ANNO PRIMO & SECUNDO

GEORGII IV. REGIS.

Cap. lxviii.

An Act for better lighting and for watching the City of *Chichester*, and Places adjacent.

[28th *May* 1821.]

WHEREAS an Act was passed in the Twenty-sixth Year of the Reign of His late Majesty King *George* the Second, intituled *An Act for the better Relief and Employment of the Poor, and for enlightening the Streets, Passages, and open Places within the City of* Chichester, *and several Places adjoining thereto, and the Close within the said City;* by virtue whereof certain Persons were incorporated by the Name of "Guardians of the Poor of the City of *Chichester*;" and it was amongst other things by the said Act enacted, that it should and might be lawful for the Guardians of the said Corporation at any Monthly Court, or the major Part of them assembled as therein mentioned, to nominate and appoint a proper Person or Persons to place and fix Lamps against the Houses or in the public Streets, Lanes, Alleys, or other public Places within the said City and the said Close, and such Parts of the Three Parishes therein mentioned, (that is to say) the Parish of *Saint Peter the Great*, alias *Subdeanry*, the Parish of *Saint Pancras*, and the Parish of *Saint Bartholomew*, as were within the Distance of Four hundred Yards from the Walls of the said City, in such Manner as the said Guardians should appoint and direct: And whereas it would materially conduce to the Improvement of the said City of *Chichester*, and the said Close, and the whole of the said several Parishes, and the

26 G. 2. c. 99.

the Extra-parochial Places within the same City, if the said Guardians were empowered to light the same respectively with Gas, and to enter into Contracts for that Purpose; and also if the same City, Close, Parishes, and Extra-parochial Places were properly watched; but these desirable Objects cannot be carried into Effect 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 it shall and may be lawful for the Guardians of the Poor of the City of *Chichester* to agree and contract with any Person or Persons for laying down Pipes, erecting Posts, and fixing Lamps at such Places and in such Manner, and for doing all such other Acts, Matters, and Things as they shall deem necessary for effectually lighting the said City of *Chichester*, and the said Close, Parishes, and Extra-parochial Places aforesaid, or any Part or Parts thereof, with Gas, and from Time to Time to make any further Contract or Contracts as they shall deem expedient, or as the Variation of Circumstances shall in their Judgment render desirable: Provided always, that no such Contract shall be entered into for any longer Term than Twenty-one Years at one Time.

Contracts may be made for lighting with Gas;

but not to exceed 21 Years at one Time.

Guardians empowered to purchase.

II. And be it further enacted, That it shall and may be lawful to and for the said Guardians to treat with any Person or Persons, Body or Bodies Politic, Corporate or Collegiate, for the absolute Purchase of any Messuages, Lands, or Hereditaments which they may deem necessary for the Uses and Purposes of this Act, not exceeding Two Acres, and to accept a Conveyance thereof to them and their Successors, without incurring or being subject to any of the Penalties or Forfeitures of the Statutes of Mortmain, or of any other Law or Statute whatsoever; and in all Actions, Suits, Indictments, or other Proceedings to be commenced by or against the said Guardians respecting any Lands, Hereditaments, Property, or Effects to be taken or acquired by them under the Powers of this Act, it shall be sufficient to state generally that such Lands or Hereditaments, Property and Effects respectively, are the Property of the said Guardians.

Bodies Politic, &c. empowered to sell.

III. And be it further enacted, That it shall and may be lawful for all Bodies Politic, Corporate, Collegiate, or Ecclesiastical, Corporations Aggregate or Sole, and all Tenants for Life, or in Fee Tail, General or Special, and all Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees for Lunatics and Idiots, and other Trustees whomsoever, not only for and on Behalf of themselves, their Heirs and Successors, but also for and on Behalf of their Cestuique Trusts respectively, whether Infants or Issue unborn, Lunatics, Idiots, Femes Covert, or other Person or Persons under any Disability of acting for himself, herself, or themselves, and also for all Femes Covert who are or shall be seised, possessed of, or interested in their own Right, and to and for all and every Person and Persons whomsoever, who are or shall be seised, possessed of, or interested in any Lands, Tenements, or Hereditaments, which shall be

thought necessary by the said Guardians to be purchased for the Uses and Purposes of this Act, to treat, contract, and agree with the said Guardians for the Sale thereof, or of any Part thereof, and to sell and convey the same, or any Part thereof, and all their Estate, Right, Title, and Interest whatsoever, of, in, and to the same, to the said Guardians for the Purposes of this Act; and all Contracts, Bargains, Sales, and Conveyances, which shall be so made by virtue and in pursuance of this Act, shall without any Fine or Fines, Recovery or Recoveries, or other Conveyances and Assurances in the Law whatsoever, and without Inrollment, be good, valid, and effectual, to all Intents and Purposes, not only to convey the Estate and Interest of the Person or Persons conveying, but also to convey all Right, Estate, Interest, Use, Property, Claim, and Demand whatsoever, of their said several and respective Cestuique Trusts, and all Persons whomsoever claiming or to claim by, from, or under them, and of all Persons entitled in Remainder or Reversion expectant on any such particular Estate; and the same shall be deemed and considered to bar the Dower and Dowers of such Person and Persons, and all Estates Tail, and other Estates in Possession, Reversion, Remainder, or Expectancy, and the Issue and Issues of such Person and Persons claiming under them, as effectually as Fines or Common Recoveries would do, if levied or suffered by the proper Parties in due Form of Law; any Law, Statute, or Usage, or any other Matter or Thing whatsoever to the contrary thereof in anywise notwithstanding; and all Bodies Politic, Corporate, Collegiate, or Ecclesiastical, Corporations Aggregate or Sole, and all Tenants for Life or in Fee Tail, General or Special, and all Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, Trustees, and all and every other Person and Persons, is and are hereby indemnified for what he, she, or they shall do by virtue and in pursuance of this Act.

Directing Application of Purchase Money when amounting to 200*l.* and upwards.

IV. And be it further enacted, That if any Money shall be contracted and agreed to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used, by virtue of the Powers of this Act, for the Purposes thereof, which shall belong to any Body Politic, Corporate, Collegiate, or Ecclesiastical, Tenant for Life or in Tail, Trustee, Feme Covert, Infant, Lunatic, or Person or Persons under any Disability or Incapacity as aforesaid, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his own Account, *ex parte* the Guardians of the Poor of the City of *Chichester*, to the Intent that such Money may be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrances, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, and Hereditaments, or

affecting

affecting other Lands, Tenements, or Hereditaments, standing and being settled therewith to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested under and with the like Direction and Approbation of the said Court, in the Purchase of other Messuages, Lands, Tenements, and Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Messuages, Lands, Tenements, and Hereditaments, which shall be taken or used for the Purposes of this Act, stood, and were settled and limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking effect; and in the meantime and until such Purchase shall be made, the said Money shall by Order of the said High Court of Chancery, upon Application made thereto as aforesaid, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated, or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were then actually made.

Directing Application of Purchase Money when less than 200*l.* and exceeding 20*l.*

V. Provided always, and be it further enacted, That if any Money so contracted and agreed to be paid for any Lands, Tenements, or Hereditaments to be purchased, taken, or used for the Purposes aforesaid, and belonging to any Body Politic, Corporate, Collegiate, or Ecclesiastical, Tenant for Life or in Tail, Trustee, Feme Covert, Infant, Lunatic, or any Person or Persons under any Disability or Incapacity, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in Cases of Infancy, Idiotcy, or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner herein-before directed, or otherwise the same shall be paid, at the like Option, to Two Trustees, to be named by the Person or Persons making such Option, and approved by the said Guardians, such Nomination and Approbation to be signified by Writing under the Hands of the nominating Parties, and under the Common Seal of the said Guardians, in order that such Principal Money, and the Dividends to arise thereon, may be applied in Manner herein-before directed, so far as the Case shall be applicable, without obtaining or being required to obtain the Direction and Approbation of the said High Court of Chancery.

VI. Provided

Directing Application of Purchase Money not exceeding 20*l.*

VI. Provided also, and be it further enacted, That where any Money so contracted and agreed to be paid as last before mentioned shall not exceed the Sum of Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so to be purchased, taken, or used for the Purposes of this Act, in such Manner as the said Guardians shall think fit; or in any Cases of Infancy, Idiotcy, or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of questionable Title to the Money, Persons in Possession of the Lands to be deemed entitled thereto until the contrary shall be shown.

VII. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the said Accountant General of the High Court of Chancery, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, and Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance of this Act, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shown to the Satisfaction of the said Court; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

Expences of Purchases may be allowed by the Court.

VIII. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons or Corporation entitled to any Lands, Tenements, or Hereditaments to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said Court of Chancery, and to be applied in the Purchase of Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the said Court shall deem reasonable, to be paid by the said Guardians, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

On Payment of Purchase Money, Premises invested in the Guardians.

IX. And be it further enacted, That upon Payment of the Money so contracted or agreed to be paid for the Purchase of such Lands, Tenements, or Hereditaments by the said Guardians to the Party or Parties, or Person or Persons respectively entitled to such Monies, or their

their Agents, or upon Payment thereof into the Bank of *England*, for the Purpose of being disposed of in Manner herein-before directed, as the Case may be, all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand in Law or Equity, of the Party and Parties, and Person and Persons respectively to whom or for whose Use the same shall be paid, in, to, or out of such Lands, Tenements, and Hereditaments, shall vest in the said Guardians and their Successors for ever, or for such Term and Estate as such Purchase or Purchases shall be made, for effecting the Uses and Purposes of this Act.

Form of Conveyance.

X. And be it further enacted, That all Sales, Conveyances, and Assurances of any Lands, Tenements, or Hereditaments to be made to the said Guardians, and their Successors, shall be made in the Form or to the Effect following; (that is to say);

'I [*or*, we, *as the Case may be*], of in Consideration of the Sum of to me [*or*, us] paid by the Guardians of the Poor of the City of *Chichester*, do hereby grant and release, [*or*, assign, *as the Case may be*], to the said Guardians and their Successors, all, [*here describe the Premises to be conveyed*], and all my [*or*, our] Right, Title, and Interest in and to the same and every Part thereof, to hold to the said Guardians and their Successors, for ever, [*or*, *as the Case may be*], during the Remainder of my Term, Estate, andInterest in the Premises. 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 One thousand eight hundred and .'

Guardians may resell Lands.

XI. And whereas the said Guardians may hereafter be desirous to resell the Lands, Tenements, or Hereditaments to be purchased by them for the Purposes of this Act, or some Part thereof; be it therefore enacted, That it shall be lawful for them the said Guardians, for a valuable Consideration in Money, to sell and convey all or any Part or Parts of the Lands, Tenements, and Hereditaments which may have been so purchased by them; and upon Payment of the Purchase Money for the same, it shall and may be lawful for the Treasurer for the Time being to the said Guardians, to sign and give a Receipt or Receipts for the Money for which the same shall be sold, which Receipt or Receipts shall be sufficient Discharges to any Person or Persons for the Money therein and thereby expressed or acknowledged to be received; and such Person or Persons having *bonâ fide* paid the same, shall not afterwards be answerable or accountable for any Loss, Misapplication or Nonapplication of such Purchase Money, or any Part thereof.

Power to break up the Soil and Pavements of Streets, &c. for laying Pipes, and lighting Houses, &c.

XII. And be it further enacted, That it shall be lawful for the said Guardians and their Successors, and they are hereby fully authorized and empowered, by their Contractors, Servants, Agents, Workmen, and others, from Time to Time to make and erect such Retorts, Gasometers, Receivers, and other Buildings, Cisterns, Engines, Machines, or other Apparatus, Cuts, Drains, Sewers, Watercourses, Reservoirs, and other Works and Devices, on any Lands belonging to or to be purchased or acquired by them, and to sink and lay Pipes, and to erect and fix them against any Walls, or in Posts or Pillars in

the Streets, of such Construction and in such Manner as shall be necessary or proper for carrying the Purposes of this Act, and any Contract or Contracts to be entered into as aforesaid, into Execution; and to break up the Soil and Pavements of any Streets, Highways, Roads, Ways, Lanes, and Passages within the said City and the said Close, and the said Parishes and extra-parochial Places aforesaid, and to dig and sink Trenches and Drains, and lay Mains or Pipes, and put Stop Cocks, Syphons, Plugs, or Branches from such Pipes in, under, across, and along the same, and in such Manner as shall be necessary for the Purpose of carrying this Act, and any such Contract or Contracts, into Execution, and from Time to Time to alter the Position of, and to repair, relay, and maintain such Pipes, Stop Cocks, Syphons, and Plugs or Branches, and also to carry, fit up, and furnish any Pipe or Pipes, Cocks or Branches, or other necessary Apparatus, from any Main or Pipe laid in any Street, Road, Highway, Lane, or Passage, by virtue of this Act, for the Purpose of lighting any public or private Lamp, from any of such Mains or Pipes, and to erect and set up any Machine or other Apparatus necessary or requisite for securing to any Dwelling-house or Houses, Manufactories, public or private Buildings, a proper and competent Supply of Gas, or for measuring and ascertaining the Extent of such Supply; and also to alter or amend any bad or imperfect Work which shall have been so placed, which shall be injured or damaged; and to do all such other Acts, Matters, and Things as the said Guardians, or their Contractor or Contractors, shall from Time to Time think necessary and convenient for completing, amending, repairing, improving, supplying, and using the same; provided a proper Compensation be made for any Damage which may be done thereby: Provided always nevertheless, that nothing herein contained shall authorize or empower the said Guardians, or their Contractor or Contractors, to carry or lay any Pipe or Pipes to, through, or against any Dwelling-house or Houses, Manufactories, public or private Buildings, Yards, or Grounds for the Purpose of lighting any other Dwelling-house or Houses, Manufactories, public or private Buildings, or any other Place or Places, without the previous Consent of the Owner and Occupier of every such Dwelling-house or Houses, Manufactories, public or private Buildings, Yards, or Grounds through which any such Pipe or Pipes may be carried or laid for the Purpose aforesaid.

Pipes, &c. to be removed when Tenants quit, if required.

XIII. Provided always, and be it further enacted, That the said Guardians, or their Contractor or Contractors, as the Case may happen, shall at their or his own Expence, on the Expiration or Determination of the Tenancy or Tenancies of any such Occupier or Occupiers so giving Consent as aforesaid, or within Seven Days after the Expiration or Determination of such Tenancy or Tenancies, upon receiving Notice in Writing for that Purpose for or on Behalf of the Owner or Owners or the succeeding Occupier or Occupiers of any such Dwelling-house or Dwelling-houses, Manufactories, public or private Buildings as aforesaid, remove, take, and carry away, or cause to be removed, taken, and carried away any Pipe or Pipes, Cocks, or Branches from any Main or Pipe which shall have been introduced or laid by the said Guardians, or their Contractor or Contractors, in any such Dwelling-house or Dwelling-houses, Manufactories,

Manufactories, public or private Buildings as aforesaid, pursuant to the Power for that Purpose herein-before contained, and repair and make good such Dwelling-house or Dwelling-houses, Manufactories, public or private Buildings where the same shall have been so introduced, any thing herein contained to the contrary thereof in anywise notwithstanding; and in Default thereof it shall and may be lawful to and for such Owner or Owners, or such new Occupier or Occupiers, as the Case may require, or any other Person or Persons acting under their, his, or her respective Authorities or Authority, to cause such Pipes, Cocks, or Branches to be removed, taken, and carried away, and the Dwelling-house or Dwelling-houses, Manufactories, public or private Buildings, where the same shall have been introduced, to be repaired and made good, and the reasonable Costs and Charges for doing the same shall be immediately paid by the said Guardians, or their Contractor or Contractors, as the Case may happen, to such Owner or Owners, Occupier or Occupiers, as the Case may require: Provided nevertheless, that if such reasonable Costs and Charges be not paid within Three Days next after Demand shall be made by such Owner or Owners, Occupier or Occupiers (Proof of such Demand being made by the Oath of One credible Witness before One or more Justice or Justices of the Peace for the said City or County), all such reasonable Costs and Charges shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of the said Guardians, or their Contractor or Contractors, together with the Costs and Charges of such Distress and Sale, by Warrant under the Hand and Seal or Hands and Seals of One or more Justice or Justices of the Peace of the said City or County, and which Warrant such Justice or Justices is and are hereby empowered to grant, and such Costs and Charges shall be paid to such Owner or Owners, Occupier or Occupiers, as the Case may require.

Workmen in laying Pipes, to make good the Pavement.

XIV. And be it further enacted, That the Workmen employed in laying or repairing any such Mains, Pipes, Plugs, Cocks, Syphons, or Branches, shall do as little Damage as may be, and shall forthwith fill in the Trenches and make good the Pavements and Roads, and carry away the Rubbish occasioned thereby, and repair any Damage arising from any Drains, Sewers, or Cuts which may be made for the Purposes of this Act, without any Delay; and shall in the meantime fence or guard the Place or Places where any Ground shall be opened, and cause a Light or Lights to be fixed and remain during the Night, in such Manner as to prevent Accidents to Passengers, Cattle, and Carriages: Provided always, that if there shall be any wilful or negligent Delay in filling in any such Ground, or removing Rubbish, or making good any such Pavements or Roads; or in case the said Trenches or any of them, or any Part or Parts thereof, shall not during such Time be properly guarded and fenced, or such Light or Lights be placed and maintained as aforesaid, then and in every such Case it shall and may be lawful for the Commissioners for carrying into Execution an Act passed in the Thirty-first Year of the Reign of His late Majesty King *George* the Third, intituled

31 G. 3. c. 63. *An Act for repealing an Act made in the Eighteenth Year of the Reign of Queen* Elizabeth, *intituled* ‘*An Act for paving of the City of* Chi-
‘ chester, *and for the better paving, repairing, and cleansing the*
‘ *Streets, Lanes, and public Ways and Passages within the Walls of*

'*the said City, and for removing and preventing Encroachments, Ob-*
'*structions, and Annoyances therein,*' or the Surveyor or Surveyors of the Street or Place where such Delay shall take place, or any other Person or Persons under their or his Authority, to fill in such Ground, and remove such Rubbish, and to repair and make good the Pavement of any Street, Highway, Way, Lane, Passage, or Place or Places so broken up, and the reasonable Costs and Charges thereof shall be paid by the said Guardians or their Treasurer; or in case any such Contract or Contracts as aforesaid shall have been entered into and be then subsisting, then by the Contractor or Contractors for the Time being to such Commissioners, or Surveyor or Surveyors; and in Default of Payment thereof for Ten Days next after Demand shall be made by such Commissioners, or Surveyor or Surveyors, or other Person or Persons acting by or under their or his Authority, (Proof of such Demand being made by the Oath of One credible Witness before One or more Justice or Justices of the Peace for the City of *Chichester* aforesaid, if the Offence shall be committed within the Liberties of the said City, or otherwise before One or more Justice or Justices of the Peace for the County of *Sussex*), all such reasonable Costs and Charges, together with any Sum not exceeding Five Pounds by way of Penalty, shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of the said Guardians, or such Contractor or Contractors, as the Case may happen, together with the Charges of such Distress and Sale, by Warrant under the Hand and Seal or Hands and Seals of any such Justice or Justices of the Peace for the said City or County, (which Warrant such Justice or Justices is and are hereby empowered to grant); and such Costs, Charges, and Penalty shall be paid to such Commissioners or Surveyor or Surveyors, or Person or Persons acting under their or his Authority.

For protecting Water Pipes.

XV. And be it further enacted, That if in carrying into Execution any of the Powers or Authorities by this Act given or granted, any Injury or Damage shall be done or committed to any of the Pipes, Branches, Apparatus, Materials, or Things, by Means whereof the said City of *Chichester*, or the said Close or the said Parishes, or extra-parochial Places aforesaid, or any Part thereof, are or is supplied with Water, or to the Pipes or Branches of any Person or Persons communicating with the same, either by removing or disturbing the Ground or Soil wherein or whereon the same, or any of them, are or is laid or placed, or by the Compression and subsequent settling or lowering of the same Ground or Soil at any Time or Times afterwards, or by any other Ways or Means whatsoever, the said Guardians, or if any such Contract as aforesaid shall have been made and be then subsisting, the Contractor or Contractors shall at their or his own Expence, Costs, and Charges, within Twenty-four Hours next after Notice in Writing to them or him given by any Two of the Justices of the Peace for the said City or County, or the Town Clerk of the said City, or the said Commissioners, cause such Pipes, Branches, Apparatus, Materials, and Things to be well and effectually repaired and amended; and in Default thereof the said Guardians, or their Contractor or Contractors as aforesaid, as the Case may happen, shall forfeit and pay, at the Discretion of any Two such Justices as aforesaid, any Sum not exceeding

ceeding Ten Pounds; and it shall and may be lawful to and for such Justices or Town Clerk, or the said Commissioners, and they are hereby respectively authorized and empowered, to cause such Pipes, Branches, Apparatus, Materials, and Things so injured or damaged as aforesaid, to be effectually repaired, amended, and made good, and the reasonable Costs, Damages, and Expences attending the same, together with such Penalty as aforesaid, shall be paid and defrayed by the said Guardians, or their Contractor or Contractors as aforesaid, and such Penalty shall be applied in Aid of the Rates for paving and repairing the Streets of the said City; and the same and all such Costs, Damages, and Expences as aforesaid shall and may be levied and recovered by Distress of the Goods and Chattels of the said Guardians, or their Contractor or Contractors, together with the Costs and Charges attending such Distress, by Warrant under the Hands and Seals of any Two such Justices as aforesaid, which Warrant such Justices are hereby empowered to grant accordingly.

No Pipes of Communication to be laid without Consent.

XVI. Provided always, and be it further enacted, That no Person shall lay or cause to be laid any Iron, Leaden, or other Pipe to communicate with any Pipe which shall be laid down under the Authority of this Act, without the Consent in Writing of the said Guardians under their Common Seal; nor shall any Person use Burners of larger Dimensions than he, she, or they respectively shall contract or pay for; or supply any Inhabitant or other Person with any Part of such Gas, on pain of forfeiting and paying to the said Guardians, or their Contractor or Contractors, as the Case may be, the Sum of Twenty Shillings *per* Day for every Day such Pipe shall so remain, or such Excess be so committed, or such Supply furnished, to be recovered by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal or Hands and Seals of any Justice or Justices of the Peace for the City or County aforesaid, (and which Warrant such Justice or Justices is and are hereby empowered and required to grant); and the Surplus, after such Penalty or Forfeiture and the Charges of such Distress and Sale are deducted, shall be returned upon Demand to the Owner of such Goods and Chattels; and in case sufficient Distress cannot be found, or such Forfeiture shall not be forthwith paid, it shall be lawful for such Justice or Justices to cause such Offender or Offenders to be committed to the House of Correction of the City of *Chichester* or County of *Sussex* (as the Case may happen), without Bail or Mainprize, for such Time as such Justice or Justices shall direct, not exceeding Three Calendar Months, unless such Forfeiture and all reasonable Charges shall be sooner paid and satisfied; and it shall be lawful for the said Guardians, or their Contractor or Contractors for the Time being, if he or they shall so think fit, also to take off the Gas from the House and Premises of the Person so offending, notwithstanding any Contract or Agreement which may have been previously entered into.

Penalty for interrupting Workmen.

XVII. And be it further enacted, That if any Person shall wantonly or maliciously hinder or interrupt the said Guardians, or any such Contractor or Contractors as aforesaid, or their or his Agents, Workmen, or Servants, or any of them, in doing and performing any

of the Works, or in Exercise of any of the Powers and Authorities by this Act granted, or shall in anywise cause or procure the same to be done, every Person so offending shall for every such Offence forfeit and pay to the said Guardians, or their Contractor or Contractors, as the Case may be, any Sum not exceeding Five Pounds, and also the full Amount of the Damage which shall be sustained by such Hinderance or Interruption, such Forfeiture and Damage respectively to be recovered in like Manner as any Penalty or Forfeiture can or may by virtue of this Act be recovered.

Penalty for damaging Pipes, &c.

XVIII. And be it further enacted, That if any Person or Persons shall wilfully or maliciously remove, take away, destroy, damage, or injure any or any Part of any Pipe, Post, Plug, Lamp, or other Apparatus, Matter, or Thing which shall be erected or placed by virtue of the Powers of this Act, or shall wilfully or maliciously waste, or improperly use any of the Inflammable Air or Gas supplied by the Means thereof, every Person so offending in any of the respective Premises, and being thereof lawfully convicted on the Oath of One credible Witness, before One or more Justice or Justices for the said City of *Chichester* or County of *Sussex*, shall forfeit and pay to the aforesaid Guardians, or their Contractor or Contractors, as the Case may be, any Sum not exceeding Five Pounds, and also Three Times the Amount of the Damage, to be ascertained by such Justice or Justices to be done; such Penalty and Damage, together with reasonable Costs, to be levied by Distress and Sale of the Goods and Chattels of such Offender, rendering the Overplus (if any), on Demand, to the Owner of such Goods and Chattels; or such Offender shall and may be committed to the House of Correction for the City of *Chichester* or County of *Sussex*, there to remain for any Time not exceeding Three Calendar Months.

Power to convey Washings.

XIX. And be it further enacted, That it shall be lawful for the said Guardians, and their Contractor or Contractors, to make such Sewers or Cuts of such Breadth, Depth, and Dimensions and in such Manner as they or he shall think expedient, under the Streets, Ways, Lanes, Avenues and Places within the said City and the said Close, Parishes, and extra-parochial Places aforesaid, for the Purpose of carrying off the Washings or other waste Liquids which may arise in the Prosecution of the Works aforesaid, the said Guardians, or their Contractor or Contractors, doing as little Damage as may be in making the said Sewers or Cuts, and immediately repairing at their own Expence all such Damage; provided that none of such Washings or other waste Liquids, or any other Matter or Thing made or arising from the Manufacture of such Gas, shall be conducted or conveyed into any Brook or Stream of fresh Water whatsoever; and that no such Sewers or Cuts shall be made in any Situation where the same can, shall, or may in any Manner interfere with, prejudice, or affect any of the present or future public or private Wells, Sewers, or Drains within the said City, and the said Close and Parishes, and extra-parochial Places aforesaid.

For preventing the Escape of Gas.

XX. And be it further enacted, That whenever any Gas shall be found to escape from any of the Pipes which shall be laid down or set up

up in pursuance of this Act, the said Guardians, or in case of any such Contract as aforesaid, the Contractor or Contractors for the Time being shall, at their or his own Expence, immediately after receiving Notice, by Parol or in Writing, of any such Escape of Gas, from any Person or Persons whomsoever, cause the most speedy and effectual Measures to be taken to stop and prevent such Gas from escaping; and in case the said Guardians, or their Contractor or Contractors as aforesaid, shall not, within Twenty-four Hours next after such Notice by Parol or in Writing being given of any such Escape of Gas, effectually stop and prevent the Gas from escaping, and wholly and satisfactorily remove the Cause of Complaint, then and in every such Case the Party or Parties so offending shall for every such Offence forfeit and pay the Sum of Five Pounds for each and every Day after the Expiration of Twenty-four Hours from the Time of giving any such Notice, during which the Gas shall be suffered to escape as aforesaid; which Penalty shall from Time to Time be recoverable in a summary Way before any Justice of the Peace for the said City or County, by Information on the Oath of One or more credible Witness or Witnesses, together with Costs, to be ascertained by such Justice, and shall and may be respectively levied by Distress and Sale of the Goods and Chattels of the said Guardians, or their Contractor or Contractors, as the Case may happen; and such Penalty, when recovered, shall be paid to the Person or Persons by whom any such Information shall be laid or exhibited.

Guardians empowered to appoint Watchmen.

XXI. And be it further enacted, That the said Guardians shall and may, and they are hereby authorized from Time to Time to establish and appoint such and so many able-bodied Watchmen as they shall judge necessary and proper to be kept and employed in the Streets, Lanes, and other public Passages and Places in the said City and Close, and Parishes and extra-parochial Places aforesaid, for that Service, and shall likewise order and direct in Writing, how, where, and in what Manner they shall be stationed and armed, and how often they shall go their Rounds, how long they shall continue on Duty, and under what Allowance or Wages for their Attendance, and such Watchmen to remove from Time to Time as they shall see Occasion; and shall also erect, hire, or otherwise provide a proper Watch-house or Watch-houses, and Watch-boxes or Places for the Reception of such Watchmen; and that it shall be lawful for the said Guardians to make such further Orders, Rules, and Regulations, from Time to Time, for the better Government and Direction of the said Watchmen, as the said Guardians shall think proper; and that it shall be lawful for the said Watchmen or any of them, and they are hereby respectively authorized and required during the Time of their keeping Watch to apprehend and secure in the Watch-house or Watch-houses, to be provided as aforesaid, all Malefactors, Disturbers of the King's Peace, and all suspicious Persons, Night-walkers, and Persons misbehaving themselves, and to carry such Person or Persons as soon as conveniently may be, before some Justice of the Peace for the said City or County, to be examined and dealt with according to Law; and in case any Watchman to be appointed as aforesaid shall be guilty of Misbehaviour or Neglect of Duty, and

shall

shall thereof be convicted on Confession or the Oath of One or more credible Witness or Witnesses, before any One or more of His Majesty's Justices of the Peace for the said City or County, every Watchman so offending shall forfeit and pay immediately on Conviction, any Sum not exceeding Forty Shillings, together with the Charges attending such Conviction, to be ascertained by the said Justice.

Expences of the Act how to be raised.

XXII. And be it further enacted, That for the Purpose of defraying all the Costs and Charges attending the obtaining and passing of this Act, and the first Expences incident to the carrying this Act into Execution, not exceeding in the whole the Sum of One thousand Pounds with lawful Interest, until the Payment thereof, it shall and may be lawful to and for the said Guardians, and they are hereby empowered and required, to make and settle a Rate or Rates, Assessment or Assessments, upon the Inhabitants and Occupiers of all Houses, Tenements, Shops, Warehouses, Storehouses and other Buildings within the said City, Close, Parishes, and extra-parochial Places aforesaid, and the Yards and Gardens attached to and occupied with the same respectively, in such Manner as is herein-after directed with respect to the Rates or Assessments to be made for the other Purposes herein-after mentioned; and that for the Purpose of defraying the annual or other Sums which shall or may become payable under and by virtue of any Contract or Contracts to be entered into by the said Guardians or their Successors, for the lighting the said City of *Chichester*, and the said Close and the said Parishes and extra-parochial Places as aforesaid, and the Expences attending or incident to such watching as aforesaid, by virtue of the Powers herein-before contained, or any of them, it shall and may be lawful to and for the said Guardians, and they are hereby empowered and required from Time to Time to make and settle a Rate or Rates, Assessment or Assessments upon the several Inhabitants and Occupiers of Houses, Tenements, Shops, Warehouses, Storehouses, and other Buildings within the said City, Close, Parishes, and extra-parochial Places aforesaid, and the Yards and Gardens attached to and occupied with the same respectively, not exceeding in the whole One Shilling in the Pound, in any One Year, of the annual Value of such Houses, Tenements, Shops, Warehouses, Storehouses, and other Buildings, Yards, and Gardens as aforesaid; and the Rates or Assessments which shall be so respectively made for the Parishes and Places which lie within the said City or the Liberties thereof, being allowed and confirmed by any Two or more Justices of the Peace for the said City, and the Rates and Assessments which shall be so made for the Parishes or Places which lie without the Liberties of the said City, being allowed and confirmed by any Two or more Justices of the Peace for the County of *Sussex* respectively, the said Guardians shall have Power and are hereby authorized to cause to be respectively levied; and the said Guardians are also empowered to appoint a Collector for collecting the same of the several Inhabitants and Persons aforesaid, and to allow the said Collector such Salary as they may think proper; and if any such Person so appointed a Collector shall refuse or neglect to collect the said Rates or Assessments, every such Person shall forfeit the Sum of Five Pounds; and in case any

Court to appoint a Collector thereof.

Penalty on his refusing to act.

any Person or Persons so assessed shall refuse or neglect to pay the same by or for the Space of Seven Days next after Demand thereof made, it shall and may be lawful to and for the said Collector, by Warrant under the Hands and Seals of any Two or more of the Justices of the Peace for the said City, or the said County of *Sussex*, as the Case may happen, to levy the same Rates or Assessments by Distress and Sale of the Goods of such Person or Persons, rendering to him or them the Overplus (if any be) after the necessary Charges of such Distress and Sale shall be deducted.

Landlords to be assessed for Houses under 10*l.*;

XXIII. Provided always, and be it further enacted, That in all Cases where any Houses, Tenements, or Herditaments to be assessed by virtue of this Act shall be rated at any Sum not amounting to Ten Pounds, it shall be lawful for the said Guardians, and they are hereby authorized and required to rate or assess the Landlords or Owners of any such Houses, Tenements, or Hereditaments for the Purposes of this Act; and it shall be lawful for the said Guardians to rate or assess for the Purposes aforesaid, the Landlords or Owners of all Houses or Tenements within the Limits of this Act of the yearly Value of Ten Pounds or upwards, which shall be let out into Lodgings to Two or more Tenants, and such Landlords or Owners shall in the respective Cases aforesaid pay the said Rates or Assessments accordingly: Provided always, that nothing in this Act shall extend or be construed to extend to make void any Contract, Covenant, or Agreement between Landlord and Tenant relating to the Payment of any Rates or Assessments on Houses or Tenements within the Limits of this Act.

and for Houses let to divers Tenants.

Tenants to pay Assessments on Landlords, and to deduct the same out of Rents.

XXIV. And to the end that the said Rates or Assessments hereby authorized to be made on Landlords or Owners for the Purposes of this Act may be more effectually collected and received, be it further enacted, That all and every Tenant or Tenants, Occupier or Occupiers are and shall be liable to all and every the Rates and Assessments which shall be rated, made, or assessed by virtue of this Act on such Landlords or Owners respectively, and all Arrears thereof, and shall be subject to such Distress as aforesaid in case of Nonpayment thereof; and such Tenant or Tenants, Occupier or Occupiers shall be at Liberty, and is and are hereby authorized to deduct and retain out of his, her, and their Rents such Rates as he, she, or they shall respectively pay for or on account of any such Landlord or Landlords, or Owner or Owners as aforesaid.

Guardians may amend Rates.

XXV. And be it further enacted, That the said Guardians shall and may, if they think proper, amend any Rate or Assessment, Rates or Assessments for the Purposes of this Act, after the same shall have been made and signed, by inserting the Name of any Person who ought to have been but who has not been rated or assessed, or by striking out the Name of any Person who hath been but ought not to have been rated or assessed, or by altering the Sum or Sums charged in any such Rate or Assessment on any Person or Persons, or in any other Manner in which the said Guardians shall think proper for making the same a just and equal Rate or Assessment.

Collectors to account annually to the Court for the Money collected;

XXVI. And be it further enacted by the Authority aforesaid, That such Sum or Sums of Money as shall be collected in Manner as aforesaid, shall be accounted for by the Collector thereof for the Time being, Once in a Year at the least to the said Guardians, at some monthly Court or Assembly; and if any such Collector shall refuse or neglect to account for and pay the Money remaining in his Hands to such Person or Persons as the said Guardians shall direct, such Collector shall, by any Two Justices of the Peace for the said City, be committed to the Common Gaol of the said City or County, there to remain without Bail or Mainprize until he shall have made a true and perfect Account and Satisfaction, and paid so much as shall appear to be remaining in his Hands.

and pay the Balance in his Hands to the Order of the Court, on Penalty of being committed.

For compelling the Attendance of Witnesses.

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

Persons giving false Evidence to be punished.

XXVIII. And be it further enacted, That if any Witness or Witnesses who shall be examined by or before any Justice of the Peace, or otherwise, under this Act, upon Oath, or in case of a Quaker or Quakers on solemn Affirmation, shall wilfully and corruptly give false Evidence, and shall be thereof convicted, he, she, or they so giving false Evidence, shall be subject to the same Punishment as if he, she, or they had been convicted of wilful and corrupt Perjury.

Proceedings to be within Six Calendar Months.

XXIX. And be it further enacted, That no Person or Persons shall be subject or liable to the Payment of any of the Penalties or Forfeitures for any Offence or Offences against this Act, unless Information respecting such Offence or Offences shall have been lodged before a Magistrate within Six Calendar Months next after such Offence committed.

For defraying Expences incurred by Guardians in Actions, &c.

XXX. And be it further enacted, That all Costs and Expences to be incurred by or on Behalf of the said Guardians, or any Person or Persons employed by them in prosecuting or defending any Action, Suit, or other Proceeding, touching, arising out of, or relating to the Execution of this Act, shall be defrayed out of the Money arising by virtue of this Act, unless such Action, Suit, or Proceeding shall be in consequence of the wilful Neglect or Default of the said Guardians.

XXXI. And

Recovery and Application of Penalties.

XXXI. And be it further enacted, That all Penalties and Forfeitures for all and every the Offences in this Act mentioned, the Manner of levying or recovering whereof is not hereby otherwise particularly mentioned, provided for, or directed, shall be levied and recovered, in a summary Way, by and before any Justice of the Peace for the City, County, or Place where any such Offences shall be committed, and such Justice is hereby authorized and empowered to convict the Offender or Offenders, upon Information by the Oath of any Person or Persons, or on the Confession of the Party offending, (which Oath such Justice is hereby authorized to administer); and in default of Payment of such Penalties or Forfeitures, the same, together with such Costs as the said Justice shall deem reasonable, shall be levied by Distress and Sale of the Goods and Chattels of the Offender or Offenders, by Warrant under the Hand and Seal of such Justice, and the Overplus (if any) shall be rendered, on Demand, to the Party or Parties whose Goods and Chattels shall be so distrained, the Costs of such Distress and Sale being first deducted; and one Moiety of all such Penalties and Forfeitures, when recovered, the Application whereof is not hereby otherwise directed, shall be paid to the Informer, and the other Moiety thereof shall be paid to the Guardians of the said City of *Chichester*, to be by them applied towards the Relief of their Poor; and in case such Penalties and Forfeitures respectively shall not be paid forthwith upon Conviction, then it shall and may be lawful for such Justice 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, for his or their Appearance before him, 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 is hereby empowered to take by way of Recognizance or otherwise; but if, upon the Return of such Warrant or Warrants, it shall appear that no sufficient Distress can be had thereupon, then it shall be lawful for any such Justice of the Peace, and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to cause such Offender or Offenders to be committed to the Common Gaol of the City, County, or Place aforesaid, or to any House of Correction within the same, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, unless such Penalties, Forfeitures, and Fines, and all reasonable Charges, shall be sooner paid and satisfied.

For securing transient Offenders.

XXXII. And whereas Offences may be committed against this Act by Persons unknown to the Guardians, Collectors, or other Officers or Persons appointed to put the same Act into Execution; be it therefore enacted, That it shall be lawful for any One or more of the said Guardians, Collectors, or other Officers or Persons respectively, and such other Person or Persons as he or they shall call to his or their Assistance, without any other Warrant or Authority than this Act, to seize and detain any unknown Person or Persons who shall commit any such Offence or Offences, and take him, her, or them before

before any Justice of the Peace of the City, County, or Place where the Offence or Offences shall have been committed, to be dealt with according to Law, and such Justice is hereby empowered and directed to proceed immediately to the hearing and determining of the Complaint.

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

Form of Conviction.

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

Appeal may be made to Quarter Sessions.

XXXIV. Provided always, and be it further enacted, That any Body or Bodies Politic, Corporate, or Collegiate, or any Person or Persons whomsoever, thinking himself, herself, or themselves aggrieved by any Rate or Assessment which shall be made or demanded under or by virtue of this Act, or by the Order, Judgment, or Determination 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 next General Quarter Sessions of the Peace to be holden for the said City of *Chichester*, in all Cases where the Party or Parties aggrieved or the Property charged shall reside or be within the Liberties of the said City, but otherwise to the next General Quarter Sessions of the Peace to be holden for the Western Division of the County of *Sussex*, the Person or Persons appealing having first given at least Ten clear Days Notice of such Appeal, and the Nature and Matter thereof, to the Person or Persons appealed against or made the Respondents in any such Appeal, and forthwith after such Notice, entering into a Recognizance before some Justice of the Peace for such City or County, as the Case may be, with Two sufficient Sureties conditioned to try such Appeal, and to abide the Order and Award thereon of the Court by or before which the same shall be tried; and the said Justices, upon due Proof of such Notice and Recognizance having been given and entered into, shall in a summary Way hear and determine such Complaint at such General Quarter Sessions of the Peace, or if they shall think proper, may adjourn the hearing thereof to the next General Quarter Sessions of the Peace to be held for the said City or County, as the Case may be; and if they see Cause, may mitigate any

any Forfeiture or Fine, and may order any Money to be returned which shall have been levied upon the Party or Parties so appealing, and shall and may also award such further Satisfaction to be made to the Party injured, or such Costs to either of the Parties as they shall judge reasonable and proper; and all such Determinations of the said Justices at such General Quarter Sessions shall be binding, final, and conclusive upon all Parties concerned to all Intents and Purposes whatsoever, and shall not be removed or removable by Certiorari or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*.

Nothing in this Act to prevent the Company from being indicted for a Nuisance.

XXXV. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to prevent any Person or Persons from proceeding by Indictment or otherwise for a public or private Nuisance, against the said Guardians, or any such Contractor or Contractors as aforesaid, or against their or his Servants or Workmen, either in respect of any Works erected, set up, done, or performed by or by the Order and Direction of such Guardians, or Contractor or Contractors, or the Method which shall be employed by them in furnishing such Light as aforesaid, or from bringing any Action against the said Guardians, or the said Contractor or Contractors, or any of their Servants or Workmen, for any Injury sustained by reason or in consequence of any such Works, or the Method of Lighting as aforesaid, whether such Injury shall proceed from the Nature of such Method of Lighting, or Carelessness or Want of Skill on the Part of the Person or Persons employed therein.

Public Act.

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

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