit and pay any Sum not exceeding Sixty Shillings.

For preventing various Obstructions and Nuisances.

XXX. And be it further enacted, That from and after the passing of this Act, if any Person or Persons shall, upon any of the Footways or Foot Pavements within the Limits of this Act, run, draw, drive, or carry any Truck, Wheel, Sledge, Wheelbarrow, Handbarrow, Bier, or any other Carriage or other Vehicle whatsoever, or roll any Cask or Tub, (except to or from any Carriage or Cart for the necessary loading or unloading of any Carriage or Cart); or shall wilfully ride, lead, or drive any Horse or other Beast or Cattle whatsoever on any of the said Footways or Foot Pavements, or wilfully permit or suffer any Horse or other Beast or Cattle, which such Person may be riding, driving, or leading, to go thereupon; or shall tie or fasten any Horse or other Cattle to any House, Wall, Railing, or Fence, Post, Tree, or other Thing whatsoever, across any of the said Footways or Foot Pavements; or hang up, place, or expose to Sale any Goods, Wares, or Merchandizes whatsoever, or any Fruit, Vegetables, or Garden Stuff, Butcher's Meat, Offal, or other Matter or Thing, in or upon or so as to project over or upon the Footway or Carriageway of any

Road, Street, or public Place within the Limits of this Act, or beyond the Line or on the Outside of the Window or Windows, or in or on the Area or Areas of the House, Shop, or Place at which the same shall be so hanged up, placed, or exposed to Sale; or set any Cask, Tub, Pail, Bucket, Stool, Bench, Shewboard, Chopping-block, Basket, or Stall on or in any of the Footways or Foot Pavements or Carriageways; or erect, set up, put or place, or continue any Blind, Shade, Coverlid, Awning, or any other Matter or Thing, so as in any way to cause any Obstruction or Impediment in the Footway or on the Foot Pavement; or shall in any Road, Street, Yard, Mews, or public Place within the Limits of this Act, hang out or cause to be hung out any Linen or Clothes; or shall hoop, fire, cleanse, wash, or scald any Cask or Tub; or hew, saw, or cut any Stone, Wood, or Timber, or bore any Timber; or make or repair, or wash or clean, any Coach, Chaise, Waggon, Sledge, or other Carriage, or the Wheels, Body, Springs, or other Part of any Coach, Chaise, Waggon, Sledge, or other Carriage (except such as may want immediate Repair from any sudden Accident on the Spot, and which cannot conveniently be removed for that Purpose); or shall sift, screen, wet, slack, or mix any Lime, or wet, mix, or make any Mortar (except with the Consent of the said Commissioners, or of their Surveyor for the Time being, and also having previously erected a Hoard according to the Regulations herein-before contained in that Behalf); or shoe, bleed, or farry any Horse or other Beast (unless in case of any sudden Accident); or clean, dress, drive, or turn loose any Horse or other Beast or Cattle; or shall shew or expose any Stallion or Stonehorse; or shall exercise or expose to Sale any Horse or Horses or other Beast or Beasts (except only in such Place or respective Places as the said Commissioners or their Surveyor for the Time being shall direct or appoint for any of the above Purposes); or kill, slaughter, or scald, singe, dress, or cut up any Animal, either wholly or in part; or beat or dust any Carpet or Hearth Rug; or shall drive any Carriage or Carriages for the Purpose of breaking, exercising, or trying Horses; or if any Person shall permit his or her Dog to go at large after public Notice given by any Beadle or Crier within the Limits of this Act, during such Time as such Notice shall direct Dogs to be confined on Suspicion of the Existence of Canine Madness, within or near the Limits of this Act; or shall leave any Cart, Waggon, Truck, or other Carriage or Obstruction in any Street, Road, Path, or Causeway (otherwise than during a reasonable Time necessary for loading or unloading the same); or shall throw, cast, or lay, or shall cause, permit, or suffer to be thrown, cast, or laid, or to remain, any Ashes, Dust, Dirt, Rubbish, Offal, or Vegetables, or any other Offal, Dung, Soil, Blood, or other Filth or Annoyance, or any other Matter or Thing, in or upon the Carriageway, Footway, or Pavement of any such Road, Street, or other public Place within the Limits of this Act, to the Annoyance of any Inhabitant or Inhabitants, Passenger or Passengers; or shall wilfully break, or aid, abet, or assist in wilfully breaking, any Glass or Window Panes or Windows in or belonging to any Dwelling House or Building; or shall make or assist in making any Bonfire; or wantonly discharge or fire any Gun, Pistol, or Blunderbuss, or other Fire Arms, or let off, set fire to, or throw any

any Crackers, Squib, Rocket, or other Firework, or shall fly any Kite, drive any Hoop, or play at Football or any other Game or Games, to the Annoyance of any Passenger or Traveller; or shall make or cause any unnecessary Stoppage of any Coach, Cart, Waggon, or Carriage, or otherwise occasion any Kind of Obstruction or Annoyance in or upon any such Road, Street, or public Place; or shall obstruct or incommode, hinder or prevent the free Passage of any Carriageway, Footway, or Causeway, or prejudice or annoy in any Manner whatsoever any Person or Persons whatsoever travelling, passing, or going thereon; or if the Driver of any Sort of Carriage whatsoever, meeting any other Carriage, shall not keep his or her Carriage on the Left or Near Side of the Road, or shall in any Manner wilfully prevent any other Person or Persons from passing him or her, or any Carriage under his or her Care, within such Road, Street, or public Place, or by Negligence or Misbehaviour prevent, hinder, or interrupt the free Passage of any Carriage of His Majesty's Subjects within any such Road, Street, or Place; or if any Person shall affix any Posting Bill or other Paper to or against any Dwelling House, Wall, or Building, without the Consent of the Owner or Occupier thereof, or write upon or otherwise deface or mark the same by means of Chalk, Paint, or any other Material whatsoever; then and in every such Case every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds; and it shall be lawful for any Constable or other Peace Officer, or any One of the said Commissioners, or any Officer or other Person acting by or under their Authority, by virtue of this Act and without any Warrant whatsoever, to seize and apprehend any such Offender or Offenders as aforesaid, and forthwith to convey him, her, or them before any Justice or Justices of the Peace for the said County or City, in order to his, her, or their Conviction of such Offence.

Reservation of Rights of Mayor as Clerk of Markets.

XXXI. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend in any way to change, lessen, abridge, impeach, prejudice, or destroy any Rights, Powers, Privileges, or Jurisdictions of the Mayor for the Time being of the said City as Clerk of the Markets therein; nor to prevent or hinder any Person or Persons from placing any Stall, Booth, Stool, Bench, or Table for the Sale of any Goods or Wares, or exposing to Sale any Horses, Swine, Poultry, or other Live Stock, Meat, Vegetables, Fruit, or any other Matter or Thing in such Market Place or Places within the said City, and on such Days (*Sundays* excepted) as are now or shall hereafter be lawfully appointed and fixed by the Mayor of the said City for the Time being, or his Deputy or Deputies, and also at the Times of the usual Fairs and Markets held within the said City.

For the Removal of Slaughter-house and other Nuisances.

XXXII. And be it further enacted, That if any Slaughter-house, Boiling House for Offal, Hogstye, Swinecote, Necessary House, Dunghill, or Midden in or near any of the said Streets, Lanes, Highways, Passages, or Places within the said City or the Suburbs thereof, shall be offensive to any of the Inhabitants within the Limits aforesaid, the same shall and may be deemed a Nuisance and an Offence against

against this Act; and it shall be lawful for the said Commissioners, upon Complaint thereof to them made, by an Order in Writing under the Hands of Nine or more of them, to direct any such Nuisance to be removed; and in case the same shall not be removed within Fourteen Days after Notice of such Order shall have been given to or left at the last or usual Place of Abode of the Person or Persons who ought to remove the same, such Person or Persons shall forfeit and pay any Sum not exceeding Ten Shillings for every Day that the same shall continue unremoved after the Expiration of the said Fourteen Days: Provided nevertheless, that where any Person or Persons, thinking himself, herself, or themselves aggrieved by such Order as aforesaid, shall give Notice to the Clerk of the said Commissioners of his, her, or their Intention to appeal against the said Order, and shall enter into Recognizance within the Time and in Manner herein-after mentioned and provided in respect of Appeals against any Matter or Thing to be done in pursuance of this Act, such Person or Persons shall not be subject to or liable to pay any such Penalty or Forfeiture as aforesaid, until the Expiration of Fourteen Days next after the Hearing and Determination of such Appeal, and the Confirmation thereupon of the said original Order of the said Commissioners.

Commissioners to provide Fire Engines.

XXXIII. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time to purchase any Fire Engine or Fire Engines, Pipes, Buckets, or other Things belonging thereto, or that may be requisite to be used therewith, for the Use of the said City and the Suburbs thereof, and also to contract with any Person or Persons to keep the said Fire Engine or Engines, or the Fire Engine or Engines now belonging to the said City or the Suburbs thereof, and the Pipes, Buckets, and other Things belonging thereto, in good working Order and Repair, and to order the same to be used and proved at such Time or Times as they shall think proper, either in case of Fire or for the Purpose of watering the Streets, Lanes, Roads, and other public Passages or Places of the said City and Suburbs or any of them, or otherwise, and to pay and defray all Costs, Charges, and Expences attending the same, and of the Care and Repair thereof respectively, out of the Monies to be levied and raised by virtue of this Act; and all Engines, Buckets, Pipes, and other Things connected with or belonging thereto respectively, shall be solely vested in the said Commissioners, and shall be in the Custody and under the Controul and Management and Direction of them or their Surveyor, or other Person thereto duly appointed.

Property of Watchboxes, &c. vested in Commissioners.

XXXIV. And be it further enacted, That the Right and Property of, in, and to all Watchboxes, Posts, and other Things thereto belonging, and also all the Posts, Pillars, and Pilasters which shall from Time to Time be erected, set up, and furnished by Order of the said Commissioners, shall be held and deemed to belong to and be the Property of, and the same are hereby vested in the said Commissioners for the Time being, and the said Commissioners shall and may cause any Action or Actions to be brought, or direct any Bill or Bills

of Indictment to be preferred, (as the Case may require,) against any Person or Persons who shall steal, take, or carry away, detain, deface, damage, injure, or destroy the several Articles and Things so hereby vested in the said Commissioners as aforesaid, or any of them, or any Part or Parts thereof; and in all such Actions and Bills of Indictment respectively it shall be sufficient to state generally that the Article or Articles, Thing or Things, for or on account of which such Action or Actions shall be brought, or such Bill or Bills of Indictment shall be preferred, is or are the Property of the Commissioners for watching, regulating, and improving the City of *Carlisle* and the Suburbs thereof, without stating or specifying the Names of all or any of the said Commissioners; and the said Commissioners shall have full Power and Authority from Time to Time to sell, by public Auction or otherwise, all or any Part of the said Materials and Things which shall not be wanted for the Purposes of this Act, and the Money arising therefrom shall be applied to the Purposes of this Act.

Commissioners empowered to hire Rooms for the Purposes of this Act.

XXXV. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time to purchase or take Ground, and to cause any new Erection or Building to be made thereon, and from Time to Time to give up or sell the same, and to purchase or take any other Lands, Messuages, or Buildings, in any convenient Place within the said City or Suburbs, for the Purpose of making use thereof as and for a Public Office, and also as and for an Office or Offices for keeping their Accounts, holding their Meetings, and transacting the Business relating to this Act, or to be used as a Storehouse or Storehouses for keeping their Implements and Materials, and for other the Purposes of this Act, and to pay such Sums of Money for the same as the said Commissioners shall from Time to Time agree upon, and also to accept and take any Grant in Fee or Lease of any Room, Building or Buildings, to themselves or any of them, for any Term or Number of Years, at and under such Rent or Rents as they shall from Time to Time think fit.

Form of Conveyance.

XXXVI. And be it further enacted, That all Sales, Conveyances, and Assurances to be from Time to Time made to the said Commissioners, of any Messuages, Houses, Shops, Buildings, Lands, Tenements, or Hereditaments, by virtue of this Act, may be in the Form or to the Effect following; that is to say,

'I [*or* We] in consideration of the Sum of to me [*or* us] paid by the Commissioners for carrying into Execution an Act of Parliament passed in the Year of the Reign of King *George* the Fourth, intituled [*here set forth the Title of this Act*], do hereby grant and convey to the said Commissioners all [*describe the Premises*], and all my [*or* our] Right, Title, and Interest to and in the same and every Part thereof, to hold to the said Commissioners for ever. In witness whereof I [*or* we] have hereunto set my Hand and Seal [*or* our Hands and Seals] this Day of in the Year of our Lord .'

And every such Sale, Conveyance, and Assurance, made in Manner or to the Effect aforesaid, shall be valid and effectual to all Intents and Purposes, and shall be sufficient in Law to vest the Property of and in any such Messuages, Houses, Shops, Buildings, Lands, Tenements, and Hereditaments in the said Commissioners for the Uses and Purposes of this Act, any Law, Statute, Usage, or other Matter or Thing to the contrary thereof notwithstanding.

Names of Streets and Numbers of Houses to be put up.

XXXVII. And be it further enacted, That the said Commissioners shall and may cause to be painted, engraved, or otherwise described and placed on a conspicuous Part of any one or more House or Houses, Building or Buildings, at or near each End, Corner, or Entrance of every Street, Lane, Highway, Passage, and other public Place within the said City and Suburbs, the Name by which such Street, Lane, Highway, Passage, or public Place now is or shall be called and known, and may also cause every House or Building in the said several Streets, Lanes, Highways, Passages, and public Places to be marked and numbered with Figures, either on the Door thereof or otherwise, and in such Manner as they shall think most proper for distinguishing the same; and if any Person or Persons shall wilfully destroy, obliterate, deface, remove, or, without the Consent of the said Commissioners for that Purpose first obtained, alter any such Name, Number, or Figures, or any Part thereof, or cause or procure the same to be so done, every Person so offending shall for such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Numbers of Houses to be renewed.

XXXVIII. And be it further enacted, That when any such Number or Figures painted or placed on any House or other Building within the said City and Suburbs, or on the Door thereof, shall, by Accident, Decay, or otherwise, be defaced or rubbed out, the Occupier or Occupiers of such House or Building shall, upon Notice in Writing being given in that Behalf, signed by the Clerk or Surveyor of the said Commissioners, cause the Number or Figures to be again placed or painted on such House or other Buildings, or on the Door thereof, within Ten Days after such Notice; and in case of Neglect or Refusal to comply with such Order, every such Occupier shall forfeit and pay for every such Offence any Sum not exceeding Forty Shillings.

For putting up Spouts.

XXXIX. And be it further enacted, That it shall and may be lawful for the said Commissioners to make an Order at any of their Meetings upon any Person or Persons occupying any Messuage, Tenement, or Building fronting to any of the said Streets or other public Places of the said City or Suburbs, to put up sufficient Spouts at the Eaves of such Messuages, Tenements, or Buildings, to prevent the Water dropping therefrom upon the Pavements of the said Streets or public Places, and for carrying off the same; and in case any such Person or Persons shall neglect or refuse, for the Space of Ten Days next after Notice in Writing of such Order served on him or her or them, or left at his, her, or their usual Place or Places of Abode,

Abode, to cause to be put up such sufficient Spouts as aforesaid, it shall be lawful for the said Commissioners to cause the same to be put up pursuant to such Order; and any Justice of the Peace is hereby authorized to grant a Warrant under his Hand and Seal to levy and raise the Costs, Charges, and Expences thereof by Distress and Sale of the Goods and Chattels of the Person or Persons so neglecting or refusing, together with the Costs of such Distress and Sale: Provided that no such Distress or Sale shall be made until the Person or Persons so neglecting or refusing shall have been summoned before such Justice of the Peace, to show good Cause for such Neglect or Refusal, and shall have made Default, or failed to show such good Cause: Provided also, that every Occupier, not being the Lessee of any Messuage, Tenement, or Building for the Term of Ten Years or upwards, who shall put up such Spouts in pursuance of any such Order, or whose Goods and Chattels shall be distrained and sold for the Charges of putting up the same as aforesaid, shall and may deduct the Amount thereof from his or her next Rent payable for the Premises in his Occupation.

Rates for defraying Expences.

XL. And for raising Money to defray the Expences attending the obtaining of this Act, and all the other Expences of carrying the same into Execution within the said City and Suburbs, be it further enacted, That the said Commissioners shall and they are hereby authorized and empowered, when and as often as they shall find it necessary, to make one or more Rate or Rates, Assessment or Assessments, on the several Tenants and Occupiers of all Dwelling Houses, Mills, Workhouses. Shops, Workshops, Cellars, Vaults, Warehouses, Stables, Coach-houses, Brewhouses, Granaries, Malthouses, and all other Buildings and Erections whatsoever which are already built or made, or which shall hereafter be built or made, within the said City and Suburbs, and of the several Yards, Gardens, and Appurtenances thereto respectively belonging or adjoining, and all Orchards and Gardens, whether occupied with or without any Dwelling House, within the said City or Suburbs as aforesaid, according to the annual Rack Rent or Value of the same Premises respectively, such annual Rent or Value to be from Time to Time settled, ascertained, and fixed in such Manner as the said Commissioners shall direct and appoint: Provided nevertheless, that no such Rate or Rates, Assessment or Assessments, shall exceed One Shilling in the Pound upon the Rack Rent or Value of the same Premises respectively in any One Year.

Rates to be signed and allowed.

XLI. And be it further enacted, That all and every such Rate or Rates, Assessment or Assessments respectively, which shall be so made within the said City and Suburbs respectively for the Purposes of this Act, shall be signed by so many of the said Commissioners as are competent to transact Business under the Powers of this Act, and shall be allowed and confirmed by Two Justices of the Peace of the said County of *Cumberland*.

Districts to appoint Collectors.

XLII. And be it further enacted, That for the Purpose of collecting the respective Rates and Assessments to be levied by virtue of

of this Act, the Inhabitants of the several Townships or Districts within the said City and Suburbs respectively shall and may and they are hereby required, authorized, and empowered from Time to Time, in their respective Vestries or usual Places of Meeting, to appoint a Collector or Collectors, and from Time to Time to remove the same Collector or Collectors and appoint others; and the Names of such Collectors so appointed shall be notified by such Vestries or Meetings to the said Commissioners or their Clerk; and the Inhabitants of each of such Townships or Districts respectively shall be responsible for the Payment to the Treasurer of the said Commissioners by such Collectors of the Rates and Assessments levied and collected within such Township or District, and for any Failure or Default on the Part of such Collector to account for the Monies so collected; but in case the Inhabitants of any of the said Townships or Districts shall refuse or neglect to appoint a Collector or Collectors, or to notify such Appointment to the said Commissioners, the said Commissioners shall appoint a Collector or Collectors to receive the Rates or Assessments from the Township or District so refusing or neglecting.

Allowance to Collectors.

XLIII. And be it further enacted, That such Collector and Collectors respectively shall be allowed, for their Trouble in collecting such Rates and Assessments, the Sum of Three-pence in the Pound upon all such Sum and Sums of Money as they shall respectively collect and receive in their respective Districts, Townships, or Divisions.

Payment of Rates.

XLIV. And be it further enacted, That all and every Rate or Rates, Assessment or Assessments, so to be made as aforesaid, shall be paid by the Tenants or Occupiers so rated to the Collector or Collectors or other Person or Persons appointed to collect the same as aforesaid; and if any Tenant or Occupier so rated as aforesaid shall neglect or refuse to pay his or her Proportion or Proportions of the said Rate or Rates, Assessment or Assessments respectively, to the said Collector or Collectors, or the Person or Persons so appointed to collect the same, for the Space of Seven Days next after Demand thereof made at the Dwelling House or usual Place of Abode of such Tenant or Occupier, the said Sum or Sums so rated upon him or her as aforesaid shall be levied and recovered by Distress and Sale of the Goods and Chattels of the said Tenant or Occupier so neglecting or refusing as aforesaid, upon Complaint to any Justice or Justices of the Peace acting for the District, by Warrant under the Hand and Seal or Hands and Seals of such Justice or Justices, together with all Costs and Charges incidental to and attending such Complaint, Distress, and Sale.

Rates to be paid by Persons previously to quitting their Houses, &c.

XLV. And be it further enacted, That in case any Person or Persons who shall be rated or assessed by virtue of this Act shall quit the Premises for or in respect of which such Person or Persons shall be so rated or assessed before he, she, or they shall have duly paid and discharged the Amount of his, her, or their Rate or Assessment, and shall afterwards refuse or neglect to pay the same for the

Space of Seven Days after Demand thereof made at the Dwelling House or usual Place of Abode of such Person or Persons by the Collector or Collectors of such Rates, or other Person or Persons authorized to collect the same, then and in every such Case it shall be lawful for any Two or more of His Majesty's Justices of the Peace having Jurisdiction as aforesaid, upon Complaint thereof, to issue a Warrant or Warrants, under his or their Hand and Seal or Hands and Seals, for levying the Amount assessed upon such Defaulter or Defaulters as aforesaid, by Distress and Sale of his, her, or their Goods and Chattels, together with the incidental Costs, Charges, and Expences attending such Complaint, Distress, and Sale, such Defaulter having been first duly summoned by such Justice or Justices to appear before him or them, at a Time and Place to be mentioned in such Summons, to shew Cause for such Neglect or Refusal.

Rates to be apportioned on Persons leaving their Houses.

XLVI. And be it further enacted, That in all Cases where any Person or Persons rated by virtue of this Act shall remove from or quit the Possession of the Premises for or in respect of which such Person or Persons shall be so rated, every such Person or Persons shall be liable to pay such Rate or Assessment in proportion to the Time such Person or Persons may have occupied the said Premises; and in all Cases where any Person or Persons shall come into and occupy any Premises rated or assessed, or liable to be rated or assessed as aforesaid, and out of or from which any other Person or Persons shall have previously removed, or which at the Time of making any such Rate or Assessment were empty and unoccupied, such Person or Persons so coming into and occupying the same shall be liable to pay the then existing Rate or Assessment in proportion to the Time that such Person or Persons shall occupy the said Premises, commencing upon the Day of his or their Entry as Tenants or of taking Possession of the Premises, as if the Name or Names of such Person or Persons had been originally inserted in such Rate or Assessment; and in case any Dispute shall arise as to the Proportions hereinbefore respectively mentioned and directed to be paid, the Amount thereof shall in all Cases be settled and ascertained by One or more Justice or Justices of the Peace having Jurisdiction as aforesaid.

Landlord or any Occupier to be rated for Houses let in separate Apartments.

XLVII. And be it further enacted, That the Landlord or any One or more of the Occupiers of all Houses, Buildings, or Tenements within the said City or Suburbs, which are or shall or may be let out ready furnished or in separate Apartments, Rooms, or Floors, and the Landlord or Occupier of all Houses let for less than Ten Pounds a Year, shall be liable to the Rates or Assessments directed by this Act to be made and levied, and shall be rated and assessed accordingly, and the Landlord and all and every Person and Persons renting or occupying any such ready-furnished Houses, Buildings, or Tenements, or separate Apartments, Rooms, or Floors, or Houses under Ten Pounds annual Rent respectively as aforesaid, shall be compellable to pay the said Rates or Assessments, to be recovered in manner herein-before directed; and every such Landlord or Occupier who

shall pay any such Rate or Assessment, or from whom the same shall be recovered in manner aforesaid, shall and may recover, by Distress and Sale of the Goods and Chattels of any Person or Persons inhabiting in or occupying any Part or Parts of such Houses, Buildings, or Tenements, the Sum which such Person or Persons would be chargeable with, according to the Amount of the yearly Value of such Part or Parts so occupied by him, her, or them respectively, and the Receipt for such Payment signed by the Collector shall be sufficient Evidence of Payment for so much Money as shall be paid or levied by Distress as aforesaid: Provided always, that no Premises actually vacant and unoccupied shall be rateable or rated for or during the Period of their Vacancy, and that nothing herein contained shall extend to prejudice or vacate any Agreement between Landlord and Tenant.

Relief in case of Poverty.

XLVIII. Provided also, and be it further enacted, That it shall be lawful for the said Commissioners and they are hereby empowered, upon the Complaint of any Occupier of any Dwelling House or other Hereditaments subject to the Payment of the said Rates or Assessments, of his or her Poverty or Inability to pay the same, and also on the Complaint of any Owner of any Dwelling House or other Hereditaments subject to the Payment of such Rates or Assessments, of his or her Inability to recover the Rent of any Dwelling House or other Hereditaments, or to recover Possession of any such Dwelling House or other Hereditaments from any insolvent Tenant holding over the same against such Owner, to mitigate, reduce, lessen, remit, or excuse Payment of the said Rate or Assessment by such Occupier or Owner respectively, for such Dwelling House or other Hereditaments, in such Manner as the said Commissioners shall in their Discretion think just and reasonable, but upon no other Account whatsoever: Provided always, that if any Tenant or Occupier who shall not have paid or shall be in arrear with the Rate or Rates due and payable by him in respect of the Premises occupied or which may have been occupied by him, shall convey away or otherwise dispose of, or cause to be conveyed away or otherwise disposed of, all or any of his Goods and Chattels for the Purpose of avoiding any Distress under the Warrant of any Justice in pursuance and execution of this Act, it shall and may be lawful to and for any One or more Justice or Justices of the Peace for the said County, upon due Proof being made thereof upon Oath before them, to commit such Person or Persons to the Common Gaol or any House of Correction for the said County of *Cumberland*, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, to be there kept to hard Labour.

Justices may commit in case Goods are conveyed away to avoid Distress.

Power to borrow Money.

XLIX. And, for the more speedy and effectually raising of Money for the several Purposes of this Act, be it further enacted, That it shall be lawful for the said Commissioners and they are hereby empowered from Time to Time to borrow and take up at Interest, upon the Credit of the several Rates or Assessments to be laid and levied by virtue of this Act, any Sum or Sums of Money not exceeding in the whole the Sum of Five hundred Pounds; and the said Commissioners

sioners shall and may, by Writing under their Hands and Seals, or under the Hands and Seals of so many of such Commissioners as are competent to form a Meeting, mortgage or assign over the said respective Rates or Assessments, or any Part thereof respectively, to the Person or Persons who shall advance or lend such Money, or his, her, or their Trustee or Trustees, as a Security for the Money so to be borrowed, together with Interest for the same; and every such Mortgage or Assignment shall be framed according to the Form following; that is to say,

Form of Mortgage.

'BY virtue of an Act passed in the Eighth Year of the Reign of His Majesty King *George* the Fourth, intituled [*set forth the Title of this Act,*] we, of the Commissioners appointed for carrying the said Act into Execution within the said City and Suburbs, in consideration of the Sum of paid to us by *A. B.* [*insert the Name, Place of Abode, and other necessary Addition of the Lender,*] for the Purposes of the said Act, do grant and assign unto the said *A. B.*, his or her Executors, Administrators, and Assigns, [*or* to his or her Trustee or Trustees, *as the Case may require,*] such Proportions of the Rates or Assessments arising by virtue of the said Act within the said City and Suburbs as the said Sum of doth or shall bear to the whole Sum which is or shall be borrowed upon the Credit of the said Rates or Assessments, to be had and holden from this Day until the said Sum of with Interest henceforth for the same at the Rate of *per Centum per Annum*, shall be fully repaid and satisfied. In witness whereof we have hereunto set our Hands and Seals this Day of in the Year of our Lord .'

And every such Mortgage or Assignment shall be good, valid, and effectual in the Law.

Securities may be transferred.

L. And be it further enacted, That it shall be lawful for the Persons entitled to any of the Securities for Money borrowed as aforesaid, by Writing under their Hands to transfer the same respectively to any Persons, according to the Form following, or any other Form of Words to the like Purport or Effect, as the Case may be; *videlicet,*

Form of Transfer.

'I *A. B.* [*insert the Name, Place of Abode, and other necessary Addition of the Person assigning,*] do hereby assign the within Mortgage, and all my Right and Title in and to the Principal Money and Interest, and all Arrears now due thereon and thereby secured, unto *C. D.* [*insert the Name, Place of Abode, and other necessary Addition of the intended Assignee*], his Executors, Administrators, and Assigns. Dated this Day of in the Year of our Lord .'

And Entries or Memorials of all such Mortgages or Assignments which shall be made in pursuance of this Act, and of all Transfers thereof, expressing in Words at Length the Names, Additions, and Places of Abode, and other necessary Descriptions of all such Persons as shall from Time to Time be entitled to the Principal Money and Interest

Interest thereby secured, shall be entered in Books to be kept for that Purpose by the Clerk to the said Commissioners, which Books any Person interested shall at all seasonable Times have free Liberty to inspect without Fee or Reward; and for the Entry of every such Mortgage or Assignment the said Clerk shall be paid the Sum of Two Shillings and Sixpence, and no more; and every such Mortgage or Assignment, after such Entry thereof as aforesaid, shall entitle the Person or Persons to whom the same shall be made, and his, her, or their Executors, Administrators, or Assigns, to the Benefit of the Security thereby made or transferred; and all Persons to whom such Mortgages or Assignments shall be made, or who shall be entitled to the Monies thereby secured, shall be, in proportion to the Sums therein respectively mentioned, Creditors on the said Rates or Assessments charged therewith equally one with another, without any Preference in respect of the Priority of advancing such Monies, or the Dates of any of such Mortgages or Assignments respectively.

Application of Rates.

LI. And be it further enacted, That all the Monies which shall be raised by virtue of this Act from and by the Rates or Assessments herein-before authorized to be assessed and levied within the said City and Suburbs, shall be and the same are hereby vested in the said Commissioners, and the same shall from Time to Time and at all Times be paid, applied, and disposed of by and under the Order of the said Commissioners in manner following; (that is to say,) in the first place, in paying and defraying the Costs, Charges, and Expences of applying for or incident to the obtaining and passing of this Act, with Interest for the Money which shall have been advanced for those Purposes, and all other Costs, Charges, and Expences relating or incident to the Execution of this Act or any of the Directions therein contained, and the Powers and Authorities hereby given and granted to the said Commissioners, and for carrying the Intents and Purposes of this Act into full and complete Execution in every other respect, or in or for any of the aforesaid Purposes, and for no other Use, Intent, or Purpose whatsoever.

Penalty on Witnesses not attending to give Evidence.

LII. And be it further enacted, That if any Person or Persons shall be summoned to appear as a Witness or Witnesses before any Justice or Justices of the Peace acting under the Authority of this Act, touching or concerning any Information or Complaint exhibited to such Justice or Justices for any Offence against this Act, either on behalf of the Prosecutor or on behalf of the Person or Persons accused, and shall refuse or neglect to attend and appear at the Time and Place mentioned and appointed for that Purpose in and by such Summons, after having been paid or tendered a reasonable Sum for his, her, or their Costs and Expences in giving such Attendance, without a reasonable Excuse for such Refusal or Neglect, or shall, after attending and appearing, refuse to be sworn and examined upon Oath, or in case of a Quaker or Quakers to be affirmed and examined upon solemn Affirmation, or after having been so sworn or affirmed shall neglect or refuse to give Evidence before such Justice or Justices of the Peace touching or concerning the Subject or Matter of

the said Information or Complaint, or upon any Matter or Thing incidental or relating thereto, then and in every such Case every Person making such Default as aforesaid shall for every such Default forfeit and pay any Sum not exceeding Five Pounds; to be recovered in the same Manner as any other Penalty imposed by this Act is herein directed to be recovered.

Damages and Charges, in Cases of Dispute, to be settled by Justices.

LIII. And be it further enacted, That where any Damages or Charges are directed or authorized by this Act to be paid or recovered, in addition to any Penalty or Penalties for any Offence or Offences, the Amount of such Damages or Charges, in case of Dispute respecting the same, shall be settled, ascertained, and determined by the Justice or Justices of the Peace by or before whom any Offender shall be convicted of any such Offence or Offences, who is hereby authorized and required, on Nonpayment thereof, to levy such Damages or Charges by Distress and Sale of the Offender's Goods and Chattels, in manner by this Act directed for the levying of any Penalties or Forfeitures.

In case of Nonpayment of Compensation for Damages, &c. by Commissioners, the same to be levied by Distress of the Goods invested in them or their Treasurer.

LIV. And be it further enacted, That when and as often as any Sum or Sums of Money shall be directed or ordered to be paid by any Justice or Justices of the Peace as or by way of Compensation or Satisfaction for any Materials or Costs, or for any Damage, Spoil, or Injury of any Nature or Kind whatsoever done or committed by the said Commissioners, or any Person or Persons acting by or under their Authority, and such Sum or Sums of Money shall not be paid by the said Commissioners to the Party or Parties entitled to receive the same within Ten Days after Demand in Writing shall have been made from the Clerk to the said Commissioners or their Treasurer, in pursuance of the Direction or Order made by such Justice or Justices, and in which Demand the Order of such Justice or Justices shall be stated, then and in such Case the Amount of such Compensation or Satisfaction shall and may be levied and recovered by Distress and Sale of the Goods and Chattels vested in such Commissioners, or of the Goods and Chattels of their Treasurer for the Time being, under a Warrant to be issued for that Purpose by such Justice or Justices, which Warrant any such Justice or Justices is and are hereby authorized and required to grant under his Hand and Seal or their Hands and Seals, on Application made to him or them for that Purpose by the Party or Parties entitled to receive such Sum or Sums of Money as or by way of Compensation or Satisfaction for any such Materials, Costs, Damages, Spoil, or Injury as aforesaid; and in case any Overplus shall remain after Payment of such Sum or Sums of Money, and the Costs and Expences of hearing and determining the Matter in dispute, and also the Costs and Expences of such Distress and Sale, then and in such Case such Overplus shall be returned on Demand to the said Commissioners, or to their Treasurer for the Time being, as the Case may be: Provided always, that it shall and may be lawful for such Treasurer to retain, out of any Monies which he shall have received or shall receive in pursuance of this Act, all such Damages, Costs, Charges, and Expences as he shall have sustained or be put unto by virtue of any such Warrant as aforesaid.

LV. And

Justices may proceed by Summons in the Recovery of Penalties.

LV. And be it further enacted, That in all Cases in which by this Act any Penalty or Forfeiture is made recoverable by Information before a Justice of the Peace, it shall and may be lawful for any Justice of the Peace to whom Complaint shall be made of any Offence against this Act to summon the Party complained against before him, and on such Summons to hear and determine the Matter of such Complaint, and on Proof of the Offence to convict the Offender, and to adjudge him to pay the Penalty or Forfeiture incurred, and to proceed to recover the same, although no Information in Writing shall have been exhibited or taken by or before such Justice; and all such Proceedings by Summons without Information shall be as good, valid, and effectual, to all Intents and Purposes, as if an Information in Writing was exhibited.

Recovery and Application of Penalties.

LVI. And be it further enacted, That all Offences whatsoever, which by virtue or under the Authority of this Act are punishable with any pecuniary Penalties, Fines, or Forfeitures, shall and may in every Case be heard, adjudged, and determined by and before any One or more Justice or Justices of the Peace of the said County of *Cumberland*, or of the said City of *Carlisle*, in a summary Way, upon Complaint made within Three Calendar Months next after the committing of such Offences respectively, and not afterwards; and upon any such Complaint as aforesaid, the said Justice or Justices shall examine into the Matter thereof, and if upon the Confession of the Party or Parties accused, or on the Oath of any One or more credible Witness or Witnesses, or being a Quaker upon his or her Affirmation, the Party or Parties accused shall be convicted of having committed such Offence or Offences, then and in every such Case the Penalty or Penalties hereby inflicted in respect of such Offence or Offences, together with the Costs of Conviction, to be ascertained by such Justice or Justices, shall be forthwith paid by the Party or Parties convicted; and in case such Party or Parties shall refuse or neglect to pay the same forthwith, then the said Penalty or Penalties shall and may, by Warrant or Warrants under the Hand and Seal or Hands and Seals of any such Justice or Justices, (which he or they is and are hereby empowered and required to grant,) be levied and recovered, together with the Costs of Conviction, to be ascertained by such Justice or Justices, by Distress and Sale of the Goods and Chattels of such Offender or Offenders, wherever such Goods or Chattels can be found, rendering the Overplus of the Money arising by such Sale (if any) to the Party or Parties whose Goods or Chattels shall be so distrained; one Moiety of all such Penalties, not herein directed to be otherwise applied, shall be paid to the Informer, and the other Moiety to the Treasurer for the Time being of the said Commissioners, to be applied for the general Purposes of this Act (save and except when any of the said Penalties shall be incurred by the said Commissioners, in which Case one Moiety of the same shall be paid to the Informer, and the other Moiety to the Overseers of the Poor of the Parish or Place within which such Offence shall be committed, to be by them applied towards the Relief of the Poor of such Parish or Place); and in case such Penalty or Penalties shall not be forthwith paid, it shall be lawful for the said Justice or Justices to

to order the Offender or Offenders so convicted to be detained in safe Custody until Return can be conveniently made to such Warrant or Warrants of Distress, unless the said Offender or Offenders shall give sufficient Security to the Satisfaction of such Justice or Justices for his or their Appearance or Appearances before the said Justice or Justices on such Day or Days as shall be appointed for the Return of such Warrant or Warrants of Distress, such Day or Days not being more than Seven Days from the Time of taking any such Security, and which Security the said Justice or Justices is and are hereby empowered to take by way of Recognizance or otherwise; and if upon the Return of such Warrant or Warrants it shall appear that no sufficient Distress can be had whereupon to levy the said Penalty or Penalties and such Costs as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to the Satisfaction of any such Justice, either by the Confession of the Offender or Offenders, or otherwise, that the Offender or Offenders hath or have not sufficient Goods and Chattels whereon such Penalties, Forfeitures, Fines, Costs, and Charges may be levied were a Warrant of Distress issued, such Justice shall not be required to issue such Warrant of Distress, and thereupon it shall be lawful for such Justice or Justices, and he and they is and are hereby required and empowered, by Warrant or Warrants under his Hand and Seal, or their Hands and Seals, to commit such Offender or Offenders to the House of Correction of the said County of *Cumberland*, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, or until such Offender or Offenders shall have fully paid such Penalty or Penalties, and all Costs and Charges attending such Proceedings as aforesaid, to be ascertained by such Justice or Justices, or shall otherwise be discharged by due Course of Law.

Form of Conviction.

LVII. And be it further enacted, That every Justice of the Peace before whom any Person shall be convicted of any Offence against this Act, shall and may cause such Conviction to be drawn up according to the Form or to the Effect following; that is to say,

‘ } BE it remembered, That on the [*here set forth the*
‘ to wit. } *Day and Year upon which the Conviction takes place,*
‘ *and the Name and Condition of the Offender or Offenders*] is con-
‘ victed before me [*or as the Case may be*] of His
‘ Majesty's Justices of the Peace for the City of *Carlisle*, or for the
‘ County of *Cumberland*, [*as the Case may be,*] of an Offence against
‘ a certain Act made and passed in the Year of the
‘ Reign of His Majesty King *George* the Fourth, intituled [*here set*
‘ *forth the Title of this Act*], for that he the said [*here repeat the*
‘ *Name of the Offender or Offenders*] on the [*here set forth the Day*
‘ *and Year upon which the Offence was committed*] at [*here set forth*
‘ *the Parish or Place where the Offence was committed*] did [*here*
‘ *describe the Offence*] contrary to the said Act; for which Offence
‘ I (*or* we, *as the Case may be*) do hereby adjudge the said [*here*
‘ *repeat the Name of the Offender or Offenders*] to have forfeited the
‘ Sum of [*here set forth the Amount of the Penalty*], which I (*or* we,

‘ *as*

'*as the Case may be*) do hereby order and adjudge him forthwith to 'pay, together with the further Sum of [*here set forth the Amount of* '*Costs*], which I (*or* we, *as the Case may be*) have ascertained and 'fixed as the reasonable Costs attending this Conviction. Given 'under my (*or* our, *as the Case may be*) Hand (*or* Hands) and Seal '(*or* Seals) the Day and Year first above written.'

Distress not illegal for Want of Form.

LVIII. And be it further enacted, That when any Distress shall be made or levied for any Sum or Sums of Money, or any Warrant of Commitment executed by virtue of this Act, such Distress or Commitment itself shall not be deemed unlawful, nor shall the Party or Parties making or executing the same be deemed a Trespasser or Trespassers, on account of any Defect in Substance or Want of Form in the Information, Summons, Conviction, Warrant of Distress, or other Proceeding relating thereto, nor shall the Party or Parties executing such Warrant of Distress be deemed a Trespasser or Trespassers *ab initio* on account of any Irregularity that may be subsequently committed by such Party or Parties, but the Person or Persons aggrieved by any Irregularity herein-before mentioned may maintain an Action on the Case for the special and actual Damage (if any) sustained thereby, but not otherwise.

Appeal.

LIX. Provided always, and be it further enacted, That any Person or Persons, Body or Bodies Politic or Corporate, who may consider himself, herself, or themselves aggrieved by any Matter or Thing to be done by the said Commissioners in the Execution of this Act, or by any Order, Rate, or Assessment to be made by virtue of this Act, or under the Powers and Authorities hereby granted, or by any Order or Judgment of the said Commissioners, or any Order or Adjudication of any Justice or Justices of the Peace in pursuance of this Act, may, within Four Calendar Months next after the Cause of Complaint shall have arisen, appeal to the Justices of the Peace at any General or Quarter Sessions of the Peace to be holden for the County of *Cumberland*, upon giving Notice in Writing of such Appeal to the Clerk to the said Commissioners, or other the Respondent or Respondents, Ten Days at least before the said General or Quarter Sessions at which such Appeal is intended to be made, in which Notice shall be clearly and distinctly set forth and expressed the Ground, Cause, and Matter of such Appeal; and such Appellant or Appellants shall also, within Two Days after such Notice, enter into a Recognizance with Two sufficient Sureties before some Justice or Justices of the Peace conditioned to try such Appeal, and to abide the Order and Award of the said Court of General or Quarter Sessions; and in the said Notice of Appeal so directed to be given as aforesaid the Appellant or Appellants shall appoint a Place and Time, not earlier than Two Days from the Date thereof, at which the said Recognizance is intended to be entered into, and shall also state the Name, Residence, and Profession of his, her, or their Sureties; and the said Justices at such General or Quarter Sessions as aforesaid, upon due Proof of such Notice and Recognizance having been respectively given and entered into, shall in a summary Way hear and determine the Matter and Subject of such Appeal, and

shall also, at their Discretion, award such Satisfaction to the Party injured, or such Costs to either of the said Parties, as the said Justices shall adjudge reasonable and proper; and all such Determinations of the said Justices at such General or Quarter Sessions shall be final, binding, and conclusive upon all Parties, to all Intents and Purposes whatsoever.

Justices may amend Rate.

LX. Provided always, and be it further enacted, That upon any Appeal against the said Rates or Assessments hereby authorized, or any of them, the Justices at the General or Quarter Sessions for the said County of *Cumberland* shall and may amend the same, in such Manner as may be necessary for giving Relief to the Appellant or Appellants personally, without wholly quashing such Rates or Assessments; but if upon the Appeal against the whole Rate or Assessment it shall be found necessary to supersede the same, then and in every such Case it shall and may be lawful to and for such Justices to quash such Rate or Assessment altogether, and to order a new Rate or Assessment to be made by the Commissioners under this Act.

Inhabitants competent Witnesses.

LXI. And be it further enacted, That no Person shall in any Action, Prosecution, or other Proceeding whatsoever, relating to or concerning the Execution of this Act, be deemed an incompetent Witness on account of his or her being charged with or liable to pay any Rate or Assessment to be raised, levied, and collected by virtue of this Act (save in any Case where such Person shall be immediately interested.)

Plaintiff in any Action not to recover after Tender of Amends.

LXII. And be it further enacted, That no Plaintiff or Plaintiffs shall recover in any Action commenced against any Person or Persons for any thing done or performed in execution of or under the Authority of this Act, unless Notice thereof in Writing shall be previously given to the Person or Persons intended to be sued Twenty-one Days before such Action shall be commenced; which Notice shall be signed by the said Plaintiff or Plaintiffs, or his, her, or their Attorney or Attornies, and shall clearly and distinctly specify the Cause of such Action; nor shall such Plaintiff or Plaintiffs recover in any such Action if Tender of sufficient Amends shall have been made to him, her, or them, or to his, her, or their Attorney, by or on behalf of the said Defendant or Defendants, before such Action shall be commenced; and in case no such Tender shall be made, it shall be lawful for the said Defendant or Defendants in any such Action, by Leave of the Court at any Time before Issue joined, to pay into Court such Sum or Sums of Money as he, she, or they shall think proper, whereupon such Proceedings, Order, and Judgment shall be made and given in and by such Court as in other Actions where the Defendant is allowed to pay Money into Court.

Limitation of Action.

LXIII. And be it further enacted, That no Action or Suit shall be commenced against any Person or Persons, for any Act or Thing done in execution of or under the Authority of this Act, after Six Months from the Time when the Cause of such Action shall have

arisen or been committed, or have ceased and been determined; and in every such Action or Suit the Venue shall be laid and the Cause tried where the Cause of Action shall have arisen or been committed, and not elsewhere; and the Defendant or Defendants in every such Action or Suit shall and may, at his or their Election, plead specially or the General Issue, and give this Act and the Special Matter in Evidence at any such Trial, and that such Cause of Action arose or was committed in pursuance or under the Authority of this Act; and if the same shall so appear upon the said Trial, or if such Action or Suit shall have been commenced before such Notice shall have been given as aforesaid, or before the Expiration of Twenty-one Days from the Service thereof, or after sufficient Amends and Satisfaction made or tendered as aforesaid, or after the Time limited for commencing the same, then and in any of the said Cases the Jury shall find a Verdict for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs upon the said Trial shall be nonsuited, or shall discontinue his, her, or their Action or Suit after the said Defendant or Defendants shall have entered an Appearance, or upon any Demurrer Judgment shall be given against the said Plaintiff or Plaintiffs, then and in every such Case the said Defendant or Defendants shall recover Costs, and have such Remedies for recovering the same as any other Defendant or Defendants hath or have in other Cases by Law.

Informality not to quash Proceedings.

LXIV. And be it further enacted, That no Order, Judgment, Record of Conviction, or other Proceeding whatsoever, touching or concerning the Conviction of any Offender or Offenders against this Act, shall be quashed or vacated for any Informality therein.

Notices, &c. how to be served.

LXV. And be it further enacted, That in all Cases of Notices or Demands in Writing directed or required by this Act to be given or served, or which shall or may be necessary for carrying into Execution any of the Powers of this Act, the Services of any such Notices or Demands, by delivering the same, or a true Copy thereof, to the Person or Persons to whom the same ought to be given, or by leaving the same, or a true Copy thereof, at his, her, or their Dwelling House or usual or last Place of Abode, shall be a sufficient Service thereof (except only in Cases where personal Service is herein-before expressly required.)

Directing what shall be deemed Service of Notice on Commissioners.

LXVI. And be it further enacted, That in all Cases where it may be requisite or necessary for any Person or Party to serve any Notice, Writ, or other legal Proceedings, or Proceedings in Equity, upon the said Commissioners, the Service thereof upon any One of the said Commissioners, or upon the Clerk of the said Commissioners, or at the Office of the said Commissioners, or left at the last or usual Place of Abode of the said Clerk, or in case the same respectively shall not be found or known, then Service upon any Officer or Servant of the said Commissioners, or left at his last or usual Place of Abode, shall be deemed good and sufficient Service of the same respectively on the said Commissioners.

LXVII. Pro-

Saving Rights of Dean and Chapter of Carlisle.

LXVII. Provided always, and be it further enacted, That nothing herein contained shall extend to alter, lessen, or abridge any of the Rights, Privileges, Immunities, or Exemptions of the Dean and Chapter of the Cathedral Church of *Carlisle*, or their Successors.

Mayor, &c. to continue liable as before the passing of this Act.

LXVIII. Provided also, and be it further enacted, That nothing herein contained shall extend or be construed to extend to release or discharge the Mayor, Aldermen, Bailiffs, and Citizens of the City of *Carlisle* from any Expence of protecting the Peace of the said City, and of finding and providing a sufficient Number of Civil Officers, and of watching and otherwise regulating the said City, to which they are by Law or Equity liable (if any such Liability exist), in such and the like Manner as if this Act had not been passed; nor shall any thing herein contained prevent any Person or Persons from proceeding against the said Mayor, Aldermen, Bailiffs, and Citizens, or from bringing any Action or instituting any Suit or Suits in Equity against the said Mayor, Aldermen, Bailiffs, and Citizens, for the Non-performance of any Duty or Duties which by Law, Charter, Custom, or Prescription they are bound to do or perform, or for the Non-application of the Corporation Revenue for the Purposes which by Charter, Custom, Prescription, or Usage such Revenue ought to have been applied, or for or on account of the Misapplication thereof, any thing in this Act to the contrary thereof notwithstanding.

Commissioners may offer Rewards for the Apprehension of Offenders.

LXIX. And be it further enacted, That for the more effectual Discovery and Punishment of Offenders, any Nine or more of the said Commissioners shall and may, and they are hereby authorized and empowered, from Time to Time, if they shall see Cause, by Advertisement in any public Newspaper or Newspapers, or by such other Ways or Means as they shall think fit, to offer such Sum and Sums of Money as they shall think proper as a Reward and Encouragement to any Person or Persons for the discovering, apprehending, prosecuting, or convicting any Offender or Offenders whomsoever of any Offence by him, her, or them committed within the said City or Suburbs respectively, and to order and direct their Treasurer to pay, out of the Monies in his Hands by virtue of this Act, all such Sum or Sums of Money so to be offered as Rewards as aforesaid; and also to order any Sum or Sums of Money to be paid, out of the Monies hereby directed to be raised and levied, to any Person or Persons whomsoever, as a Compensation and Reward for the Discovery, Apprehension, Prosecution, or Conviction of any Offender or Offenders whomsoever, though no previous Offer of Reward shall have been made.

Reservation of Rights.

LXX. Provided always, That nothing in this Act contained shall extend or be construed to extend to alter, prejudice, impeach, or lessen all or any of the Rights, Powers, and Privileges of the Mayor, Aldermen, Bailiffs, and Citizens of the said City of *Carlisle*, any thing herein contained to the contrary notwithstanding.

LXXI. And

Public Act.

LXXI. 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.

SCHEDULE to which this Act refers.

The Treasurer of the Commissioners under the Carlisle Improvement Act, in Account with the said Commissioners.

	£ s. d.		£ s. d.
Amount of Rate made and allowed this Day, at in the Pound		Account of Rates in Quarter, returned irrecoverable	
By incidental Receipts		Ditto in Quarter	
By Fines and Penalties		Ditto in Quarter	
		Ditto in Quarter	
		By Collector's Poundage upon £ the Sum paid into the Treasurer's Hands	
		Clerk's Salary for One Year	
		Treasurer's Salary for One Year	
		Superintendent's Salary for One Year	
		Wages paid to Night Watchmen during the Year	
		Wages paid to Beadles and Day Officers during the Year	
		Cash paid for Rewards for Apprehension of Offenders	
		Cash paid for good Conduct of Officers during the Year	
		Rent of Public Office for One Year	
		Rent of Lock-up House	
		Printing, Stationer's, and advertising Bills	
		Cost of making Watchboxes	
		Cost of making Watch-house	
		Cost of Watch Coats, Lanterns, Rattles, and other Articles for the Watchmen	
		Coals and Candles	
		Incidental Expences	
		Account of Debt and Floating Debt	

LONDON: Printed by George Eyre and Andrew Strahan,
Printers to the King's most Excellent Majesty. 1827.