ANNO TERTIO

GEORGII IV. REGIS.

Cap. XXVI.

An Act to amend the Powers and Provisions of an Act of His late Majesty, for paving, cleansing, lighting, watching, and regulating the Streets and other Public Places within the City of *Durham* and Borough of *Framwelgate*, and Suburbs thereof, and Streets thereto adjoining, and other Purposes relating thereto. [15th *May* 1822.]

WHEREAS an Act was passed in the Thirtieth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for paving, cleansing, lighting, watching, and regulating the Streets, Lanes, Ways, and Public Passages and Places within the City of* Durham *and Borough of* Framwelgate, *and the Suburbs thereof and Streets thereto adjoining; for removing and preventing Nuisances, Annoyances, Encroachments, and Obstructions therein; for widening and rendering more commodious several of the said Streets, Lanes, Ways, and Public Passages and Places; and for regulating and improving the Markets within the said City and Suburbs:* And whereas the Powers and Provisions contained in the said Act have been found in several Respects defective, and the Rates and Monies thereby authorized to be raised are insufficient for keeping the Streets, Lanes, Ways, and Public Passages and Places of the said City, Borough, and Suburbs in proper Repair, and for lighting and watching the same; and it would be of great Advantage to the Inhabitants 30 G. 3. c. 67.

of the said City, Borough, and Suburbs, and to the Public, if more effectual Powers and Provisions were granted and made, and if the said Rates were increased: 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 following Persons for the Time being (that is to say), the Dean and Prebendaries of the Cathedral Church of *Durham*, the Mayor, Recorder, and Aldermen of the City of *Durham*, together with *George Alexander Appleby*, *Silas Angus*, *Thomas Ainsley*, *George Ashton*, *George Andrews*, *John Burrell*, *James Barry* the younger, *Samuel Burnell*, *Joseph Briddick*, *George Burrell*, *John Carr* Clerk, *John Clark*, *John Cooke*, *John Clarke* Clerk, *George Cayley*, *William Cooke* Doctors of Medicine, *Ralph Crozier* the elder, *Thomas Chisman*, *Henry Donkin*, *John Dunn*, *Edward Davison*, the younger, Clerk, *George Dixon*, *Cuthbert Eden* Doctor of Medicine, *Thomas Ebdon* Clerk, *Henry James Ellis*, *George Ewbank*, *John Fawcett* Clerk, *Philip Fewster*, *Edward Fairclough*, *William Green* of *Old Velvet*, *William Green* the younger, *Ralph Gray*, *Thomas Gainforth*, *Samuel Gamlen* Clerk, *Thomas Griffith*, *Patrick George* Clerk, Sir *Henry Hardinge*, *John Wetherell Hays*, *John Hines*, *John Hall*, *John Hancock*, *Robert Hoggett*, *Thomas Hopper* of *Hendon*, *John Hammond*, *Ralph Hutchinson*, *John Hutchinson* the younger, *Francis Johnson*, *John James*, *Mark Jackson*, *Stephen George Kemble*, *John George Lambton*, *John Leybourne*, *Alexander Light*, *Sheriff Middleton*, *George Ovington*, *John Nelson*, *Carter Nixon*, the Honourable *William Powlett*, *Peter Penson* Clerk, *Thomas Robinson*, *Robert Robson*, *John Robson*, *James Raine* Clerk, *John Spinks*, *John Sowerby*, *Thomas Shipperdson* Clerk, *Walter Scruton*, *William Stoker*, *Anwick Smith*, *William Shields* the younger, *Samuel Strong*, *Michael Angelo Taylor*, *William Hall Thompson*, *Peter Talmadge*, *Anthony Tilley*, *John Thwaites*, *John Trotter* Doctor of Medicine, *William Williams*, *John Watson*, *John Wilkinson*, *Thomas Wilkinson* the younger, *Percival Spearman Wilkinson* Clerk, *Thomas Wrightson*, *William Webster*, *George Hutton Wilkinson*, *William Lloyd Wharton*, *Thomas Wilson*, *Thomas Wilburn*, *William Ward*, and also, together with such of the several Persons named and appointed Commissioners in or by virtue of the said recited Act, as are now living, shall be and they and their Successors to be elected in manner herein-after mentioned, are hereby appointed Commissioners for putting the said recited Act and this Act in Execution; and that all and every the Clauses, Powers, Authorities, Provisions, Rules, Directions, Penalties, Forfeitures, Payments, Remedies, Articles, Matters and Things whatsoever in the said recited Act contained, and now in force, (except such Parts thereof as are by this Act varied, altered, or repealed), shall be extended to this Act, and shall be of as full and ample Force and Effect, for the Purposes and Intents of this Act in all Respects, as if the same were repeated and re-enacted in the Body of this Act.

Commissioners appointed.

II. And be it further enacted, That it shall and may be lawful for the said Commissioners, and they are hereby authorized and empowered, from Time to Time, at any of their Meetings to be holden in pursuance of this Act or the said recited Act, to elect and appoint any Number of Persons (not exceeding Nine in the Whole, in addition to the Number of Commissioners herein named and appointed), to be Commissioners for

Power to appoint additional Commissioners.

the Purposes of this Act and the said recited Act; and such Persons so elected and appointed, and being duly qualified as herein-after mentioned, shall be Commissioners for the Purposes of this Act and the said recited Act, and are hereby invested with the same Powers and Authorities for executing this Act and the said recited Act, as if they had been herein named.

Appointment of new Commissioners in case of Death, &c.

III. And be it further enacted, That when and so often as any of the Commissioners in this Act or the said recited Act named and appointed (except the Dean and Prebendaries of the Cathedral Church of *Durham*, and the Mayor, Recorder, and Aldermen of the City of *Durham*), or to be elected or appointed by virtue of this Act, shall die, or refuse or decline to act, or become incapacitated or disqualified, it shall and may be lawful to and for the said Commissioners, or any Nine or more of them, from Time to Time, at their Public Meetings (within Twelve Calendar Months after the Death of any of the said Commissioners shall happen or be known, or after Notice of any such Refusal, Incapacity, or Disqualification), to elect and appoint, by an Order to be entered in the Book wherein they enter their Orders and Proceedings, some other Person or Persons to be a Commissioner or Commissioners in the Place or Places of such Commissioner or Commissioners so dying, refusing, or becoming incapable or disqualified as aforesaid; and such Person and Persons so from Time to Time elected and appointed a Commissioner or Commissioners shall, from and after such Election and Appointment, have the same Power and Authority for the Execution of the said recited Act and this Act in all Things, as if he or they had been named in this Act, and as the other Commissioners hereinbefore named have hereby granted and given to them.

Qualification of Commissioners.

IV. Provided always, and be it enacted, That no Person shall be capable of acting as a Commissioner for putting the said recited Act or this Act in Execution, (except in administering the Oath or Affirmation of Qualification herein-after mentioned), unless he shall at the Time of his acting be seised of or entitled, either in his own Right or in Right of his Wife, to Messuages, Lands, Tenements, or Hereditaments, either for his own Life or for the Life of some other Person, or for some greater or better Estate of the clear yearly Value of Forty Pounds above Reprizes, or be possessed of or entitled in his own Right to a clear Personal Estate of the Value of Five hundred Pounds, nor until he shall have taken and subscribed an Oath, or being a Quaker, until he shall have made and subscribed an Affirmation before any Nine or more of the said Commissioners, at a Meeting to be held by virtue of the said recited Act or this Act (which Oath or Affirmation it shall be lawful for the said Commissioners or any one of them to administer), in the Words or to the Effect following:

Oath.

'I, do swear, [*or, being One of the People called Quakers*, do solemnly affirm,] That I am truly and *bonâ fide* in my 'own Right or in the Right of my Wife, seised of or entitled to Mes- 'suages, Lands, Tenements, or Hereditaments, either for my own Life 'or the Life of some other Person, or of some other greater or better 'Estate therein of the clear yearly Value of Forty Pounds above Reprizes, 'or am possessed of or entitled in my own Right to a Personal Estate to

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'the Amount of Five hundred Pounds, clear of all Deductions; and that 'I will truly and impartially, according to the best of my Skill and Judg- 'ment, execute and perform all and every the Powers and Authorities 'reposed in me by virtue of an Act passed in the Thirtieth Year of the 'Reign of His late Majesty King *George* the Third, intituled *An Act for* '*paving, cleansing, lighting, watching, and regulating the Streets, Lanes,* '*Ways, and Public Passages and Places within the City of* Durham *and* '*Borough of* Framwelgate, *and the Suburbs thereof and Streets thereto* '*adjoining; for removing and preventing Nuisances, Annoyances, Encroach-* '*ments, and Obstructions therein; for widening and rendering more Com-* '*modious several of the said Streets, Lanes, Ways, and Public Passages and* '*Places; and for regulating and improving the Markets within the said* '*City and Suburbs;* and by virtue of an Act passed in the Third Year of 'the Reign of His Majesty King *George* the Fourth, intituled *An Act* '[*here set forth the Title of this Act*]. So help me GOD.'

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

Penalty on Commissioners acting not being qualified.

And if any such Person, not being qualified as aforesaid, or not having taken and subscribed an Oath as aforesaid, or being a Quaker, not having made and subscribed an Affirmation as aforesaid, shall presume to act as a Commissioner in the Execution of this Act or the said recited Act, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds, to any Person or Persons who shall sue for the same, to be recovered, together with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, or His Majesty's Court of Pleas at *Durham*, 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; and every Person so prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty, on Proof given of his having acted as such Commissioner: Provided nevertheless, that such Acts and Proceedings as shall have been done and performed by any such Person touching the Execution of the said recited Act or this Act, previous to his being convicted of any such Offence, shall notwithstanding such Conviction be as valid and effectual as if such Person had been duly qualified.

Powers of the Act may be executed by Nine or more Commissioners at a Meeting, and their Proceedings shall be as valid as if all Commissioners had acted;

and Acts done by the major Part of them at Meetings to be valid.

V. And be it further enacted, That all the Powers and Authorities by this Act or the said recited Act given to, and all the Provisions, Matters, and Things by this Act or the said recited Act directed or authorized to be done by the Commissioners for executing the same, shall and may be executed and done by or before any Nine or more of the Commissioners appointed by or by virtue of this Act, assembled at some Meeting to be held in pursuance of the said recited Act or this Act, and shall be of as full Force and Effect as if executed or done by or before all the said Commissioners, (except in such Cases where any such Power, Authority, Provision, Matter or Thing is by this Act particularly directed or authorized to be executed or done by any other Number of Commissioners, or in any other Manner); and all Acts, Orders, Proceedings, and Determinations of the Commissioners acting in the Execution of the said recited Act or this Act, made at any such Meeting consisting of Nine or more Commissioners wherein the major Part of the Commissioners present at such Meetings shall concur, shall be as valid and effectual as if all the Commissioners present at such Meeting had concurred

curred therein; and in all Cases where there shall be an Equality of Votes upon any Question, at any Meeting (including the Vote of the Chairman), the Chairman at such Meeting shall have the decisive or casting Vote.

Notice of rescinding Orders to be previously given.

VI. And be it further enacted, That no Order made by the said Commissioners for and concerning the Trusts, Powers, and Authorities of the said recited Act, or of this Act, shall be revoked, repealed, or rescinded, by any subsequent Order of the said Commissioners, unless Ten Days previous Notice in Writing shall be given by their Clerk to such of those Commissioners as shall have made the Order or Orders so intended to be revoked, repealed, or rescinded, of the Time and Place for considering the said Order, and of the Reason or Cause for revoking, repealing, or rescinding the same.

Notice in the Durham Paper to be as available as in the Newcastle Papers.

VII. Provided also, and be it further enacted, That in all Cases where any Notice is by the said recited Act required to be given in One of the Newspapers published in *Newcastle-upon-Tyne*, it shall and may be lawful to give or publish any such Notice in any Newspaper published or to be published in the County of *Durham*, and all Notices so published shall be good and available in Law for the Purposes of the said recited Act and of this Act, as such Notices would have been if the same had been given or published in any of the Newspapers published in *Newcastle-upon-Tyne*, pursuant to the said recited Act; any thing in the said recited Act to the contrary notwithstanding.

Repealing so much of former Act as requires Officers to verify their Accounts on Oath.

VIII. And be it further enacted, That so much of the said recited Act as enacts, that all Officers and Persons accounting as therein mentioned shall verify their Accounts upon Oath, if thereunto required by the said Commissioners or any Seven or more of them, and also so much thereof as enacts, that if any such Officer or Person shall refuse to verify any such Account upon Oath he shall be subject to the Punishment therein mentioned, shall be and the same is hereby repealed.

Offices of Clerk and Treasurer not to be held by one Person.

IX. 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 who may be appointed to act as their Clerk, or the Partner of any such Clerk, the Treasurer for the Purposes of the said recited Act or this Act, or to continue or appoint the Person who has been or who may be appointed Treasurer, or the Partner of any such Treasurer, the Clerk of the said Commissioners; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of the said recited Act or this Act, or if any Person, being the Partner of any such Clerk, shall act as Treasurer, or being the Partner of any such Treasurer shall act as Clerk in the Execution of the said recited Act or this Act, every Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered, together with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, or His Majesty's Court of Pleas at *Durham*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Pro-

tection, or Wager of Law, nor more than one Imparlance shall be allowed.

Books to be kept of Accounts of Receipts and Disbursements, which shall be open to the Inspection of the Commissioners and Creditors.

X. And be it further enacted, That the said Commissioners shall, and they are hereby required from Time to Time, and at all Times hereafter, 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 assessed, received, paid, laid out and expended by virtue or in pursuance of this Act, or the said recited Act, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed, laid out, and paid, which Books shall at all seasonable Times be open to the Inspection of the said Commissioners, and any Creditor or Creditors of the Rates hereby authorized to be made, and of all and every Persons and Person rated and assessed for the Purposes of the said recited Act or this Act, or any Person or Persons paying such Rates, or otherwise affected thereby, without Fee or Reward; and the said Commissioners and Creditors, and any of them, shall and may take Copies of or Extracts from the said Book or Books, and any other Book or Books by this Act or the said recited Act directed to be kept by such Clerk, or any Part or Parts thereof respectively, 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 any of them, to inspect such Book or Books, or to take such Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum of Money not exceeding Five Pounds.

Commissioners may make Bye Laws.

XI. And be it further enacted, That it shall be lawful for any Ten or more of the said Commissioners from Time to Time, at any of their Meetings, to make such Rules, Orders, Regulations and Bye Laws, (not inconsistent with or repugnant to any of the Directions or Provisions contained in the said recited Act or this Act, or any Law or Statute of that Part of the United Kingdom of *Great Britain* and *Ireland* called *England*,) for the good Government and Conduct of the Officers, Servants, and other Persons employed by the said Commissioners in the Execution of this Act or the said recited Act; and from Time to Time to alter, vary, revoke, or make void any of their Rules, Orders, Regulations and Bye Laws, at their Discretion, and to fix and appoint such reasonable Fines and Penalties for the Breach or Nonperformance of any such Rules, Orders, Regulations and Bye Laws, or any Part thereof, as to them shall seem expedient, so that no such Fine or Penalty shall exceed the Sum of Five Pounds for any one Offence; all which Rules, Orders, Regulations and Bye Laws so as aforesaid from Time to Time made, shall be valid and effectual to all Intents and Purposes whatsoever, and shall be observed and obeyed in all things by the said Commissioners, and all Persons acting under their Orders and Authority, provided that Copies of the several Rules, Orders, Regulations and Bye Laws by this Act authorized to be made, shall be fairly written out or printed, and signed by the Clerk to the said Commissioners, and shall be placed or affixed in such conspicuous Place within the said City, Borough, Suburbs and Streets, as the said Commissioners shall direct: Provided also, that all such Rules, Orders, Regulations and Bye Laws shall be subject to Appeal in manner men-

tioned in the said recited Act, in Cases where any Person or Persons may think himself, herself, or themselves aggrieved, as therein mentioned.

The Pavement or Flagging between the Fronts and that Part which is flagged by the Commissioners, to be done at the Expence of the Owners.

XII. And be it further enacted, That in all Parts of the said Streets, Lanes, Ways, and Public Passages and Places, which by virtue of the said recited Act, or this Act, are or shall be flagged, the Owner or Owners of the Houses, Tenements, or Ground adjoining the same, shall at their own Expence repair and keep in good Repair and Condition, to the Satisfaction of the said Commissioners or their Surveyor, the Pavement or Flagging lying between such adjoining Houses, Tenements, or Ground and that Part of the Foot Pavement which is or shall be flagged by virtue of the said recited Act or this Act; and that if such Owner or Owners shall not put the same in repair within Ten Days after Service of Notice for the Purpose, signed by any Nine of the said Commissioners, and keep the same in repair accordingly, then he, she, or they shall forfeit and pay a Sum not exceeding the Sum of Five Shillings for each square Yard, which shall not be so repaired and kept in repair by him, her, or them.

Stones, &c. may be taken from Waste Grounds, &c. for paving or repairing the Streets, &c.

XIII. And be it further enacted, That the said Commissioners, or their Surveyor, or such other Person or Persons as they or he shall employ or appoint, having an Order in Writing under the Hands of the said Commissioners, or any Nine or more of them, for that Purpose, may and is and are hereby empowered to search for, dig, gather, take, and carry away any Stones, Gravel, Sand, or other Materials, proper for the raising and repairing of the said Streets, Lanes, Ways, and Public Passages and Places, out of and from any Waste Ground or Common, River or Brook, in any Parish, Township, or Place, in which the said Streets, Lanes, Ways, Public Passages or Places respectively are situate, without making any Compensation for the same; such Surveyor or other Person or Persons filling up the Pits or Quarries, levelling the Ground, or sloping down the Banks where such Materials shall be taken, or railing or fencing off such Pits or Quarries, so that the same may not be dangerous to Passengers or Cattle.

Repealing Power to take Materials from private Grounds.

XIV. Provided always, and be it further enacted, That so much of the said recited Act as authorizes or empowers the Commissioners, or their Surveyor, or any other Person or Persons, to search for, dig, take and carry away any Materials, in, upon, or out of, from, or over any private Lands or Grounds, shall be, and the same is hereby declared to be repealed.

Foot Pavement to be swept on certain Days.

XV. And be it further enacted, That all and every Occupier or Tenant of any House, Tenement, or Ground within the said City of *Durham* and Borough of *Framwelgate*, and the Suburbs and Streets thereof, shall sweep and cleanse, or cause to be swept and cleansed, the Foot Pavement in front of or adjoining to the House or other Tenements or Grounds occupied by him, her, or them respectively; such Foot Pavement to be so swept and cleansed for the whole Length of the Front of such Houses, Tenements, or Grounds, and the whole Breadth across to the outer Curb Stone, and the same to be done on every *Monday*, *Tuesday*, *Wednesday*, *Thursday*, *Friday*, and *Saturday* Morning, between the Hours of Seven and Nine, and on every *Saturday* Evening, between

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the Hours of Six and Ten, upon pain of forfeiting and paying a Sum not exceeding Five Shillings for every Neglect therein.

Erecting Posts to fence Foot-paths.

XVI. And be it further enacted, That it shall be lawful for the said Commissioners to set up, or cause to be set up, Posts of Wood or Pillars of Stone or Iron, in or by the Sides of such Part or Parts of any of the Footways of the said City, Borough, Suburbs and Streets, as they shall judge necessary, and also to set up Fences, Posts, and Rails for the Prevention of Accidents or Casualties in any of the Streets, Lanes, Ways, Passages or Public Places, when the same may want Repair, and the Expences thereof shall be borne and defrayed by the said Commissioners, out of the Monies arising from the Rates or Assessments to be made under the Powers or Provisions of the said recited Act and this Act; and if any Person shall take down, alter, or remove, or wilfully break any of the said Posts, Pillars, Fences, Rails, or any such Erections for preventing Accidents, without the Authority or Consent of the said Commissioners, every Person so offending shall forfeit and pay any Sum not exceeding the Sum of Five Pounds.

Streets may be lighted with Gas.

XVII. And be it further enacted, That it shall be lawful for the said Commissioners, from Time to Time and at all Times after the passing of this Act, if they shall think it expedient, to cause the Streets, Lanes, Ways, and Public Passages and Places within the said City, Borough, Suburbs and Streets, or any of them, to be well and effectually lighted with Gas, at such Seasons and Times as the said Commissioners shall judge proper; and for that Purpose the said Commissioners are hereby empowered, if they shall think it expedient so to do, to cause Pipes for the Conveyance of Gas to be laid and carried along, through, and under the Streets, Lanes, Ways, and Public Passages and Places within the said City, Borough, Suburbs and Streets, or any of them: Provided nevertheless, that nothing herein contained shall extend to authorize the said Commissioners to cause any Pipe or Pipes for the Conveyance of Gas to be affixed or placed or continued upon or against the Wall of any House within the said City, Borough, Suburbs and Streets, without the Consent of the Owner and Occupier of such House.

Commissioners may contract for lighting with Gas.

XVIII. And be it further enacted, That it shall be lawful for the said Commissioners, or any Nine or more of them, from Time to Time to enter into any Contract or Contracts, either with any Gas Light Company hereafter to be established within the said City, Borough, Suburbs and Streets, or with any other Person or Persons, or Body or Bodies Politic or Corporate, for having the said Streets, Lanes, Ways, and Public Passages and Places, or any of them, lighted with Gas, as the said Commissioners, or any Nine or more of them, shall from Time to Time think proper and expedient.

Refuse, on making the Gas, not to drain into Rivers, Wells, &c.

XIX. Provided always, and be it further enacted, That if any Person or Persons, Body or Bodies Politic or Corporate, who shall light or contract for lighting with Gas, the Streets, Lanes, Ways, Public Passages or Places within the said City, Borough, Suburbs, or Streets, or any of them, shall, at any Time drain or convey, or cause or suffer to be drained or conveyed, or to run or flow, any Washings or other waste Liquids, or any

any noisome or offensive Liquids, Substances, or Things whatsoever, which may arise or be produced in the Prosecution of the Works of the Person or Persons, Body or Bodies Politic or Corporate, who shall light or contract for lighting with Gas the said Streets, Lanes, Ways, Public Passages or Places, or any of them, into any River, or into any running Stream or Brook, or into any Sewer, Drain, Passage or Channel, by means whereof any such Washings or other waste Liquids, or noisome or offensive Liquids, Substances, or Things as aforesaid shall be drained, conducted or conveyed into any River, Stream, or Brook, or into any Well, Spring, or Reservoir, Pant, Aqueduct, Waterway, Feeder, or Pond, or do or cause to be done any other Nuisance, Annoyance, Injury or Damage, Act or Thing to the Water contained in any such Well, Spring, Reservoir, Pant, Aqueduct, Waterway, Feeder, or Pond, whereby the said Water, or any Part thereof, shall or may be soiled, fouled or corrupted, then and in each and every such Case, the Person or Persons, Body or Bodies Politic or Corporate, who shall light or contract for lighting with Gas the said Streets, Lanes, Ways, Public Passages or Places, or any of them, shall forfeit and pay for every such Offence the Sum of Two hundred Pounds; and such Forfeiture or Penalty shall and may be sued for and recovered, together with full Costs of Suit, by any Person or Persons, in any of His Majesty's Courts of Record at *Westminster*, or His Majesty's Court of Pleas at *Durham*, by Action of Debt, wherein no Essoign, Protection, Privilege, Wager of Law, nor more than One Imparlance shall be allowed: Provided always, that no such Forfeiture, Penalty, or Costs shall be recoverable, unless the Suit or Action be commenced within Twelve Calendar Months from the Time such Nuisance, Annoyance, Damage or Injury, Act or Thing, shall have ceased or been discontinued: Provided also, that in case any of the said Washings or other waste Liquids, or noisome or offensive Liquids, Substances or Things, shall be drained, conducted, or conveyed, or caused or suffered to run or flow in Manner aforesaid into any River, Stream, or Brook, or into any Well, Spring, Reservoir, Pant, Aqueduct, Waterway, Feeder, or Pond, or in case any such Nuisance, Annoyance, Injury or Damage, Act or Thing, shall be done or caused to be done as aforesaid, and Notice thereof in Writing shall have been given by any Person or Persons whomsoever, to the Person or Persons, Body or Bodies Politic or Corporate who shall light or contract for lighting with Gas the said Streets, Lanes, Ways, Public Passages or Places, or any of them, and the Person or Persons, Body or Bodies Politic or Corporate as aforesaid, shall not within Twenty-four Hours after such Notice shall have been given, proceed to stop, hinder, or prevent, and shall not within Two Days after such Notice shall have been given, effectually stop, hinder, or prevent all and every such Washings, waste Liquids, or noisome or offensive Liquids, Substances or Things, from being drained, conducted, or conveyed, or from running or flowing in Manner aforesaid, and every such other Nuisance, Annoyance, Injury or Damage, Act or Thing, from being done as aforesaid, then and in every such Case, the Person or Persons, Body or Bodies Politic or Corporate, who shall light or contract for lighting with Gas the said Streets, Lanes, Ways, Public Passages or Places, or any of them, shall (over and above and in addition to the aforesaid Penalty of Two hundred Pounds, and whether such Penalty shall or shall not have been received) forfeit and pay the Sum of Twenty Pounds for each and every Day such Washings, waste Liquids, or noisome

or offensive Liquids, Substances, or Things, shall be so drained, conducted, or conveyed, or caused or suffered to run or flow in Manner aforesaid, or such other Nuisance, Annoyance, Injury, or Damage, Act, or Thing, shall be so done or caused to be done as aforesaid; one Moiety whereof shall be paid to the Informer, and the other Moiety shall be paid to the Overseers of the Poor of the Parish or Parishes in which the Penalty shall be incurred.

Penalty on Gas escaping.

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 by virtue of this Act, the Person or Persons, Body or Bodies Politic or Corporate, who shall light or contract for lighting the Streets, Lanes, Ways, Public Passages or Places within the said City, Borough, Suburbs or Streets, or any of them, shall at their own Expence, immediately after Notice thereof by Parole or in Writing from any Inhabitant of the said City, Borough, or Suburbs, given to any such Person or Persons, or to the Clerk or other Officer or Agent of any such Body or Bodies Politic or Corporate, cause the most speedy and effectual Measures to be taken to stop and prevent such Gas from escaping; and in case such Person or Persons, Body or Bodies Politic or Corporate, shall not within Twenty-four Hours next after such Notice by Parole or in Writing being given of any such Escape of Gas, proceed to discover and prevent the Gas from escaping, and to remove the Cause of Complaint, that then and in every such Case such respective Person or Persons, Body or Bodies Politic or Corporate, shall for every such Offence forfeit and pay the Penalty or Sum of Five Pounds for each and every Day after the Expiration of Twenty-four Hours from the Time of giving or serving of such Notice, during which Time such Person or Persons, Body or Bodies Politic or Corporate, shall neglect to take the necessary Steps for preventing the Escape of such Gas as aforesaid; one Moiety of which Penalty shall be paid to the Informer, and the other Moiety shall be paid to the Overseers of the Poor of the Parish or Parishes in which the Penalty shall be incurred.

Persons contracting to light with Gas liable to be indicted.

XXI. Provided always, 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, against any Person or Persons, or any Body or Bodies Politic or Corporate, or any of his or their Servants, Workmen, or Officers, who shall light or contract for Lighting the said Streets, Lanes, Ways, Public Passages, or Places, within the said City, Borough, Suburbs, or Streets, or any of them, in respect of any Works, or the Means which shall be employed by them in making the said Gas, and using the same, or furnishing such Light as aforesaid, as a public or private Nuisance, or from bringing any Action or Actions against any of such Person or Persons, or Body or Bodies Politic or Corporate, or any of their Servants, Workmen, or Officers, for any Injury sustained by reason of any such Works, or the Use of the said Gas, or the Method of Lighting therewith, whether such Injury shall proceed from the Preparation or the Use of the same Gas, or the Method of Lighting, or the Carelessness or Want of Skill of any of the Persons employed therein, or from any other Cause whatsoever.

XXII. And

Commissioners exempt from personal Responsibility in Contracts, &c.

XXII. And be it further enacted, That nothing in this Act or the said recited Act, or in any Deed, Contract, Lease, or other Instrument hereby or thereby authorized to be entered into or made by the said Commissioners, or any of them, shall extend to charge the Person or Persons of all or any of the Commissioners executing any such Deed, Contract, Lease, or other Instrument, or the Heirs, Executors, or Administrators of the same Commissioners, or any of them, or their or any of their own proper Lands and Tenements, Goods and Chattels, with or for the Performance of all or any of the Covenants, Conditions, or Agreements in the same Deed, Contract, Lease, or other Instrument contained on the Part of the same Commissioners or any of them; but the Amount of all Costs, Charges, Damages, and Expences which shall or may be recovered in any Suit or Suits at Law or Equity, against them the said Commissioners or any of them, or against their or any of their Heirs, Executors, or Administrators, for or by reason or means of such last-mentioned Deed, Contract, Lease, or other Instrument, or the Covenants, Conditions, or Agreements therein contained; and also all the Costs, Charges, Damages, and Expences which the said Commissioners shall bear, pay, expend, or be put to, or which shall be occasioned to them for or by reason or means of any such Deed, Contract, Agreement, Lease, or other Instrument therein contained, or any Action or Actions, Suit or Suits, to be brought or prosecuted by or against them or any of them thereupon, shall respectively be paid and discharged by and out of the Monies to be raised or to arise or be received by virtue of this Act or the said recited Act.

The Lamp House and other Buildings made by Commissioners to be vested in them.

XXIII. And be it further enacted, That the Lamp House and all other Houses and Buildings already erected or to be erected by the said Commissioners for the Purposes of the said recited Act or this Act, shall be vested in them the said Commissioners, in like Manner as the Lamps and Lamp Irons are or were by virtue of the said recited Act vested in the Commissioners thereby appointed.

Streets may be watered.

XXIV. And be it further enacted, That it shall be lawful for the said Commissioners, or any Nine or more of them, from Time to Time to cause all or any of the Streets, Lanes, Ways, and Public Passages and Places within the said City, Borough, Suburbs, and Streets, to be watered at such Seasons and Times as the said Commissioners shall direct.

Common Pound or Pinfold may be provided.

XXV. And be it further enacted, That the said Commissioners, or any Nine or more of them, shall have full Power and Authority to contract and agree for and purchase a Piece of Ground, or agree for the Lease of a Piece of Ground, and thereon to make and erect a Common Pound or Pinfold to be used when Occasion shall require; and by and out of the Monies to be raised by virtue of this Act or the said recited Act to pay the Price or Purchase Money for the said Ground or Lease, and the Expences of making and erecting thereon the said Common Pound or Pinfold, provided that the whole together shall not exceed the Sum of Fifty Pounds; and the said Common Pound or Pinfold shall be vested in the said Commissioners, and shall be repaired and kept in Repair by them at all Times, by and out of the Monies to be so raised; and that if any Person or Persons shall, without due Authority, pull down,

down, or shall destroy or injure the said Common Pound or Pinfold, or the Walls thereof, or any Part thereof, every Person engaged or assisting therein, shall forfeit and pay Three Times the Amount of the Expences to be incurred in repairing the Damages or Injury so to be done or committed.

Power to make Compensation to the Owners of Buildings agreeing to erect them in such Manner as shall be an Improvement to the Town.

XXVI. And be it further enacted, That for the Purpose of improving the said City, Borough, and Suburbs, it shall and may be lawful to and for the said Commissioners, or any Nine or more of them, to enter into any Agreement relative to the Mode of erecting or building any Houses or Edifices to adjoin the Foot Pavement of any of the said Streets, Lanes, Ways, and Public Passages and Places, or relative to the Line or Direction of building any new Houses or Edifices within the Limits of this Act, or to any Change of the Line or Direction in which any old Houses or Buildings adjoining the said Foot Pavement now stand, or relative to any Projections or other Changes therein with the Owners or Proprietors thereof; and to make or give such Compensation or Satisfaction for any Injury, Loss, or Damage, which any such Owners or Proprietors may sustain by acceding to any such Plan of Improvement, or for Goodwill for the same, which any Nine or more such Commissioners shall think reasonable for the Object or Purposes of Improvement to be thereby obtained, and to pay such Compensation or Satisfaction out of the Monies to be raised by virtue of this Act or the said recited Act, so as that in any One Instance the Compensation or Satisfaction shall not exceed the Sum of One hundred Pounds.

Application of Compensation Monies if amounting to 200*l.*

XXVII. And be it further enacted, That if any Money shall be paid, or agreed or awarded to be paid for the Purchase of any Houses, Buildings, Lands, or Tenements, to be purchased, taken, or used by virtue of the Powers of the said recited Act or this Act for the Purposes thereof, which shall belong to any Body Politic, Corporate, or Collegiate, Tenant in Tail or for Life, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee or other Trustee, for or on Behalf of any Infant, Lunatic, Idiot, Feme Covert, or other Cestuique Trust, or to any Person whose Houses, Buildings, Lands, or Tenements, are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever, 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 Account there, *ex parte* the Commissioners for executing the said recited Act or this Act; to the Intent that such Money shall 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 Houses, Buildings, Lands, or Tenements, in the Purchase or Redemption of the Land Tax, or in or towards the Discharge of any Debt or Debts, or other Incumbrances affecting the same Houses, Buildings, Lands, or Tenements, or affecting other Houses, Buildings, Lands, or Tenements standing settled therewith, to the same or the like Uses, Trusts, Intents or Purposes, as the said High Court of Chancery shall authorize to be purchased or paid, or such Part thereof as shall be necessary; or where such Money shall not be so applied, then the same shall

shall be laid out and invested under and with the like Direction and Approbation of the said Court, in the Purchase of other Houses, Buildings, Lands, or Tenements, which shall be conveyed, limited, and settled to, for, and upon such and the like Uses, Trusts, Intents and Purposes, and in the same Manner as the Houses, Buildings, Lands, and Tenements, which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined or capable of taking Effect; and in the mean time, and until such Purchase shall be made, the said Money shall, by Order of the said Court of Chancery, upon Application thereto, 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 or Interest 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 Houses, Buildings, Lands, and Tenements so to be purchased, in case such Purchase or Settlement was made.

Application of Compensation when less than 200*l.* and not less than 20*l.*

XXVIII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Houses, Buildings, Lands, and Tenements to be purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount to or 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 Houses, Buildings, Lands, and Tenements so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy, Idiotcy, Lunacy or other Incapacity, to be signified in Writing under their respective Hands, 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, 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 nominated by the Person or Persons making such Option, and approved of by the Commissioners for executing the said recited Act and this Act; such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties, in order that such Principal Money, and the Dividends and Produce arising thereon and therefrom, may be applied in any Manner herein-before directed, so far as the Case shall be applicable, without obtaining or being required to obtain the Direction or Approbation of the said High Court of Chancery.

Application of Compensation if less than 20*l.*

XXIX. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next before mentioned, shall be less than 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 Houses, Buildings, Lands, and Tenements so purchased, taken, or used for the Purposes of the said recited Act or this Act, in such Manner as the said Commissioners

shall think fit; or in case of Infancy, Idiotcy, Lunacy or other Incapacity, then such Money shall be paid to his, her, or their Guardian or Guardians, Committee or Committees, Trustee or Trustees, to and for the Use and Benefit of such Person or Persons respectively entitled thereto.

In case of not making out a good Title, or if Persons cannot be found, the Purchase Money to be paid into the Bank, subject to the Order of the Court of Chancery, on Motion or Petition.

XXX. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Houses, Buildings, Lands, or Tenements, to be purchased, taken, or used under or by virtue of the Powers of the said recited Act or this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises, to the Satisfaction of the said Commissioners; or in case the Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Houses, Buildings, Lands, or Tenements be not known or discovered, then and in every such Case it shall be lawful for the said Commissioners to order the said Sum or Sums of Money so awarded as aforesaid to 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 Account there, to the Credit of the Parties interested in the said Houses, Buildings, Lands, or Tenements, (describing them,) subject to the Order, Controul, and Disposition of the said High Court of Chancery; which said Court, on the Application of any Person or Persons making claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered in a summary Way of Proceeding or otherwise, as to the said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England* who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying therein for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank of *England* as aforesaid.

If any Question arise as to Title to Money to be paid, the Person in Possession of the Lands, &c. at the Time of such Purchase shall be deemed entitled thereto.

XXXI. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person or Persons to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the High Court of Chancery, in pursuance of the said recited Act or this Act, for the Purchase of any Houses, Buildings, Lands, and Tenements, or of any Estate, Right, Title, or Interest in any Houses, Buildings, Lands, and Tenements to be purchased in pursuance of the said recited Act or this Act for the Purposes aforesaid, or to any Bank Annuities to be purchased with any such Money, or the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Houses, Buildings, Lands, and Tenements 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 Houses, Buildings, Lands, and Tenements, according to such Possession, until the contrary shall be shown to the

Satisfaction of the said High Court of Chancery; 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 said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Houses, Buildings, Lands, and Tenements, or to some Estate or Interest therein.

The Court may order reasonable Expences of Purchases to be paid by the Commissioners.

XXXII. 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 Houses, Buildings, Lands, and Tenements, to be purchased, taken, or used under the Authority of the said recited Act or this Act, the Purchase Money for the same shall be required to be paid into the High Court of Chancery, or be applied in the Purchase of other Houses, Buildings, Lands, and Tenements to be settled to the like Uses in pursuance of the said recited Act or this Act, it shall and may be lawful to and for the said High Court of Chancery to order the Expences of all Purchases from Time to Time to be made in pursuance of the said recited Act or this Act, or so much of such Expences as to the said Court shall seem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Commissioners out of the Monies to be received by virtue of the said recited Act or this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Water from Roofs of Houses to be carried off by Spouts and Pipes.

XXXIII. And be it further enacted, That the Owner or Owners, or Proprietor or Proprietors, or Occupier or Occupiers for the Time being of each House or Building fronting the Street, and the Footpath of the Front whereof is or shall be flagged or paved by virtue of the Directions of the said recited Act or of this Act, shall, within Twenty Days next after Service of any Order or Direction for the Purpose signed by Nine or more of the said Commissioners, on him, her, or them personally, or left at his, her, or their last or usual Place of Abode, put up and place and for ever afterwards keep in Repair and Condition, a Spout of the whole Length of such Front, with a Pipe or Trunk to be fixed to the Front or Side of such House or Building from the Roof down to the Ground, to carry off or conduct the Water from the Roof of such House or Building, in such a Manner that such Water shall pass underneath the Flagging or Foot Pavement into the Common Channel, and so as not to fall upon or incommode the Persons passing over or along the flagged or paved Footpath; and every Tenant or Occupier of any such House or other Building, except Houses or Buildings held on Lease granted for any Term of Twenty-one Years or upwards, who shall put up or place any such Spout, Pipe, or Trunk, or keep the same in Repair, shall be entitled to deduct and retain out of the Rent payable to the Owner or Proprietor, or Owners or Proprietors of such House or Building, so much Money as such Tenant or Occupier shall have expended in putting up or placing or in keeping in Repair any such Spout, Pipe or Trunk; and the Payment of such Expences by any such Tenant or Occupier shall be a sufficient Discharge for him, her, or them, for so much of his, her, or their Rent as the Amount of such Expences shall be equal to, and shall be abated and allowed to him, her, or them by the Owner or Owners, or Proprietor or Proprietors of such House or Building, out of such Rent; and if any

such

such Owner or Owners, Proprietor or Proprietors, or Occupier or Occupiers shall, for the Space of Twenty Days after Service as aforesaid of any such Order or Direction, neglect to put up or place, or neglect to repair any Spout, Pipe, or Trunk as aforesaid, then and in any and in every such Case, it shall be lawful for the Commissioners acting in Execution of the said recited Act and this Act, to cause any such Spout, Pipe, and Trunk to be put up or placed against any such House or Building, at the Expence of the Owner or Proprietor thereof; and in Case any such Owner or Proprietor shall refuse to pay such Expences, the same shall and may be levied and recovered by the said Commissioners, by the same Ways and Means as are by the said recited Act provided for levying and recovering the Rates or Assessments thereby granted, and as the Rates or Assessments by this Act granted may be levied and recovered.

Sedan Chairs carried on Foot Pavements to turn off on meeting Foot Passengers.

XXXIV. And be it further enacted, That if any Person or Persons, at any Time after the passing of this Act, carrying any Sedan Chair along, over, or upon any Foot Pavement within the said City, Borough, Suburbs, or Streets, and meeting any other Person or Persons on Foot on such Pavement, shall not immediately turn off into the main Road, or carry such Sedan Chair in such a Manner as that there shall be sufficient Room between such Sedan Chair and the Wall for one Passenger on Foot to pass without being impeded or hindered, except such Sedan Chair shall be merely crossing such Foot Pavement, or shall be prevented turning off or turning aside from absolute Necessity, occasioned by any Obstruction in the main Road or Way; or if any Person or Persons shall from and after the passing of this Act carry any Sedan Chair after Sunset in any Street, Lane, Way, Public Passage, or Place, within the said City, Borough, Suburbs, and Streets, without having a lighted Lanthorn in the Front thereof, every Person so offending in either of the said Cases shall for each and every Offence forfeit and pay any Sum not exceeding Forty Shillings.

For preventing Damage to Walks, &c.

XXXV. And be it further enacted, That if any Person or Persons shall wilfully throw down, break, destroy, damage, deface, spoil, injure, remove, or take away any of the Gates, Pillars, Pallisades, Posts, Chains, Locks, Rails, Pales, Walls, Hedges, Fences, Steps, Rollers, Seats, Trees, Shrubs, or other Matters or Things whatsoever, which are or shall be upon or about any of the Public Walks, made or to be made for the Accommodation of the Inhabitants of the said City and Borough or the Suburbs thereof, or in any of the Avenues or Approaches thereto, or shall wilfully commit any other Spoil, Waste, Damage, Depredation, Annoyance, or Nuisance, to or upon any of the Footpaths, Grass Plots, or Shrubs of the said Public Walks, Avenues, or Approaches thereto, then and in every such Case every Person so offending shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds.

Slaughter-houses, Hogsties, and other Erections to be removed if deemed a Nuisance.

XXXVI. And be it further enacted, That in case any Slaughter-house, Hogstye, Necessary House, or other noisy, noisome, or offensive Building or Place whatsoever, or any Stone Yard in or near any of the said Streets, Lanes, Ways, Public Passages or Places, shall (upon Complaint made to the said Commissioners by any of the Inhabitants or Persons residing therein) be by such Commissioners deemed a Nuisance to any such Inhabitant or Person, it shall and may be lawful to and for the said Commissioners

missioners by Notice in Writing under the Hands of any Nine or more of the said Commissioners, or under the Hand of their Clerk for the Time being, to order any such Nuisance or Offence to be removed; and in case the same shall not be removed within Fourteen Days after such Notice given to the Person or Persons who ought to remove the same, or for or on whose Behalf the same is carried on, or left at his, her, or their last usual Place of Abode, such Person or Persons shall forfeit and pay any Sum not exceeding Twenty Shillings for every Day the same shall continue unremoved after the Expiration of the Time mentioned in such Notice.

Offensive Substances to be removed between certain Hours.

XXXVII. And be it further enacted, That if any Person or Persons shall hereafter empty or cause to be emptied any Slaughter House, Privy, or Necessary House, within the said City, Borough, or Suburbs or Streets, or carry or cause to be carried any of the Soil or other offensive Substance thereof through any of the Streets, Lanes, Ways, Public Passages or Places within the said City, Borough, Suburbs, or Streets, at any Time of the Year between *Lady Day* and *Michaelmas* except between the Hours of Ten of the Clock in the Evening and Eight of the Clock in the Morning, or at any Time of the Year between *Michaelmas* and *Lady Day*, except between the Hours of Eight of the Clock in the Evening and Ten of the Clock in the Morning, every Person offending in any of the Cases aforesaid, shall for every such Offence forfeit and pay a Sum not exceeding the Sum of Ten Pounds: Provided always, nevertheless, that nothing herein contained shall be construed to extend to prevent the carrying or causing to be carried of any Ashes, Dung, or other Manure through such Streets, Lanes, Ways, Public Passages or Places, at any Hour, or at any Time or Times whatever.

For preventing Cattle, Swine, &c. from being suffered to stray in the Streets.

XXXVIII. And be it further enacted, That if any Horse, Ass, Mule, Swine, or other Beast or Cattle shall be found straying in any of the Streets, Lanes, Passages, or other Public Places within the said City, Borough, or Suburbs, it shall be lawful for any Officer or Officers appointed by the said Commissioners to impound any such Horse, Ass, Mule, Swine, Beast, or Cattle, found straying as aforesaid, in the Common Pound which shall be made or erected by virtue of this Act, or in such other Place as shall be provided from Time to Time for that Purpose by the said Commissioners, and to detain the same in such Pound or other Place as aforesaid until the Expence of impounding and keeping the said Cattle in Pound shall be fully paid and satisfied; and if in any such Case the said Expences shall not be paid within Five Days after such Horse, Ass, Mule, Swine, Beast, or Cattle shall be so impounded, it shall be lawful for any Person or Persons who shall be appointed by the said Commissioners for that Purpose, to cause the same to be sold, after giving Three Days Notice of such intended Sale, by the Town Crier or Bellman, and the Costs and Charges of impounding and keeping such Horse, Ass, Mule, Swine, Beast, or Cattle in Pound, and of selling the same, shall be defrayed by such Sale and the Overplus (if any) of the Monies arising by such Sale shall be paid to the Owner or Owners of the said Horse, Ass, Mule, Swine, Beast, or Cattle, upon Demand.

For preventing Annoyances in the Streets.

XXXIX. And be it further enacted, That if any Person or Persons, either by themselves or their Servants, Workmen, or others, shall, upon any

any of the present or future Pavements or Flagging of the Streets, Lanes, Ways, or Public Passages and Places now made or built, or which shall hereafter be made or built within the said City, Borough, or Suburbs, and used as a Footway, run, draw, drive, or carry thereon any Truck, Wheel, Sledge, Wheel-barrow, Bier, Hand-barrow, or Carriage whatsoever; or roll any Cask or Tub (other than for the necessary loading or unloading thereof), unto, upon, from or out of any Carriage or Cart; or wilfully ride, lead, or drive any Horse or other Beast or Cattle of any Kind whatever on any of the said Pavements, Flagging, or Footways; or wilfully permit or suffer any Horse or other Beast or Cattle which such Person may be riding, driving, or leading to go thereon; or shall tie or fasten any Horse or other Beast or Cattle to any House, Wall, Post, Tree, or other Thing whatsoever, across any of the said Pavements or Footways; or if any Person or Persons shall in any such Streets, Lanes, Ways, or Public Passages or Places as aforesaid, sell or expose to Sale any Horse, Ass, Pig, Sheep, Bull, Cow, or other Beast, or Cattle, in any Part of the said City, Borough, or Suburbs, (except in any Public Market or Fair); or burn, dress, or cleanse any Cork, or hoop, fire, cleanse, wash, or scald any Cask or Tub, or empty any of the Contents of such Cask therein; or set or place any Furniture, Goods, Wares, or Merchandizes, or any Cask, Tub, Box, Pail, Bucket, Stool, Bench, or Stall, on or in the said Pavements, Flagging, or Footways; or erect, set up, or place any Blind, Shade, Coverlid, or Awning, or any other Matter or Thing in the Front of or before any House, Shop, or other Building, or so as in any way to cause any Obstruction or Impediment in the Pavements, Flagging, or Footways; or bind, make, or repair any Coach, Chaise, Waggon, Cart, Sledge, or other Carriage, or the Wheels, Body, Springs, or other Part of any Coach, Chaise, Waggon, Cart, Sledge, or other Carriage, in any of such Streets, Lanes, Ways, or Public Passages or Places, (except such Carriages as may want immediate repairing from any sudden Accident on the Spot, or which cannot conveniently be removed for that Purpose); or shoe, bleed, or farry any Horse or Beast (except in Cases of Accidents), or clean or dress any Horse or Beast therein, or exercise any Horse or Beast therein, or turn loose therein any Horse, Ass, Sheep, Bull, Cow, Swine, Goat, or other Beast, or any Bull Dog, Mastiff, or other ferocious Dog of any other Species, not being muzzled, or suffer the same to wander or be at large in any of such Streets, Lanes, Ways, or Public Passages or Places; or shall permit or suffer any Dog whatsoever to go at large therein, after any Public Notice given by the Town Crier or Bellman, by Order of the Mayor of *Durham*, during such Time as such Notice shall direct Dogs to be confined on account of any Suspicion of the Existence of Canine Madness; or if the Driver of any Waggon, Cart, Sledge, Wheels, or other Carriages, or Part of a Carriage, shall in any Part of the said City, Borough, or Suburbs, ride on the Shafts, or in or on any Part of such Waggon, Cart, Sledge or other Carriage, or Part of a Carriage, without Reins, or on any of the Horses or Cattle drawing the same; or if any Person or Persons having the Care thereof, or driving any Waggon, Cart, Sledge or other Carriage or Wheels, shall not readily and promptly turn out of the Road, on meeting Horses and Carriages, so as to leave proper and sufficient Quarter for such Horses and Carriages; or if any Person riding any Horse or Beast, or driving any Carriage of any Sort or Kind, shall ride or drive the same furiously, or so as to endanger the Life or Limb of any

Passenger; or in case the Owner or Driver of any Waggon, Cart, Dray or other Carriage, shall suffer the same to remain in such Part of any of the said Streets, Lanes, Ways, or Public Passages or Places as shall not be more than Five Yards wide, with or without Horses, longer than may be necessary for loading or unloading thereof, and in any other Part of any of the said Streets, Lanes, Ways, Public Passages or Places for more than One Hour, or shall suffer any Stage Coach, Diligence, Post Chaise, or other Carriage let to Hire, to remain longer than may be necessary for the taking up or setting down of any Passenger or Passengers, or for loading or unloading their Baggage; or if any Person or Persons shall draw (except in or on some Carriage) any Timber, Block or Blocks of Wood or Stone, or other heavy Materials, in, upon, or through any of the aforesaid Streets, Lanes, Ways, Public Passages or Places, to the Prejudice thereof; or if any Person or Persons shall let off or fire any Musket, Gun or Pistol, or other Fire Arms, (except in case of Necessity for Self-defence,) or make any Bonfire, or let off or throw any Crackers, Squibs, Rockets, or other Fireworks, or occasion any other Kind of Obstruction or Annoyance in or upon any such Streets, Lanes, Ways, Public Passages or Places, or slide upon any Pavement, Flagging, or Footway, or by standing, loitering, or remaining on any Pavement, or Footway or Causeway, without some reasonable or good and sufficient Cause, or by any other Means shall obstruct or incommode, hinder or prevent the free Passage of any Footway or Causeway, or prejudice or annoy any Person or Persons travelling, passing, or going thereon; or if any Person or Persons shall throw, cast, lay, or sift any Ashes, except in the Time of Frost only, and to prevent Accidents, or any Coals, Stones, Lime, Bricks, Mortar, Timber or other heavy Substance (except Stones, Lime, Bricks, Mortar, Timber, or other Materials used for building, which shall be placed or inclosed in Manner mentioned in the said recited Act, so as to prevent any Mischief happening to Passengers); or any Dung, Soil, Filth, Rubbish, Refuse of Garden Stuff, Blood, Offal, Carrion, or any other offensive Matter or Thing in any of such Streets, Lanes, Ways, Public Passages or Places; or if any Person or Persons shall hang up, place, or expose to Sale, or cause or permit to be hung up, placed, or exposed to Sale, any Goods, Wares, or Merchandizes whatsoever, or any Fruit, Vegetables or Garden Stuff, Butchers Meat or other Matter or Thing, in or upon, or so as to project over or upon the Foot or Carriage-way of such Streets, Lanes, Ways, Public Passages and Places, or beyond the Line of or on the Outside of the Window or Windows of the House, Shop, or Place at which the same shall be so hung up or placed or exposed to Sale, or so as to obstruct or incommode the Passage of any Person or Carriage therein; or if any Person or Persons shall, except between the Hours of Eight of the Clock in the Evening and Eight of the Clock in the Morning, kill or slaughter, or singe, scald, or dress any Beast, Swine, Calf, Sheep, Lamb or other Cattle, either wholly or in part, in any Shop or other Place adjoining and exposed to any of such Streets, Lanes, Ways, Public Passages or Places, or if any Person or Persons shall cause or permit any Blood, Filth, or other offensive Matter to run from any Slaughter House, Butcher's Shop, Hogstye or Dunghill, into any of the said Streets, Lanes, Ways, Public Passages or Places; or fix up any Flower-pot or Bow-pot or Pots at any Window or Windows, without sufficiently guarding the same, so as to prevent their being blown or thrown down; or leave open (after Sunset) the Door or Window, Grate or other Covering of any Cellar or other underground

underground Room or Apartment, or of any Area in any of the said Streets, Lanes, Ways, Public Passages or Places, without having placed or left a sufficient Light to warn and prevent Persons from falling into such Cellars or other underground Rooms or Apartments or Areas; or bait or cause to be baited any Bull, Bear, or other Animal; or throw at any Cock or Fowl in the Manner called Cock-throwing; or set up any Cock or Fowl to be thrown at in such Manner; or play at Football or any other Game or Games, to the Annoyance of any Inhabitant or Inhabitants, or Passenger or Passengers; or if any Person or Persons shall wilfully break, aid, or abet, or assist in wilfully breaking any Glass, or Window Panes, or Windows in or belonging to any Dwelling House or Building, or shall throw or cast any Animal or Carcase, or other Offal or Filth, into any public or private Well, Pump, Pool, or Reservoir for Water, within the said City, Borough, or Suburbs and Streets; or if any Person or Persons shall commit any other Kind of Obstruction, Nuisance, or Annoyance in any Part of any such Streets, Lanes, Ways, Public Passages or Places, each and every Person so offending in any of such Cases, or the Owner or Proprietor of any such Horse, Beast, Cattle, Carriage, Goods, Matter or Thing aforesaid, as the Case may be, (in any of such Cases where the Person actually offending cannot afterwards be found or discovered,) shall for each and every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Rates to be ascertained and fixed by the Commissioners annually.

XL. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required, on the Second *Tuesday*, after the passing of this Act, or as soon after as conveniently may be, to hold a General Meeting; and at such General Meeting, or at some Adjournment thereof, the said Commissioners, or any Nine or more of them, shall and they are hereby authorized and required to inquire and ascertain by such Ways and Means as to them shall seem expedient, what Sum or Sums will be wanted for or towards carrying the Purposes of the said recited Act and this Act into Execution, from the Time of holding such Meeting, or from such subsequent Period as in the Judgment of the said Commissioners will be expedient, until the Sixth Day of *April*, which will be in the Year of our Lord One thousand eight hundred and twenty-three, and shall fix the Amount of the Rate or Assessment necessary for raising such Sum of Money, to be paid by the Tenants or Occupiers of the several Houses, Buildings, Garths, and Gardens within the said City of *Durham* and Borough of *Framwelgate*, and the Suburbs and Streets thereof (not exceeding One Shilling in the Pound on the improved Annual Value of the same respectively); and the said Commissioners, or any Nine or more of them, shall and they are hereby authorized and required, after giving Ten Days Notice in One or more of the Newspapers published at *Newcastle-upon-Tyne*, or in One or more of the Newspapers published in the County of *Durham*, specifying that the Matter of ascertaining and fixing the Rates and Assessments for the then ensuing Year is intended to be taken into Consideration at the Meeting, shall and they are hereby authorized and required at their General Meetings to be held on the First *Wednesday* in *January* in every Year, or at some Adjournment of any such General Meetings, to inquire and ascertain by such Ways and Means as to them shall seem expedient what Sum or Sums will be wanted for or towards carrying the Purposes of the said recited Act and this Act into Execution for the then ensuing Year, every

every such Year to commence and be computed from the Sixth Day of *April* in every Year until the Sixth Day of *April* in each succeeding Year; and shall annually fix the Amount of the Rate or Assessment necessary for raising such Sum or Sums, to be paid by such several Tenants and Occupiers as aforesaid, not exceeding One Shilling in the Pound for any One Year.

Houses, &c. under 5l. to be rated at 8d. only.

XLI. Provided always, and be it hereby further enacted and declared, That such of the Dwelling Houses (with the Appurtenances thereunto attached and belonging) within the said City, Borough, Suburbs, and Streets, as are not of the Value of Five Pounds each by the Year, shall be rated and assessed in Manner by this Act and the said recited Act directed, at the Sum of Eight-pence in the Pound, and no more, for any One Year, on the improved Annual Value thereof respectively; any thing herein contained to the contrary thereof notwithstanding.

The Bishop and the Dean and the Chapter of Durham, to pay Rate on a fixed Day.

XLII. Provided always, and be it further enacted, That the Bishop of *Durham* for the Time being, for and in respect of the Castle of *Durham* with its Appurtenances, and the Dean and the Chapter of *Durham*, for and in respect of the Houses, Buildings, Gardens, Tenements, and Hereditaments in the College of *Durham*, with their Appurtenances, shall, on the Twenty-eighth Day of *September* now next ensuing, and on the Twenty-eighth Day of *September* in every subsequent Year, pay or cause to be paid to the said Commissioners or their Treasurer for the Time being a Rate of One Shilling in the Pound on the Sum at which the said Castle of *Durham* with its Appurtenances, and the Houses, Buildings, Gardens, Tenements and Hereditaments, with their Appurtenances in the said College of *Durham*, now are or shall or may be from Time to Time rated or assessed to the Duty on inhabited Houses, and shall be subject and liable to no other Sum, Charge, or Payment whatsoever imposed by this Act; and in case at any Time the said Rate shall remain unpaid by the Bishop of *Durham* for the Time being, or by the said Dean and Chapter of *Durham* for the Space of Twenty Days after the said Day of Payment, then such Rate shall or may be recovered by the same Ways and Means as the Rates on any other Buildings or Premises may be recovered under the Provisions of this Act or the said recited Act.

And the Castle and Houses, &c. of the Dean and Chapter to be exempt from the Provisions of the Act.

XLIII. And be it further enacted, That the said Castle of *Durham*, and the said Houses, Buildings, Gardens, Tenements, and Hereditaments in the College of *Durham*, with their respective Appurtenances, shall be and they are hereby declared to be exempted, exonerated, and discharged from all and every the Powers, Provisoes, Impositions, and Remedies contained in this Act and the said recited Act, except the Powers and Remedies given for the Recovery of the Rates imposed by this Act on the said Bishop of *Durham* in respect of the said Castle of *Durham*, and on the said Dean and Chapter of *Durham* in respect of the Houses, Buildings, Gardens, Tenements, and Hereditaments in the College of *Durham*, with their respective Appurtenances, in case of the Nonpayment of the same.

Pavement of the North and South

XLIV. And be it further enacted, That after the passing of this Act the said Dean and the Chapter of *Durham* shall be freed, exonerated, and discharged

Bailey to be kept in Repair by the Commissioners.

discharged from all Liability and Expences of paving and repairing those Parts of the Streets called the *North* and *South Bailey* which have hitherto been paved and kept in repair by them; and the same shall hereafter be paved and kept in repair by said Commissioners under this Act and the said recited Act.

Commissioners, or their Clerk, Treasurer or Collector, empowered to inspect Books of Rates for the Poor or Land Tax and the Asssesed Taxes.

XLV. And be it further enacted, That in order to enable the said Commissioners more fairly and equitably to assess the Rate so ascertained and fixed upon the several Tenants or Occupiers of the aforesaid Premises, the Churchwardens and Overseers of the Poor of the several Parishes or Townships of the said City of *Durham* or Borough of *Framwelgate*, and the said Suburbs and Streets; and also the Collectors or Assessors of the Land Tax and Assessed Taxes within the said City, Borough, Suburbs, or Streets, shall and they are hereby required at all reasonable Times, without Fee or Reward, to permit the said Commissioners or any of them, or their Treasurer or Clerk, or any Collector to the said Commissioners, to peruse and inspect the Rates and Assessments made at any Time within Seven Years then next preceding for the Relief of such Poor, and the Rates and Assessments made for raising the Land Tax and the Assessed Taxes respectively, and to take Copies thereof or Extracts therefrom; and that if any such Churchwarden or Overseer Collectors or Assessors, shall refuse or neglect to permit any such Perusal or Inspection, or the Taking of any such Copies or Extracts, he or they shall for every such Refusal or Neglect, forfeit and pay the Sum of Forty Shillings for the First Offence, and for the Second Offence any Sum not exceeding Five Pounds, and for every other Offence any Sum not exceeding Ten Pounds.

One-Half of Rate to be allowed by Landlord to Tenant.

XLVI. Provided always, and be it further enacted, That One Half Part of the said Rates or Assessments shall be borne or allowed by the respective Landlords or Proprietors, and the other Half Part thereof shall be borne by the respective Tenants or Occupiers of the said Messuages, Buildings, Garths, and Gardens, to be rated and assessed by virtue of this Act; but the whole of such Rates or Assessments shall nevertheless from Time to Time be paid to the Collector or Collectors appointed or to be appointed in Manner directed by the said recited Act, by the respective Tenants or Occupiers of the said Messuages, Buildings, Garths, and Gardens, so rated or assessed by virtue of this Act; and all such Tenants or Occupiers shall and may and they are hereby authorized and empowered to deduct and retain out of their respective Rents such Sums of Money as they shall respectively pay as aforesaid, for and on the Behalf of their respective Landlords; and all such Landlords are hereby respectively required to allow such Deductions and Payments upon Receipt of their respective Rents.

Mode of charging Houses let in separate Apartments.

XLVII. Provided also, and be it further enacted, That where any House or Tenement shall be divided into or let or occupied in Two or more separate Tenements or Apartments, or where the same shall be let under the yearly Rent of Five Pounds, or shall be occupied by any Person or Persons who shall by Reason of his, her, or their Poverty be excused from Payment of the Rates made for the Relief of the Poor of the Parish or Township wherein he, she, or they shall reside, or who, on that Account, shall not be charged with such Poor Rate, the same respectively shall, nevertheless,

nevertheless, be subject to the Rates or Assessments granted by this Act; and the Landlord or Proprietor of every such House or Tenement shall be assessed to and liable to pay the said Rates or Assessments granted by this Act; and shall, for the Purposes of this Act, be deemed to be the Occupier thereof.

Discharging Persons (who are liable both to the Highway Rate and Paving Rate) from so much of the Highway Rate as shall amount to a Sum not exceeding Half the Paving Rate.

XLVIII. And whereas many of the Tenants and Occupiers of Messuages, Buildings, Garths, and Gardens, within the Parish of *Saint Giles*, and also within the several Townships of *Crosgate*, *Framwelgate*, and *Elvet*, in the said City, Borough, or Suburbs, are subjected to the Payment of the Expence of paving the Streets, Lanes, Ways, and other Public Passages and Places within the said City, Borough, Suburbs, and Streets, by being rated and assessed towards the Repair and Amendment as well of the Streets, Lanes, Ways, and Public Passages and Places which have been paved, lighted, watched, and improved under the said recited Act, and are intended to be paved, lighted, watched and improved under this Act, as also of all other Roads and Public Highways within the same Parish and Townships respectively; be it therefore enacted, That from and after the passing of this Act, such of the said Tenants and Occupiers of the said Messuages, Buildings, Garths, and Gardens, in respect thereof, shall be discharged from the Payment of such Part and Proportion of the Rates or Assessments hereafter to be made for the Repair of such other Roads and Public Highways in the said Parish and Townships respectively, not exceeding in any One Year One Moiety or Half Part of the Rate or Assessment which the said Tenants or Occupiers shall respectively be rated or assessed, and pay or contribute to the Rates or Assessments by this Act imposed.

Rates to be collected Quarterly, and recovered in Manner directed by the former Act.

XLIX. And be it further enacted, That the Rates and Assessments by this Act authorized to be ascertained and fixed as aforesaid, shall from Time to Time be paid by equal Quarterly Payments to the Collector or Collectors appointed or to be appointed in Manner directed by the said recited Act, and shall be raised, levied, and recovered by the same Ways and Means and in the same Manner as are prescribed or provided in or by the said recited Act for raising, levying, and recovering the Monies, or Rates or Assessments thereby authorized to be imposed; and the said Rates and Assessments, by this Act authorized to be imposed, collected, raised, levied or recovered as aforesaid, shall be paid over by such Collector or Collectors into the Hands of the Treasurer of the said Commissioners; and the Rates and Assessments by this Act authorized to be imposed shall be in lieu of the Rates by the said recited Act authorized to be imposed, levied, and recovered.

Application of Money.

L. And be it further enacted, That all Monies to be raised, collected, or received by virtue or under the Authority of this Act, shall be and the same are hereby vested in the said Commissioners, and out of the first Money arising from the Rates and Assessments which shall be collected by virtue of this Act; the said Commissioners, or any Nine or more of them shall, in the first place, pay and discharge all the Costs, Charges, and Expences attending the obtaining and passing this Act; and the said Commissioners, or any Nine or more of them, shall apply the Remainder of the Money so raised in paying and defraying the necessary Costs, Charges,

and

and Expences attending the Execution of the Powers and Authorities in the said recited Act and in this Act contained.

Money advanced for the Act to be repaid with Interest.

LI. And be it further enacted, That if any Person or Persons shall advance and pay, or lend any Money towards defraying the Expence of obtaining and passing this Act, he, she, or they shall be repaid the same, together with lawful Interest out of the first Monies to be raised by virtue of this Act or the said recited Act.

General Exemptions from Toll.

LII. Provided always, and be it further enacted, That no Toll shall be demanded or taken for any Horses or Carriages attending His Majesty or any of the Royal Family, or returning therefrom; nor for any Horses, Cattle, or Carriages of whatsoever Description, employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Post Master General, either when employed in conveying, fetching, or guarding such Mails or Expresses or in returning therefrom; nor for any Horses, Cattle, or Carriages employed in carrying or conveying, or returning empty from carrying or conveying, having been employed, only in carrying or conveying the Arms or Baggage of any Officers or Soldiers, or any sick, wounded, or disabled Officers or Soldiers; nor for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse or Horses, or other Cattle drawing the same, employed in conveying any Ordnance, Barrack, or Commissariat, or other Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, or returning empty after having been so employed; nor for the Horses belonging to or used by any Officers or Soldiers, or Militia or Local Militia, on their March or on Duty, or belonging to or furnished by or for any Persons belonging to any Corps of Yeomanry or Volunteer Cavalry or Infantry respectively, and rode by them, or drawing any Carriage conveying Volunteer Infantry in going to or returning from the Place appointed for and on the Days of Exercise, Inspection, or Review, (provided that such Persons be dressed in the Uniform of their respective Corps, and have their Arms, Furniture, and Accoutrements according to the Regulations provided for such Corps respectively at the Time of claiming such Exemption); nor for any Horses, Beasts, Cattle, or Carriages used or employed for the Purpose only of carrying or conveying Persons for the Purpose of voting at any Election of any Knight or Knights to serve in Parliament for the County of *Durham*, or of any Burgess or Burgesses to serve in Parliament for the City of *Durham*, or in returning from such Election during the Time of such Election, or on the Day before or Day after such Election shall begin or be concluded; or of carrying or conveying Vagrants sent by legal Passes; or of carrying or conveying any Person or Persons in Custody under any legal Warrant; nor for any Milch Cow or other Cattle, Horses, Oxen, or Beasts of Draught going to or from any Grounds or Lands in any Parish or Township in the City of *Durham*, or Borough of *Framwelgate*, or the Suburbs thereof, or in any adjoining Parish or Township occupied by any Inhabitant of the said City, Borough, Suburbs or Streets thereto adjoining; nor for any Cart or other Carriage, Horses, Oxen, or Beasts of Draught, laden with Coals; and if any Person shall, by any fraudulent or collusive Means whatsoever, claim or take the Benefit of any of the Exemptions aforesaid, or any of the Exemptions contained in the said recited Act, not being entitled to the same, every such Person shall for every such Offence forfeit

forfeit and pay any Sum not exceeding Five Pounds, to be recovered, levied, apportioned and applied in Manner herein-after provided for the Recovery and Application of Penalties and Forfeitures; and in all Cases the Proof of Exemption shall be upon the Person claiming the same.

Indemnifying Commissioners from having taken Tolls at Farewell Hall Gate.

LIII. And whereas a Toll House or Toll Gate on the great Turnpike Road to the South of the said City of *Durham*, called the *Farewell Hall Gate*, has been erected at a greater Distance from the Tollbooth of the said City than authorized by the said recited Act, and Tolls have been collected and received at the said Toll House or Toll Gate; be it therefore enacted and declared, That all Demands, Receipts, and Payments of Toll or Money, and all other Acts, Matters, and Things, which since the passing of the said recited Act have been made, done, authorized, permitted or suffered by the Commissioners executing or acting under the same Act or any of them, or by any Person or Persons acting by or under their Authority, in, about, or concerning the Tolls demanded, collected, or paid at *Farewell Hall Gate*, or the said Toll House or Toll Gate there, shall be deemed to be good, valid, and effectual in the Law to all Intents and Purposes as the same would have been in case the said Toll House or Toll Gate had been erected within the Distance required by the said recited Act from the Tollbooth of the said City; and the said Commissioners and all Persons acting under their Authority as aforesaid, shall be and are hereby declared to be indemnified for what they shall have done, in, about, or concerning the Premises before the passing of this Act, so far as they would have been indemnified by the said recited Act, if the said Toll House or Toll Gate had been erected within the Distance required by the said recited Act; but such Indemnity shall not extend further or otherwise.

Recovery of Penalty and Forfeitures;

LIV. And be it further enacted, That all Penalties, Forfeitures, and Fines by the said recited Act or this Act inflicted or authorized to be imposed, (the Manner of levying, recovering, and applying whereof is not therein or herein otherwise directed,) shall, upon Proof of the Offences respectively, before any Justice of the Peace for the County of *Durham*, either by the Confession of the Party offending, or by the Oath of any credible Witness or Witnesses, (which Oath such Justice is in every such Case hereby fully authorized to administer,) be levied (in case of Non-payment) by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand and Seal of such Justice, (which Warrant such Justice is hereby empowered and required to grant,) and the Overplus (if any) after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale are deducted, shall be returned, upon Demand, unto the Owner or Owners of such Goods and Chattels; and the Monies arising by such Penalties, Forfeitures, and Fines respectively, when paid or levied, if not otherwise directed to be applied by the said recited Act or this Act, shall be from Time to Time paid to the Treasurer or Treasurers to the said Commissioners, and applied for the Purposes of the said recited Act and this Act; and in case such Penalties, Forfeitures, and Fines respectively, shall not, upon Conviction, be paid forthwith, 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 Satisfac-

and Application thereof.

tion of such Justice, for his, her, 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; and 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 or House of Correction for the County of *Durham*, 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.

Power to reward Informers.

LV. Provided always, and be it further enacted, That it shall be lawful for the said Commissioners, or any Nine or more of them, and they are hereby empowered, from Time to Time, to allow to such Informer or Informers, as they shall think proper, any Sum not exceeding One Moiety of the Penalty or Forfeiture imposed in consequence of the Information of such Informer or Informers, any thing herein contained to the contrary notwithstanding: Provided nevertheless, That no Person shall be fined or punished for any Offence against this Act, or the said recited Act, unless Information thereof on the Oath of One or more Witness or Witnesses be made and given within the Space of Six Calendar Months, and the Prosecution for such Offence be within the Space of Twelve Calendar Months next after such Offence shall be committed, save and except as in the said recited Act is excepted.

For securing transient Offenders.

LVI. And be it further enacted, That it shall and may be lawful for any of the said Commissioners, or their Collectors, Surveyors, or other Officers respectively, and such Person or Persons as they or any of them shall call to their Assistance, without any Warrant or other Authority than the said recited Act or this Act, to seize and detain any Person or Persons (being unknown to such Commissioners, Collectors, Surveyors, or Officers) who shall commit any Offence or Offences against the said recited Act or this Act, and take him, her, or them before any Justice or Justices of the Peace for the County, City, or Place where the Offence or Offences shall be committed; and such Justice or Justices shall and is and are hereby required to proceed and act with respect to such Offender or Offenders according to the Provisions of this Act.

Public Act.

LVII. 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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