ANNO QUINTO

GEORGII IV. REGIS.

Cap. lxvii.

An Act for paving, cleansing, lighting, watching, regulating, and improving the Borough of *Evesham* in the County of *Worcester*; for repairing, improving, and maintaining the Bridge over the River *Avon* within the said Borough, and for selling certain Waste Lands within the said Borough, and for appropriating the Monies arising from such Sales towards the Purposes therein mentioned.

[28th *May* 1824.]

WHEREAS the Borough of *Evesham* in the County of *Worcester* is a large and populous Borough, consisting of the Parishes of *All Saints*, *Saint Lawrence*, and *Bengworth*, and the Footways in the several Streets, Lanes, public Passages, and Places within the said Borough are ill-paved, and the said several Streets, Lanes, Passages, and Places are not sufficiently cleansed, lighted, and watched, and are subject to various Obstructions, Nuisances, and Annoyances, and in many respects are incommodious and unsafe for Travellers and Passengers; and the Bridge over the River *Avon* between the said Parish of *All Saints* and the said Parish of *Bengworth* is very ancient, and requires great and continual Repairs, and is by reason of the increased travelling over the same too narrow, and is very incommodious, and Foot Passengers are subject to great Danger and Inconvenience, and it would greatly tend to the Benefit, Convenience, and Safety of the Inhabitants of the said Borough, and of

of Persons resorting thereto and passing through the same, if the said Footways were properly paved, and the said several Streets, Lanes, Passages, and Places were well and sufficiently repaired, cleansed, lighted, watched, regulated, and otherwise improved, and if the said Bridge were widened, repaired, improved, and maintained in repair, and if the Avenues and Approaches thereto were widened and made safe and commodious, and all Obstructions, Nuisances, and Annoyances removed, and for the future prevented throughout the said Borough: And whereas there are within the said Parish of *All Saints* certain small Pieces of Common or Waste Lands, of little Value in their present State, and there are also within the said Parish of *Saint Lawrence* certain small Pieces of Common or Waste Land of little Value in their present State; which said Common or Waste Lands altogether contain by Admeasurement Twenty Acres or thereabouts: And whereas *Edward Rudge*, *Anthony Roper*, and divers other Persons are possessed of certain Messuages, Lands, and Hereditaments in the said Parish of *All Saints*, and the said *Edward Rudge* and *William Bonaker* and others are possessed of certain Messuages, Lands, and Hereditaments in the said Parish of *Saint Lawrence*, and by reason thereof have or claim to have Common of Pasture for their commonable Cattle in, through, and over the said Common and Waste Lands within the said Parishes respectively: And whereas it is expedient, and the several Persons interested in the said Commons or Waste Lands have consented and agreed, that the said Commons or Waste Lands or certain Parts thereof, as herein-after specified, should be sold or otherwise disposed of, and that the Monies to arise from such Sale, or other Disposal of the same, should be applied in Aid of the Sums necessary to be raised for the Purpose of carrying into Execution the Improvements and Repairs herein-before mentioned; but the beneficial Purposes aforesaid cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Mayor, Aldermen, Capital Burgesses, Recorder, and Chamberlain of the Borough of *Evesham* for the Time being, and their Successors, *John Acton*, *John Agg*, *Samuel Amos*, *James Atkins*, *William Barnes*, *Thomas Blayney*, Sir *William Edward Rouse Boughton* Baronet, *William Bonaker*, *William Baldwin Bonaker* Clerk, *Richard Burlingham*, *William Byrch*, *John Mosley Gilbert Cheek*, Sir *Charles Cockerell* Baronet, *Henry Portmore Cooper* Clerk, *Thomas Beale Cooper* Doctor of Medicine, *George Day*, *Daniel Edge*, *Thomas Foster*, *Nathaniel Hartland* the younger, *Abraham Hughes*, *John Walford Izod*, *Joseph Wesney Lavender*, *Benjamin Murrell* the younger, *Anthony New* the elder, *John New*, *James Perrins*, *George Wigley Perrott*, *William Law Phelps*, *William Phillips*, *Thomas Chinnall Porter*, *Benjamin Pratt*, *John Procter*, *Anthony Roper*, *Edward Rudge*, *Edward John Rudge*, *Edward Savage*, *Benjamin Smart*, *John Shaw* Clerk, *John Smith*, *William Soley*, *John Thomas*, *Benjamin Workman*, and their Successors, to be elected and appointed in Manner herein-after directed, shall be and they are hereby appointed Commissioners for carrying this Act into Execution.

Commissioners.

Power to appoint additional Commissioners.

II. And be it further enacted, That it shall be lawful for the Commissioners hereby nominated, and they are hereby authorized and empowered, at any of their Meetings to be holden in pursuance of this Act, to elect any Number of Persons not exceeding Seven in the whole to be Commissioners for the Purposes of this Act, in addition to the Commissioners hereby appointed; and such Commissioners so elected, and being duly qualified, shall be and are hereby invested with the same Powers and Authorities for executing this Act as if they had been herein named and appointed.

Qualification of Commissioners.

III. Provided always, and be it further enacted, That no Person shall be capable of acting as Commissioner in the Execution of this Act, who shall refuse or neglect for the Space of Six Calendar Months to act, or shall become Bankrupt, or shall hold any Place of Trust or Profit under this Act, or shall be concerned or interested in any Contract under the said Commissioners, or in any Case in which he shall be in anywise personally or beneficially interested in the Matter in question, except as a Creditor on the Rates or Assessments to be imposed and levied by virtue of this Act, nor unless he shall be in his own Right, or in Right of his late or present Wife, in the actual Receipt, Possession, and Enjoyment of the Rents and Profits of Messuages, Lands, or Tenements of an Estate of Inheritance, or for Life or Lives, or for any Term of Years of Ninety-nine Years or upwards, either absolutely or determinable on any Life or Lives, of the yearly Value of Thirty Pounds above Reprizes, or be possessed of such Estate or Estates as last-mentioned and a Personal Estate jointly, or a Personal Estate alone, to the Amount or Value of Two thousand Pounds, or shall be Heir Apparent of a Person seised of Lands or Tenements of Inheritance of the clear yearly Value of One hundred Pounds above Reprizes, nor unless he shall also be an Occupier of Lands, Tenements, and Hereditaments within the Limits of this Act, nor until he shall have taken and subscribed the Oath or Affirmation herein-after prescribed; (that is to say),

Oath.

'I *A. B.* do swear [*or being one of the People called Quakers*, do solemnly declare and affirm]; That I am really and *bonâ fide*, in my own Right [*or* in the Right of my Wife, late or present, *as the Case may be*,] now in the actual Receipt and Enjoyment of the Rents and Profits of Messuages, Lands, or Tenements within the Borough of *Evesham*, of an Estate of Inheritance, [*or* for Life or Lives, *or* for a Term or Terms of Years, either absolutely or determinable on a Life or Lives, *as the Case may be*,] of the clear yearly Value of Thirty Pounds above Reprizes and Incumbrances, [*or* am Heir Apparent of a Person seised of such Lands or Tenements of Inheritance of the clear annual Value of One hundred Pounds above Reprizes, *or* am seised or possessed of Real or Personal Estate, or of both together, of the full Value of Two thousand Pounds above the Payment of all my Debts]; and that I will faithfully and impartially, according to the best of my Skill and Judgment, execute and perform all the Powers and Authorities reposed in me as a Commissioner by virtue of an Act passed in the Fifth Year of the Reign of

'His

'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.']

Which Oath or Affirmation any one of the said Commissioners are hereby empowered to administer: Provided always, that the Qualification by Occupancy of Premises within the said Borough shall not extend to the Justices of the Peace, nor shall they be required to take the Oath of Qualification by this Act directed to be taken by the Commissioners before they act in Execution thereof.

For electing Commissioners on Vacancies.

IV. And be it further enacted, That when and so often as the Commissioners herein named, or to be elected by virtue of this Act, shall die, or shall by any of the Causes of Disqualification beforementioned be reduced to the Number of Twenty, it shall be lawful for the surviving or remaining Commissioners, and they are hereby empowered from Time to Time as often as the same shall occur, to elect a Commissioner in the Place of every such Commissioner so dying, refusing, or becoming incapable or disqualified to act; provided that Notice of the Time and Place of Meeting for every such Election be given by the Clerk to the said Commissioners, or by any Two or more of the said Commissioners, by affixing the same in Writing upon the Door of the Guildhall in the said Borough of *Evesham*, and on the principal outer Doors of the respective Parish Churches of *All Saints*, *Saint Lawrence*, and *Bengworth*, Fourteen Days at least before every such Meeting; and every such Person so from Time to Time elected shall have the same Powers and Authorities for putting this Act into Execution in all respects whatsoever, as if he had been named a Commissioner in and by this Act.

Penalty on disqualified Persons acting.

V. And be it further enacted, That if any Person not being so qualified, or being disqualified by any of the Causes aforesaid, or not having taken and subscribed the Oath aforesaid, or being a Quaker made and subscribed the Affirmation aforesaid, shall act as a Commissioner in the Execution of this Act, every such Person shall for each such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered with full Costs of Suit in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than One Imparlance shall be allowed; and every Person so sued or prosecuted shall prove that he was at the Time of acting qualified as aforesaid, or otherwise shall pay the said Penalty, without any other Proof on the Part of the Plaintiff or Prosecutor than that such Person hath acted as a Commissioner in the Execution of this Act: Provided always, that all Acts and Proceedings of any Person acting as a Commissioner in the Execution of this Act, although such Person shall not be duly qualified as aforesaid previously to his being convicted of the said Offence, shall notwithstanding such Conviction be as good, valid, and effectual as if such Person had been qualified according to the Directions of this Act: Provided also, that it shall be lawful for such

such of the said Commissioners as shall be Justices of the Peace for the said Borough of *Evesham* or for the said County of *Worcester*, to act as such Justices in the Execution of this Act within their respective Jurisdictions, notwithstanding their being Commissioners under this Act.

Meetings of the Commissioners.

VI. And be it further enacted, That the said Commissioners shall meet at the Guildhall in *Evesham* aforesaid, or at such other Place within the Limits of this Act as they may think fit, on the Second *Tuesday* next after the passing of this Act, or as soon after as conveniently may be, between Eleven of the Clock in the Forenoon and One of the Clock in the Afternoon, and shall then proceed to carry this Act into Execution; and in case none or a less Number than Seven of the said Commissioners shall attend such Meeting, then such Meeting shall be and be deemed to be adjourned to the next Day, and so *toties quoties* until a sufficient Number of the said Commissioners shall attend at such Meeting to act in the Execution of this Act; and the said Commissioners shall or may at such Meeting, and at their several Meetings to be holden for the Purposes of carrying this Act into Execution, from Time to Time adjourn themselves, and appoint their next Meeting to be held at the same Place, or at such other Place within the Limits of this Act, and at such Time as the said Commissioners shall from Time to Time order and direct, provided that no Adjournment shall be made for a longer Time than Two Calendar Months; and if at any Meeting appointed to be held by virtue of this Act there shall not appear a sufficient Number of Commissioners to act, or appearing shall not adjourn such Meeting, the Clerk to the said Commissioners shall from Time to Time, as often as such Case shall happen, adjourn such Meeting to some other Daywithin Ten Days then next following, to be holden at the same Place, and the said Clerk shall cause Notice thereof to be affixed to the Door of each of the Parish Churches within the said Borough, at least Seven Days before the Day to which such Meeting shall be so adjourned: Provided always, that no Business shall be done or proceeded upon by the said Commissioners at any Meeting, (except the First Meeting to be held under this Act), before Eleven of the Clock in the Forenoon, nor shall any Meeting be appointed to be held at any later Hour than One of the Clock in the Afternoon of the Day on which such Meeting may be appointed to be holden; and at all their several Meetings the said Commissioners shall pay and defray all their own Expences, except any Sum not exceeding Ten Shillings a Day for the Use of the Room wherein they shall meet for the Purposes of this Act.

All Acts to be done at Meetings.

VII. And be it further enacted, That all Orders and Determinations of the said Commissioners in the Execution of this Act shall be made at a Meeting or Meetings to be held in pursuance hereof, and not otherwise, (except in Cases hereby otherwise provided for), and no Order or Determination shall be made unless the major Part of the Commissioners present at the respective Meetings to be holden in pursuance of this Act shall concur therein, and all Acts, Orders, and Proceedings relating to the Execution of this Act which are hereby directed to be had, made, done, or exercised by or before the said Commissioners, and all the Powers and Authorities hereby in them

vested generally, shall and may be had, made, done and exercised by the major Part of the Commissioners who shall be present at the respective Meetings to be held by virtue of this Act, the whole Number of Commissioners present at every such Meeting not being less than Seven, (except in Cases in which any other Number is by this Act named for any particular or special Purpose), and all Acts, Orders, and Proceedings had, made, or done by or before such Seven Commissioners, shall have the same Force and Effect, and be binding and conclusive on all Persons and to all Intents and Purposes whatsoever, as fully and effectually as if the same were had, made, done or executed by or before all the said Commissioners; and at every Meeting of the said Commissioners a Chairman shall in the first Place be appointed, who, in case of an equal Number of Votes (including such Chairman's Vote), shall have the casting or decisive Vote; and no Order or Determination at any Meeting of the said Commissioners once made, agreed upon, or entered into, shall be revoked or altered at any subsequent Meeting, unless Notice of the Intention to make such Revocation or Alteration shall have been given at a previous Meeting holden pursuant to this Act, and shall have been entered in the Book of Proceedings of such Meeting, and unless such Notice, signed by any Seven or more Commissioners, shall have been affixed to the Door of the respective Parish Churches within the Borough of *Evesham* aforesaid, at least Seven Days before such Meeting, nor unless such Revocation or Alteration shall be agreed to be made by Fourteen Commissioners at the least.

Meetings on Emergencies.

VIII. And be it further enacted, That if after any Adjournment of the said Commissioners it shall, on any Emergency, be thought necessary that an earlier Day of Meeting should be appointed, it shall be lawful for any Seven or more of the said Commissioners, (or for their Clerk, being authorized by an Order in Writing, signed by Seven or more of them, although not assembled at a public Meeting), mentioning the Time, Place, and Purpose of such Meeting, to appoint and give Notice of such earlier Meeting in the Manner before directed (such Time not being less than Seven Days after such Notice), and all Proceedings of the Commissioners at such earlier Meeting relating to the particular Subject on which such Meeting shall be called, shall be as valid as they would have been in case the Commissioners had met in pursuance of an Adjournment; and such earlier Meeting shall and may be adjourned to and be held at such Time and Place as any other Meeting under this Act is authorized to be adjourned to or held at.

Proceedings to be entered.

IX. And be it further enacted, That the said Commissioners shall cause to be provided and kept a proper Book or Books, and fair and regular Enties to be made therein of the Names of all the Commissioners who shall attend the respective Meetings, and of all Acts, Orders, and Proceedings relative to the Execution of this Act; and the Chairman of each Meeting of the said Commissioners shall always subscribe his Name at the End of the Proceedings of the said Commissioners at every such Meeting; which said Book or Books, and also the Book or Books herein-after directed to be kept for registering Mortgages and Assignments of the Rates, or Transcripts thereof, shall

and

and may be read in Evidence in all Cases, Suits, and Actions touching any thing done in pursuance or by virtue of this Act.

Accounts to be kept of Receipts and Disbursements, which shall be open to Inspection.

X. And be it further enacted, That the said Commissioners shall and they are hereby required from Time to Time to order and direct a Book or Books to be provided and kept by their Clerk for the Time being, in which Book or Books such Clerk shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, and expended for or on account of the Purposes of this Act, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed and paid; and such Book or Books shall, at seasonable Times, be open to the Inspection of the said Commissioners, and every Creditor of the Rates hereby authorized to be made, and of every Person paying any Rate or Assessment hereby authorized, or otherwise affected thereby, without Fee or Reward; and the said Commissioners, Creditors, and other Persons aforesaid, or any of them, shall or may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof, without paying any thing for the same, and in case the said Clerk shall refuse to permit, or shall not permit the said Commissioners, Creditors, or Persons aforesaid to inspect the same, or take Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum of Money not exceeding Five Pounds for each Default, to be levied, recovered, and applied in manner herein-after provided: Provided always, that (for greater Convenience) the Accounts of all Rates and Assessments, Receipts, Disbursements and Payments, relating to the paving, lighting, and repairing of the several Streets, Lanes, and other Places within the said Borough, shall be kept separate and distinct from all other Accounts, Rates, Assessments, Receipts, Disbursements and Payments made for the other Purposes of this Act, and the Account of all Rates, Assessments, Receipts, Disbursements and Payments imposed, levied, collected, received, or expended within each Parish, shall be kept separate and distinct from the Rates, Assessments, Receipts, Disbursements, and Payments imposed, levied, collected, received, or expended within the other Parishes, and with respect to such Accounts as shall relate to the Repairs and Improvements of the said Bridge, the same shall be kept separate, apart, and distinct from all other Accounts.

Annual Meeting for auditing Accounts, &c.

XI. And be it further enacted, That a Meeting of the said Commissioners shall be held on the first *Tuesday* in the Month of *January* yearly at the Place herein-before mentioned, or to be appointed as aforesaid, at which the Accounts of all Monies received and paid from Time to Time by virtue or in execution of this Act, by any Person or Persons whomsoever, shall be produced and stated to, and examined and settled by the said Commissioners.

Appointment of Officers.

XII. And be it further enacted, That the said Commissioners shall and may, at their first or any subsequent Meeting, elect and appoint a Treasurer or Treasurers, Clerk or Clerks, Assessor or Assessors, Collector or Collectors of the Rates or Assessments herein-after mentioned, and also a Surveyor or Surveyors, Scavenger or Scavengers, and such other Officers for the Execution of this Act, as the said

said Commissioners shall think proper, and may from Time to Time remove them, or any of them, and appoint others in the Room of those removed, or of such as shall otherwise relinquish or discontinue or be incapable of performing their respective Offices, and out of the Monies to be raised by virtue of this Act shall and may make and pay such Salaries, Wages, and Allowances to the said Officers and other Persons as the said Commissioners shall think reasonable; and the said Commissioners shall and they are hereby required to take such Security from such Officers for the due Execution of their respective Offices as the said Commissioners shall think proper; and all such Officers and Persons so to be appointed as aforesaid shall under their Hands (at such Time or Times and in such Manner as the said Commissioners shall direct), but at least once in every Three Months, deliver to the said Commissioners, or to such Person or Persons as they shall appoint, a true and perfect Account or Accounts in Writing, of all Matters and Things committed to their Charge, and of all the Monies which shall have been by such Officers and Persons respectively received by virtue of or for the Purposes of this Act, and how much thereof hath been paid and disbursed, and for what Purposes, and to whom, together with the proper Vouchers for such Payments, and shall pay all such Monies as shall remain in their respective Hands to the said Commissioners, or to such Person or Persons as they shall appoint to receive the same; and if any of such Officers or Persons shall refuse or wilfully neglect to deliver any such Accounts as aforesaid, or to produce and deliver up the Vouchers relative to the same, or to make Payment as aforesaid, or shall neglect or refuse to deliver to the said Commissioners, or to such Person or Persons as they shall appoint, within Ten Days next after being thereunto required by the said Commissioners, by Notice in Writing given to or left at the last or usual Place of Abode of any such Officer or Person, all Books, Papers and Writings in his or their Custody or Power relating to the Execution of this Act, or give Satisfaction to the said Commissioners respecting the same, then and in any of the Cases aforesaid the said Commissioners may and are hereby authorized and empowered to bring or cause to be brought an Action or Actions in any of His Majesty's Courts of Record at *Westminster*, against the Officer or Person so neglecting or refusing as aforesaid, in order to the Recovery of the Monies which shall be in the Hands of such Officer or Person, with full Costs of Suit, or if Complaint shall be made by the said Commissioners, or by such Person or Persons as they shall appoint for that Purpose, to any one or more of the Justices of the Peace for the said Borough, such Justice or Justices may and is and are hereby authorized and required, by a Warrant or Warrants under his or their Hand and Seal or Hands and Seals, to cause the Officer or Person so neglecting or refusing to be apprehended and brought before him or them, and upon his appearing, or in case the Constable or other Officer to whom such Warrant or Warrants shall be directed shall make return on Oath that he or they is or are not to be found, then and in either such Case the said Justice or Justices shall and may hear and determine the Matter in a summary Way; and if upon the Confession of the Party or Parties, or by the Testimony of any credible Witness or Witnesses upon Oath, or in case of a Quaker, upon his Affirmation (which Oath and Affirmation such

Justice or Justices is or are hereby empowered to administer), it shall appear to such Justice or Justices that any of the Money which shall have been raised, received, or collected under or by virtue of this Act, shall be in the Hands of such Officer or Person, or be unaccounted for, such Justice or Justices may and is and are hereby required, upon Nonpayment thereof, by a Warrant or Warrants under his or their Hand and Seal or Hands and Seals, to cause such Money, and all Charges to be levied by Distress and Sale of the Goods and Chattels of such Officer and Person, and paid to the said Commissioners, or as they shall appoint; and if no Goods or Chattels of such Officer or Person can be found sufficient to answer and satisfy the said Money and the Charges aforesaid, or if it shall, upon such Hearing, appear by such Confession or Testimony as aforesaid to such Justice or Justices, that any such Officer or Person hath neglected or refused to deliver any such Account as aforesaid, or to verify the same as aforesaid, or to produce and deliver up the Vouchers relating thereto, or that any Books, Papers, or Writings relating to the Execution of this Act were in the Custody or Power of any such Officer or Person, and he hath neglected or refused to deliver or give Satisfaction respecting the same as aforesaid, then and in any of the Cases aforesaid such Justice or Justices shall commit every such Offender or Offenders to the Common Gaol of the Borough aforesaid, there to remain without Bail or Mainprize until he shall have made Payment to the said Commissioners, or to whom they shall appoint, of such Money as aforesaid, or shall have compounded with the said Commissioners for the same, and shall have paid such Composition in such Manner as they shall appoint (which Composition the said Commissioners are hereby empowered to make and receive), or until he shall have delivered up every such Account as aforesaid, or produce and deliver up such Vouchers, Books, Papers, and Writings as aforesaid, or shall deliver or have given Satisfaction in respect thereof, according as the Circumstances of each respective Case shall require: Provided always, that no such Person who shall be committed on account of his not having sufficient Goods or Chattels, shall be detained in Prison for any longer Term than Three Calendar Months: Provided also, that if any Money shall remain due from such Officer or Person, Officers or Persons, the Commitment of him or them to Prison shall not be deemed a Discharge for the same, nor exonerate his or their Surety or Sureties, but such Officer or Person, Officers or Persons, and his and their Surety or Sureties shall remain liable to the Payment thereof, in the same Manner as if such Officer or Person had not been committed to Prison.

Clerk restrained from acting as Treasurer, and vice versa.

XIII. Provided always, and be it further enacted, That it shall not be lawful for the said Commissioners to appoint the Person who may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, or the Clerk of or other Person in the Service or Employ of any such Clerk, the Treasurer for the Purposes of this Act, or to appoint the Person who may be appointed Treasurer, or the Partner of any such Treasurer, the Clerk to the said Commissioners; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of this Act, or if any Person

being the Partner of such Clerk, or the Clerk of or other Person in the Service or Employ of any such Clerk, shall act as Treasurer, or being the Partner of any such Treasurer shall act as Clerk in the Execution of this Act, or if any Treasurer shall hold any Place of Profit or Trust under this Act other than that of Treasurer, every Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person who shall sue for the same; to be recovered in any of His Majesty's Courts of Record at *Westminster* or elsewhere, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than one Imparlance shall be allowed.

Commissioners may sue and be sued in the Name of their Clerk, &c.

XIV. And be it further enacted, That the said Commissioners may sue and be sued for or concerning any thing which shall be done by virtue or in pursuance of this Act, or for or concerning any Matter or Thing relating or incident to the obtaining and passing of this Act, in the Name of their Treasurer or Clerk for the Time being, or in the Name of any of the said Commissioners; and no Action or Suit to be brought or commenced by the Direction of or against the said Commissioners by virtue of this Act, in the Name of their Treasurer or Clerk or of such Commissioners, shall abate or be discontinued by the Death, Resignation, Removal or Default, or by the Act of any such Treasurer or Clerk or Commissioner, without the Consent of the said Commissioners, but the Treasurer or Clerk for the Time being to the said Commissioners, or any of such Commissioners, shall be always deemed Plaintiff or Defendant in such Action or Suit (as the Case may require): Provided always, that any such Treasurer, Clerk, or Commissioner, in whose Name any Action or Suit shall be commenced, sued, prosecuted, or defended in pursuance of this Act, shall always be reimbursed and paid, out of the Monies to arise by virtue of this Act, all such Costs, Charges and Expences as he shall be put to or become chargeable with by reason of his being so made Plaintiff or Defendant as aforesaid: Provided always, that such Treasurer or Clerk or Commissioner shall not, by reason of his being so made Plaintiff or Defendant, be deemed an inadmissible Witness in any such Action or Suit, unless it be on his own personal Account.

Commissioners to cause the Footways to be paved, and Pumps to be kept in Repair.

XV. And be it further enacted, That the present Pavements, Pitchings, Flagging, and Kirbstones now in and about the Streets, Lanes, and other public Places of the said Borough, shall be and are hereby vested in the said Commissioners, and it shall be lawful for the said Commissioners to cause the present and future Streets, Lanes, Entries, and other public Passages and Places within the said Borough, or any Part or Parts thereof, as well the Carriage as Footways, to be pitched, paved, flagged, or otherwise repaired and amended, and the same Pavements, Pitching, Flagging, and other Materials thereof to be taken up and relaid, and the Ground thereof to be raised, lowered, or altered in such Manner as the said Commissioners shall think fit, and also to make Common Sewers, Drains, or Watercourses in any of the Streets, Lanes, Entries, or other public Passages and Places within the said Borough, for the Purpose of carrying or conveying Water and Refuse from the same, and to cleanse, alter, and amend such

Sewers, Drains, or Watercourses, in such Manner as they shall from Time to Time think necessary; and it shall be lawful for the said Commissioners to take up and remove, or cause to be taken up and removed, all or any Posts, Rails, Pales, Trees, or Fences in such Streets, Lanes, Passages, or Places, or any of them, as they the said Commissioners shall judge to be an Obstruction or Nuisance to Foot Passengers, Horses, or Carriages, or to erect or set up any other Posts, Rails, Fences, or Pales, as they shall think proper, for the better Security of Passengers, Horses, or Carriages, or of the said Pavements or Kirbstones from Damage, and also to remove or cause to be removed all or any of the public Pumps now standing and being in any of the said Streets, Lanes, or Places, and to erect, place, and set up Pumps in lieu of such Pumps so removed, in such Places within the said Borough as shall be thought by the said Commissioners to be more convenient and proper, and such Pumps, and the Wells and Shafts in which the same are or shall be placed, shall for ever hereafter be kept in Repair and be under the sole Management, Direction, and Controul of the said Commissioners, and be so vested in them for the Use of the Inhabitants of the said Borough; and the Expences attending such Reparation, and also the Erection of any new Pump or Pumps, and the removing of the present Pumps, and of sinking any fresh Well or Wells, and also of such pitching, paving, flagging, renewing, draining, and repairing, shall at all Times be payable and paid out of the Monies to be raised by virtue of this Act: Provided always, that nothing in this Act contained shall extend or be construed to extend to authorize or empower the said Commissioners to pave, repair, or maintain any of the Carriage Roads within the said Borough, (except such Parts thereof as shall be necessarily taken up or injured for the Purposes of this Act), which have been usually and now are or of right ought to be paved, amended, and repaired by the Trustees acting in execution of an Act passed in the Fifty-ninth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for enlarging the Term and Powers of Two Acts of His present Majesty, for repairing the Roads from* Evesham Bridge *in the County of* Worcester *to* Alcester *in the County of* Warwick, or by the Trustees acting in execution of an Act passed in the Third Year of the Reign of His present Majesty, intituled *An Act for repairing and amending several Roads leading to and from the Borough of* Evesham *in the County of* Worcester, *and several other Roads in the Counties of* Worcester *and* Gloucester. 59G.3. c.xlvi. 3 G.4. c.lxix.

XVI. And be it further enacted, That it shall be lawful for the said Commissioners, or their Surveyor by their Authority in Writing, but not otherwise, to search for, cut, dig, get, gather, and take away any Stones, Gravel, Sand, or other Materials for making or repairing and maintaining the said Streets, Lanes, Paths, or Passages within the said Borough, and also for the repairing, widening, and improving and maintaining the said Bridge, out of or from any Common or Waste Ground, or any common River or Brook within the said Borough, or in any Parish, Township, Hamlet, Division, or Place adjoining thereto, without paying any thing for the same, they the said Commissioners or Surveyor filling up or fencing the Pits or Quarries, so that the same shall not be dangerous to Passengers or Cattle; and in case a sufficient Quantity Power to get Materials.

Quantity of such Materials cannot be found or had in or upon any such Waste Grounds or Commons, or in any such common River or Brook, it shall be lawful for the said Commissioners or their said Surveyor, or any other Person appointed by them, by Order of any Justice of the Peace for the said Borough of *Evesham*, or for the Counties of *Worcester* or *Gloucester*, as the Case may be, to be made upon the Application of the said Commissioners, to search for, dig, get, and carry away any such Materials in, out of, or from the inclosed Lands or Grounds of any Person situated within the said Borough, or in any Parish or Place adjoining thereto where the same may be had or found, such Lands or Grounds not being a Yard, Garden, Orchard, Nursery for Trees, Walk or Avenue to a House, the said Commissioners making or tendering to the Owners or Occupiers thereof such Satisfaction for the Value of such Materials, or for the Damages thereby done to the Lands or Grounds where or from whence the same shall be cut, dug, got, gathered, and carried away, or over which the same or any other Materials for such making and repairing shall be carried, as the said Commissioners or the Person acting on their behalf shall judge reasonable; and in case of any Difference between the said Commissioners or Person acting on their behalf and the Owners and Occupiers of such Lands and Premises, concerning such Damage, it shall be lawful for any Two or more of the Justices of the Peace of and for the said Borough, in relation to so much of the Lands and Premises as shall be within the said Borough, and for any Two or more of His Majesty's Justices of the Peace in and for the County of *Worcester* or *Gloucester*, as the Case may be, in relation to any of such Lands and Premises as shall not be within the said Borough, on Seven Days Notice thereof in Writing given by either Party to the other, or left at his, her, or their respective Place or Places of Abode, to hear, settle, and determine the Matters of such Payment or Damages.

Materials within a certain Distance of any Mills, &c. not to be dug for;

XVII. Provided always, and be it further enacted, That no such Materials as aforesaid, lying within the Distance of One hundred and fifty Yards from any Bridge, Mill, Mill Weir, or Dam, shall be dug for, gotten, or taken away on any Account or Pretence whatsoever.

nor from any inclosed Lands or Grounds, till Notice shall have been given.

XVIII. Provided also, and be it further enacted, That it shall not be lawful for the said Commissioners, or any Person under their Authority, to dig, gather, get, take, or carry away any Materials for the Purposes aforesaid out of or from any inclosed Lands or Grounds, until Notice in Writing, signed by Seven or more of the said Commissioners, shall have been given to the Owner or Occupier of such Lands and Premises, or left for such Owner or Occupier at his usual Place of Residence, to appear before Two or more Justices of the Peace acting in and for the said Borough or the said County of *Worcester* or *Gloucester*, according as the said Lands may lie within or without the said Borough, to shew Cause why such Materials shall not be had or taken from such Lands or Grounds; and in case such Owners, Occupiers, or their Agents shall attend pursuant to such Notice, but shall not shew sufficient Cause to the contrary, such Justices shall, if they think proper, authorize such Commissioners or such Persons as they

they shall appoint for the Purpose, to dig, get, gather, and carry away such Materials, at such Time or Times as to such Justices shall seem proper; and if such Owners or Occupiers shall neglect or refuse to appear in Person, or by their respective Agent, pursuant to such Notice, the said Justices shall (upon Proof on Oath of the Service of such Notice) make such Order in the Premises as they respectively shall think fit, so that the same be made in Writing, as fully and effectually as though such Owners or Occupiers had attended.

Penalty on taking away Materials.

XIX. And be it further enacted, That if any Person shall remove or take away any Materials laid upon such Streets, Lanes, Paths, or Passages, and Bridge, or adjoining to any of them, for the Repairs thereof, without the Order of the said Commissioners, or of their Surveyor, or shall take away any which shall have been dug or gathered by the Order of the said Commissioners, or their Surveyor, or the said Justices, in any Lands or Premises, for the Purpose of amending and repairing such Streets, Lanes, Paths or Passages, and Bridge, or out of any Pit or Quarry which shall have been made for the Purpose of getting such Materials, before the said Commissioners or their Surveyor shall have discontinued working therein for the Space of Three Calendar Months (except the Owner or Occupier of the said Land or Premises wherein such Pit or Quarry shall be made for his or her own private Use only, and not for Sale), every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

Water from private Sewers, &c. to be conveyed into the public Drains.

XX. And be it further enacted, That it shall be lawful for the said Commissioners, or for their Surveyor by their Order, from Time to Time as Occasion shall require, to convey by Drains and Sewers from any of the said Streets, Lanes, Entries, public Passages and Places, in which shall be contained common Drains, common Sewers or Watercourses, the Water from such Streets, Lanes, Entries, and public Passages and Places into the said common Drains, common Sewers, or Watercourses, at the Cost and Expence of the Owners or Occupiers of Property lying within or adjoining or near to such Streets, Lanes, Entries, public Passages and Places; and in case any of such Owners or Occupiers shall refuse or neglect, for the Space of Seven Days next after Demand made by the Surveyor to the said Commissioners, either personally or by writing, to be left at the usual Place of Abode of such Owner or Occupier, to pay such Costs and Expences, the same shall and may be recovered and applied in the same Manner as any Penalty under this Act may be recovered and applied.

Power to light the Streets.

XXI. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby empowered to cause the Streets, Lanes, Passages, and other public Places within the said Borough to be well and effectually lighted, either with Gas, Oil, or otherwise, at such Seasons and Times as the said Commissioners shall judge proper, and for that Purpose the said Commissioners are hereby also empowered, if they shall think it expedient so to do, to purchase or rent from any Person willing to sell or let the same, any Buildings, Erections, or Lands within the Limits of this Act, not exceeding Two

Statute Acres, for the Purpose of erecting and making suitable Buildings and Apparatus therein and thereon for the manufacturing of Gas, and also to break up the Soil or Pavement of any of the Footways or Carriageways of any of the said Streets, Lanes, or other public Passages or Places, and to cause Mains or Pipes for the Conveyance of Gas to be laid and carried along, through and under all, any, or either of the Streets, Lanes, Passages and other public Places within the said Borough, and to cause such and so many Lamp Irons, Lamp Posts, Pillars, Pilasters and Pipes, as they shall judge necessary to be affixed or set up, into, upon, or against any of the Walls or Pallisades of any of the Houses or Buildings, or any other Walls or Fences within the said Borough, or in or upon any of the Carriageways or Footways within the said Borough, in such Situations and at such Distances, and in such Manner as the said Commissioners shall think proper, and to cause so many Glass or other Lamps, with such Sorts of Burners, Reflectors, or other Apparatus, and of such Dimensions, Constructions, and Qualities as the said Commissioners shall judge proper, to be provided and affixed upon or to such Iron Posts, Pillars or Pilasters, or any of them, and to cause the same Iron Posts, Pillars, Pilasters, and Lamps, or any of them, to be from Time to Time taken down, removed, altered, repaired, renewed, or replaced, when and as often as they shall think proper, and to cause such Lamps, or any of them, to be lighted at such Seasons of the Year, on such Evenings, and at such Hours of the Evening, and to be kept burning for so many Hours as shall be thought expedient by the said Commissioners; and from and after the laying and fixing such Mains or Pipes, Posts, Pillars, Pilasters, Irons and Lamps, the same and every of them shall be held and deemed to belong to and be the Property of the said Commissioners, and the same are hereby vested in the said Commissioners for the Time being: Provided always, that nothing herein contained shall authorize or empower the said Commissioners to set up or fix any such Lamp, Lamp Iron, or Lamp Post against any Dwelling House or Houses, or private Buildings, or any private Lands or Hereditaments and Premises, or so to continue the same, without the Consent in Writing of the Owner and Occupier of every such Dwelling House, Hereditament, or Building, respectively for that Purpose.

Vesting Materials in Commissioners.

XXII. And be it further enacted, That all the said Pavements, Kirbstones, Paving and Flagstones, Pebbles, and other Materials, public Pumps and Wells, Pipes, Posts, Pillars, Pilasters, Irons and Lamps, and all other Articles, Matters, and Things now and at all Times hereafter appertaining or belonging to the said Pavements, Pumps, Wells, Pipes, Posts, Pillars, Pilasters, Irons and Lamps, and every of them, within the Streets, Lanes, and other public Places of the said Borough, shall be held and deemed to belong to and be the Property of the said Commissioners, and the same are hereby vested in the said Commissioners for the Time being; and the said Commissioners shall and may cause any Action to be brought, or direct any Bill of Indictment to be preferred, as the Case may require, against any Person who shall steal, take, or carry away, detain, destroy, deface, damage or injure the several Articles, Matters, and Things so hereby

vested in the said Commissioners as aforesaid, or any Part thereof; and in all such Actions and Bills of Indictment respectively, it shall be sufficient to state generally that the Article, Matter, or Thing for or on account of which such Action or Actions shall be brought, or such Bill or Bills of Indictment shall be preferred, is or are the Property of "The Commissioners for paving, lighting, watching, and otherwise improving the Borough of *Evesham*," without stating or specifying the Names of all or any of the said Commissioners.

Commissioners to repair Damage done to Walls, &c. by fixing Lamp Posts, &c.

XXIII. Provided always, and be it further enacted, That if any Injury or Damage shall be occasioned to any Rail, Building, or Wall, by the affixing, setting up, taking down, altering or removing any Lamp or any Lamp Iron, or other Fastenings thereof, the said Commissioners shall immediately cause the said Injury or Damage to be well and sufficiently repaired, and the Expences attending the same shall be paid out of the Money to be raised by virtue of this Act; provided also, that in case the said Commissioners shall enter into any Contract with any Company of Proprietors, or any other Person or Persons, for the lighting the said Streets, Lanes, Entries, and other public Passages and Places with Gas, the said Company of Proprietors, or other Person or Persons so contracting to light as aforesaid, shall, in the supplying of such Gas, or in the laying or repairing any Pipes, Plugs, or other Works or Apparatus, do as little Damage as may be, and shall forthwith fill in the Trenches and make good the Pavements and Roads, and carry away the Rubbish occasioned thereby, and shall in the meantime sufficiently fence or guard and affix Lights during the Night at or near the Place or Places where any Ground shall be opened, in such Manner as to prevent Accidents to Passengers, Cattle, or Carriages; and if after such Pavements or Roads shall have been so repaired and made good, the same shall within Six Calendar Months thereafter give way, or require relaying or repairing, in consequence of such Pavements or Roads having been broken up for the Purpose of laying down such Pipes, Plugs or other Apparatus, the same shall be forthwith done and performed by and at the Expence of the said Company of Proprietors, or other Person or Persons as aforesaid; provided also, that if there shall be any wilful or negligent Delay in the said Company of Proprietors, or any of their Agents or Servants, or any such other Person or Persons, in filling in such Ground or removing Rubbish, or making good any such Pavements or Roads, or in case the same shall be imperfectly repaired, or in case the Ground so opened shall not be sufficiently fenced or guarded and lighted, then and in every such Case it shall be lawful for the said Commissioners, or their Surveyor or Surveyors, or other Person or Persons as aforesaid, to fill in such Ground and remove such Rubbish, and to repair and make good the Pavement of any such Street, Lane, Entries, public Passage or other Place so broken up, and properly to fence or guard any such Trench or Excavation, and to place and maintain such Light or Lights during the Night as to him or them shall seem necessary, and the reasonable Costs and Charges thereof shall be paid by the said Company, or their Treasurer or Treasurers, or by such other Person or Persons as aforesaid; and in default of Payment thereof for Thirty Days next after Demand made for the Payment thereof (Proof of such Demand being made by the Oath of one or more credible Witness or

Witnesses

Witnesses, before One or more Justice or Justices of the Peace for the Borough of *Evesham*, such Justice or Justices not being interested in the Matter in question), all such reasonable Costs, together with any Sum not exceeding Five Pounds by way of Penalty, shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of the said Company, or other Person or Persons as aforesaid, together with the Charges of such Distress and Sale, by a Warrant under the Hand and Seal of any such Justice or Justices, and which Warrant such Justice or Justices is and are hereby required to grant, and such Penalties, Costs, Charges, and Expences shall be paid to such Commissioners or their Surveyor.

Power to contract for lighting.

XXIV. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time to contract and agree with any Company of Proprietors, or with any other Person or Persons, to light the said Streets, Lanes, Passages, and other public Places, or any of them, with Gas, Oil, or otherwise, as to the said Commissioners shall from Time to Time seem proper and expedient, and to provide and set up all necessary Lamps, Lamp Posts, Lamp Irons, and other Works necessary for such Purposes.

Commissioners empowered to let out Gas Lights, in case they light the Streets themselves.

XXV. And be it further enacted, That in case the said Commissioners shall deem it expedient to erect such Gas Apparatus, and to light the said Streets, Lanes, Entries, and other public Passages and Places, or any of them, with Gas or Inflammable Air, without contracting for the same as aforesaid, it shall be lawful for the said Commissioners, after sufficiently lighting such Streets, Lanes, Entries, and other public Passages and Places, to let out or grant to any Person or Persons whomsoever who shall be willing to take the same, any Light or Lights, or Argand, Cockspur, Batwing, or any other Kind of Burner or Burners, and to supply the same with Gas or Inflammable Air, upon such Terms and Conditions, and at such annual Rents for the same, and in such Manner as they the said Commissioners shall from Time to Time think proper; provided nevertheless, that all Money to proceed therefrom or arise thereby be in the first Instance applied to defray the Expences of the Gas Apparatus and other Things connected therewith; and if there shall be any Overplus, then the same shall be applied generally for the Purposes of this Act.

Pipes to be removed from Dwelling Houses on Notice.

XXVI. Provided always, and be it further enacted, That in case any Pipe, Cock, or Branch shall be carried or laid from any Main or Pipe of the said Commissioners, Body or Bodies, Company or Companies, or other Person or Persons contracting to light or lighting as aforesaid into or through or against any private Dwelling House, Manufactory, Warehouse, Wharf, Building, Yard, or Ground, for the Purpose of lighting the same, or any other Dwelling House, Manufactory, Building, Yard, or Ground, in pursuance and conformably to the Powers and Authorities in this Act contained, and the Owner or Occupier of any such private Dwelling House, Manufactory, Warehouse, Wharf, Building, Yard, or Ground into or through or against which such Pipe, Cock, or Branch shall pass or be laid, shall be desirous that the same Pipe, Cock, or Branch shall be altered or removed

removed and taken away, and of such his or her Desire shall give Notice in Writing to the said Commissioners, Body or Bodies, Company or Companies, or other Person or Persons as aforesaid, then and in every such Case the said Commissioners, Body or Bodies, Company or Companies, or other Person or Persons, shall within Seven Days after the Receipt of such Notice alter or remove and take away, or cause to be altered or removed and taken away, all or any such Pipes, Cocks, and Branches, as shall have been so introduced and laid therein or thereupon from any such Main of the said Commissioners, Body or Bodies, Company or Companies, or other Person or Persons as aforesaid; and in default thereof it shall and may be lawful to and for such Owner, Occupier, or any other Person or Persons acting under his or her Authority, to cause such Pipes, Cocks, and Branches to be altered or removed and taken away, as the Case may require, and the Costs and Expences of such Removal shall be recovered from the said Commissioners, Body or Bodies, Company or Companies, or other Person or Persons as aforesaid, on Complaint before a Justice of the Peace, as any Penalty is recoverable under this Act, if the same be not paid on Demand by such Commissioners, Body or Bodies, Company or Companies, or other Person or Persons as aforesaid.

Recovery of Rent.

XXVII. And be it further enacted, That in case any Person or Persons who shall contract with the said Commissioners or otherwise agree to take, or shall use or enjoy the Benefit of the said Gas in their private Dwellings, Shops, Inns, Taverns, or other Buildings or Manufactories, shall refuse or neglect, for the Space of Ten Days after Demand, to pay the Sum or Sums then due for the same to the said Commissioners, according to the Terms and Stipulations of the said Commissioners, it shall be lawful for the said Commissioners or their Clerk or Clerks, or any Person or Persons acting by or under their Authority, by Warrant under the Hand and Seal of any Justice of the Peace for the said Borough, to levy the said Sum or Sums of Money in respect whereof such Neglect or Refusal shall happen, by Distress and Sale of the Goods and Chattels of the Person or Persons so neglecting or refusing to pay the same, rendering the Overplus (if any) to such Person or Persons so refusing or neglecting, after the necessary Charges of making such Distress and Sale shall be first deducted.

Service Pipes to be kept fully charged with Gas.

XXVIII. And be it further enacted, That the Branch or Service Pipes which shall be put down for lighting the said Streets, Lanes, Entries, and other public Passages and Places, shall be kept fully charged with Gas, and the Stop Cocks shall be so turned as not to impede or prevent the said Branch or Service Pipes being completely filled with Gas during the Time the same shall be lighted.

Gas Pipes to be laid Three Feet from Water Pipes, and in a particular Manner.

XXIX. And be it further enacted, That all and every the Pipes or other Conduits to be laid or used for the Conveyance of Gas in, under, through, along, across, or round any Street, Lane, Entry, or other Passage or Place within the Limits of this Act, shall be so laid at the greatest practicable Distance, and whenever the Width of the Carriage-way in such Street or Place will allow thereof, at the Distance of Three Feet at least from the nearest Part of any Water Pipe already

laid down, or hereafter to be laid down, for the Conveyance of Water in, under, through, along, across, or round any of the said Streets, Lanes, Entries, or other Passages or Places within the Limits of this Act, except in Cases where it shall be unavoidably necessary to lay the Gas Pipes across any of the said Water Pipes, in which Case the said Gas Pipes shall be laid over and above the said Water Pipes, at the greatest practicable Distance therefrom, and shall form therewith a Right Angle, and in such Cases the said Gas Pipes so crossing the said Water Pipes shall be at the least Six Feet in Length, so that no Joint of any of the said Gas Pipes shall be nearer to any Part of the said Water Pipes than Three Feet at least; and in laying down the said Gas Pipes the said Commissioners, Contractors, or other Person supplying Gas shall in no case join Two or more Pipes together previous to their being laid in the Trench, but shall lay each Pipe as near as may be in its Place in the Trench, and shall in such Trench properly form the Jointing with the other Pipes to be added thereto with proper and sufficient Materials, and shall also make and keep all and every such Pipes, and all Pipes connected or communicating therewith, and all the Screws, Joints, Inlets, Apertures, or Openings therein respectively air-tight, and in all and every respect prevent the said Gas from escaping therefrom and from any Part thereof, upon pain of forfeiting for every Offence the Sum of Five Pounds.

Commissioners, &c. to prevent Escape of Gas, and Contamination of Water.

XXX. And be it further enacted, That whenever the Water of the Company of Proprietors or other the Owners or Proprietors of any Waterworks within the said Borough of *Evesham* shall be contaminated or affected by the Gas of the said Commissioners, or of the Body or Bodies Politic or Corporate, Company or Companies of Proprietors, or other Person or Persons so contracting to light or lighting as aforesaid, the said Commissioners, Body or Bodies, Company or Companies, or other Person or Persons as aforesaid, shall forfeit and pay for every such Offence a Sum not exceeding Twenty Pounds, to be sued for and recovered as any Penalty is hereby directed to be sued for and recovered, and the same shall be applied to and for the Use and Benefit of the said Company of Proprietors, or other the Owners or Proprietors of any Waterworks; and in case any such Water shall be contaminated or affected by Gas in any Way whatsoever, then and in every such Case the said Commissioners, Body or Bodies, Company or Companies, or other Person or Persons as aforesaid, shall within Twenty-four Hours next after Notice thereof in Writing signed by any of the Directors, or by the Treasurer or by the Manager or Chief Clerk for the Time being of and for the said Company of Proprietors, or other the Owners or Proprietors of any Waterworks, to be left at the usual Office or Place of transacting Business of the said Commissioners, Body or Bodies, Company or Companies, or other Person or Persons as aforesaid, cause Measures to be taken effectually to stop and prevent Gass from escaping from their Works, Mains, or Pipes, or contaminating or affecting the Water of the said Company of Proprietors, or other the Owners or Proprietors of any Waterworks; and in case the said Commissioners, Body or Bodies, Company or Companies, or other Person or Persons as aforesaid, shall not within Twenty-four Hours next after each and every such Notice so left as aforesaid, effectually stop and prevent Gas

Gas from so escaping, and wholly and satisfactorily remove the Cause of every such Complaint, and prevent all and every such Contamination whereof Notice shall be given as aforesaid, then and in every such Case the said Commissioners, Body or Bodies, Company or Companies, or other Person or Persons as aforesaid, shall on each and every Complaint, whereof Notice shall be given as aforesaid, forfeit and pay to the Treasurer for the Time being, or to any One of the Directors for the Time being of the said Company of Proprietors, or other the Owners or Proprietors of any Waterworks, for the Use and Benefit of the same Proprietors or Owners, over and above the before mentioned Penalty of Twenty Pounds, to be recovered as aforesaid, the Sum of Ten Pounds for each and every Day during which the Water of the said Company of Proprietors, or other the Owners or Proprietors of any Waterworks shall be and remain contaminated, tainted, or affected by the Gas of the said Commissioners, Body or Bodies, Company or Companies, or other Person or Persons as aforesaid; and in default of Payment thereof as aforesaid, such Penalty or Penalties shall and may be recovered by Information to be exhibited on the Oath of One credible Witness, by and in the Name of the Treasurer, Manager, or Chief Clerk for the Time being of the said Company of Proprietors, or other the Owners or Proprietors of any Waterworks, or by and in the Name of any One or more of the Directors of the said Company of Proprietors, or other the Owners or Proprietors of any Waterworks, at the Option of the Parties prosecuting such Information against the said Commissioners, Body or Bodies, Company or Companies, or other Person or Persons as aforesaid, before any Justice of the Peace for the said Borough of *Evesham*, with Costs, to be assessed by such Justice, and to be levied by Distress and Sale of the Goods and Chattels of the said Commissioners, Body or Bodies, Company or Companies, or other Person or Persons as aforesaid, together with the Charges of such Distress and Sale, by Warrant under the Hand and Seal of such Justice, which Warrant such Justice is hereby empowered to grant; and such Penalty or Penalties and Costs when so levied shall be paid to the Treasurer, or to One of the Directors for the Time being of the Company of Proprietors, or other the Owners or Proprietors of any Waterworks, for the Use of the same Proprietors or Owners.

For ascertaining if the Water is contaminated.

XXXI. And whereas it may be or become a Question, upon such Complaint as aforesaid, whether the said Water be contaminated or affected by the Gas of the said Commissioners, Body or Bodies, Company or Companies, or other Person or Persons so contracting to light or lighting as aforesaid; be it therefore enacted, That in every such Case it shall and may be lawful to and for the said Company of Proprietors, or other the Owners or Proprietors of any Waterworks, to dig to and about, and search and examine the Mains, Pipes, Conduits, and Apparatus of the said Commissioners, Body or Bodies, Company or Companies, or other Person or Persons as aforesaid, for the Purpose of ascertaining whether such Contamination proceed or be occasioned by the Gas of the said Commissioners, Body or Bodies, Company or Companies, or other Person or Persons as aforesaid, and if it shall appear that the said Water has been contaminated by any Escape of Gas of the said Commissioners, Body or Bodies, Company

or Companies, or other Person or Persons as aforesaid, the Costs and Expences of the said Digging, Search, and Examination and Repair of the Pavement of the Street or Streets which shall be taken up or disturbed, shall be borne and paid by the said Commissioners, Body or Bodies, Company or Companies, or other Person or Persons as aforesaid, which Costs and Expences shall be ascertained and determined, if necessary, by such Justice as aforesaid, and be recovered in like Manner as any Penalty may be recovered by virtue of this Act: Provided always, that if upon such Examination it shall appear that such Contamination has not arisen from any such Escape of Gas from any of the Mains, Pipes, or Conduits of the said Commissioners, Body or Bodies, Company or Companies, or other Person or Persons as aforesaid, then and in such Case the said Company of Proprietors, or other the Owners or Proprietors of any Waterworks, shall bear and pay all the Costs and Expences of such Examination, Repair, and Search, and shall also make good to the said Commissioners, Body or Bodies, Company or Companies, or other Person or Persons as aforesaid, any Loss, Injury, or Damage which may be occasioned to the said Mains, Pipes, Conduits, or Apparatus of the said Commissioners, Body or Bodies, Company or Companies, or other Person or Persons as aforesaid, in and by such Search and Examination, and also to the Pavement of the said Streets so broken up or disturbed in such Search or Examination; the Amount of such Injury, Loss, or Damage to be ascertained and determined, if necessary, by such Justice or Justices of the Peace as aforesaid.

For preventing the Escape of Gas.

XXXII. 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 in pursuance of this Act, the Commissioners, or the Body or Bodies Politic or Corporate, Company or Companies of Proprietors, or other Person or Persons contracting to light or lighting with Gas the said Streets, Lanes, Entries, or other public Passages and Places, shall immediately after Notice given to them or him by Parol or in Writing of any such Escape of Gas from any Inhabitant or Inhabitants within the said Borough, or other Person or Persons whomsoever, cause the most speedy and effectual Measures to be taken to stop and prevent such Gas from escaping; and in case the said Commissioners, or the Body or Bodies Politic or Corporate, Company or Companies of Proprietors, or other Person or Persons so contracting to light or lighting with Gas, shall not within Twenty-four Hours next after such Notice given, effectually stop and prevent any future Escape, and wholly and satisfactorily remove the Cause of Complaint, then and in every such Case the said Commissioners, or the Body or Bodies Politic or Corporate, Company or Companies of Proprietors, or other Person or Persons as aforesaid, shall for every such Offence forfeit and pay the Sum of Five Pounds for each Day after the Expiration of Twenty-four Hours from the Time of giving any such Notice during which the Gas shall be suffered to escape as aforesaid; which Penalty or Penalties shall from Time to Time be recoverable in a summary Way, on the Oath or Affirmation of some credible Witness or Witnesses, by Information to be laid before some Justice or Justices of the Peace for the said Borough, and shall and may be recovered and levied, with all reasonable Charges, by Distress and Sale of the Goods

and

and Chattels of the Treasurer of the said Commissioners, or of the Goods and Chattels of such Body or Bodies Politic or Corporate, Company or Companies of Proprietors, or other Person or Persons so contracting to light or lighting as aforesaid.

Penalty on damaging Pipes, &c.

XXXIII. And be it further enacted, That if any Person or Persons shall wilfully or maliciously remove, take away, destroy, damage, or injure any or any Part of any Pipe, Plug, or other Apparatus, Matter, or Thing belonging to the said Commissioners, or shall wilfully or maliciously waste any of the Inflammable Air or Gas supplied by the said Commissioners, every Person so offending in any of the respective Premises, and being thereof lawfully convicted on the Oath or Affirmation of some credible Witness before some Justice or Justices of the Peace for the said Borough, shall forfeit and pay to the said Commissioners any Sum not exceeding Five Pounds, and Three Times the Amount of the Damage done or occasioned by such Conduct, the same to be ascertained by such Justice or Justices; and such Penalty and Damage, together with reasonable Costs, shall be levied by Distress and Sale of the Goods and Chattels of such Offender, returning the Overplus (if any) on Demand to the Owner of such Goods and Chattels, or such Offender shall and may be committed to the Common Gaol or House of Correction of the said Borough, there to remain for any Time not exceeding Six Calendar Months.

Penalty for conveying Washings into any Sewer, Stream, &c.

XXXIV. And be it further enacted, That if the said Commissioners, or any Body or Bodies Politic or Corporate, Company or Companies of Proprietors, or any other Person or Persons whomsoever, contracting to light or lighting with Gas the said Streets, Lanes, Entries, and other public Passages and Places, shall at any Time drain or carry, or cause or suffer to be drained or conveyed, or to run or flow any Washings or other waste Liquids, Substances, or Things whatsoever, which shall arise or be made in the Prosecution of the said Gas Works into the River *Avon*, or into any River, Brook, or running Stream, Reservoir, Canal, Aqueduct, Feeder, Pond or Spring Head, or into any Drain, Sewer, or Ditch communicating with any of them, or do or cause to be done any Annoyance, Act, or Thing to the Water contained in any of them, whereby the Water contained therein, or any Part thereof, shall or may be soiled, fouled, or corrupted, then and in every such Case the said Commissioners, or any such Body or Bodies Politic or Corporate, Company or Companies of Proprietors, or other Person or Persons as aforesaid, shall forfeit and pay for every such Offence the Sum of Two hundred Pounds, and such Penalty or Forfeiture shall and may be sued for and recovered, together with full Costs of Suit, in any of His Majesty' Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Plaint, or Information, wherein no Essoign, Protection, Privilege, Wager of Law, nor more than One Imparlance, shall be allowed, and such Penalty shall be paid to the Person or Persons who shall inform or sue for the same: Provided always, that no such Penalty or Forfeiture shall be recoverable unless the same be sued for within Twelve Calendar Months after the Time when such Annoyance, Nuisance, Injury, Damage, Act, or Thing shall have ceased: Provided also, that over and above and in addition to the said Penalty of Two hundred Pounds (and whether such Penalty

shall or shall not be sued for or recovered), 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 the said River *Avon*, or into any River, Brook, or running Stream, or any Reservoir, Canal, Aqueduct, Waterway, Feeder, Pond, or Spring Head, or into any Drain, Sewer, or Ditch communicating with any of them, or any such Annoyance, Nuisance, Injury, 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 said Commissioners, or any of them, or to the Body or Bodies Politic or Corporate, Company or Companies of Proprietors, or any of them, or other Person or Persons as aforesaid, and the said Commissioners, Body or Bodies Politic or Corporate, Company or Companies of Proprietors, or other Person or Persons, shall not, within Twenty-four Hours after such Notice given, stop and prevent all and every such Washings, Waste Liquids, 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 Annoyance, Nuisance, Injury, Damage, Act, or Thing from being done as aforesaid, then and in every such Case the said Commissioners, Body or Bodies Politic or Corporate, Company or Companies of Proprietors, or other Person or Persons so offending, shall 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 Annoyance, Nuisance, Injury or Damage, Act or Thing shall be so done or caused to be done as aforesaid; and such last-mentioned Penalty shall and may be recovered and levied in like Manner as any other Penalty or Forfeiture is in and by this Act directed to be recovered and levied, and shall be paid to the Informer, or to the Person or Persons who in the Judgment of the Justice or Justices, before whom the Conviction shall take place, shall have sustained any Annoyance, Injury, or Damage by any such Act so done or committed.

Not to take up Pavement without consent of Commissioners.

XXXV. And be it further enacted, That if any Person whoever shall at any Time hereafter take up, remove, or alter, or cause to be taken up, removed, or altered any Part of the Pavements, Flags, or other Materials, of the Carriageways or Footpaths in the said Streets, Lanes, Passages, or other public Places or any of them, or shall make or cause to be made any Alterations in any of the Tunnels, Gutters, Sloughs, Drains, or Watercourses therein, without the previous Consent or Authority of the said Commissioners, made or given at some Meeting held in pursuance of and according to the Directions of this Act, every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Ten Pounds.

Penalty on wilfully breaking Lamps.

XXXVI. And be it further enacted, That if any Person shall wilfully break, take away, throw down, displace, or otherwise destroy or damage any Lamp which shall be erected by order of the said Commissioners, or which may be erected by any other Person or Persons

at his or their own Expence, for the Purpose of lighting any of the said Streets, Lanes, Entries, and other public Passages and Places, or any Post, Iron, Cover, or Furniture thereof, or shall wilfully extinguish the Light or Lights of or in any such Lamp or Lamps, it shall be lawful for any Justice of the Peace for the said Borough, and he is hereby required, upon Complaint to him made by some credible Witness or Witnesses of any such Offence having been committed, to summon before him or any other Justice of the Peace for the said Borough, the Party or Parties complained of for doing such Damage, and in case of his, her, or their making default to appear to such Summons (Oath or Affirmation being made that the Party or Parties complained against had been served with such Summons, or that the same had been left at his, her, or their usual Place of Abode, if known), to issue a Warrant for apprehending the Party or Parties accused, or it shall and may be lawful to and for any Person or Persons who shall see such Offence committed to apprehend, and also for any Person or Persons to assist in apprehending the Offender or Offenders, and by Authority of this Act, and without any other Warrant, to deliver him, her, or them into the Custody of a Peace Officer, in order to be secured and conveyed before some Justice of the Peace for the said Borough, and such Justice shall and he is hereby required to proceed to examine upon Oath any Witness or Witnesses who shall appear or be produced to give Evidence touching such Offence; and if the Party or Parties accused shall be convicted of such Offence, either on his, her, or their Confession, or upon such Evidence as aforesaid, then and in every such Case he, she, or they shall for every such respective Offence forfeit and pay any Sum not exceeding Five Pounds, and shall in addition to the Payment of such Penalty make a full Satisfaction (to be ascertained by such Justice) to the said Commissioners, or to the Party injured, for the Damage so done; and in case such Offender or Offenders shall not upon Conviction forthwith pay such Penalty and make such Satisfaction as aforesaid, such Justice is hereby authorized and required to commit such Offender or Offenders to the Common Gaol of the said Borough, there to be kept to hard labour for any Time not exceeding Three Calendar Months, unless such Penalty and Satisfaction shall be sooner paid.

Satisfaction to be made for accidental Damage to Lamps.

XXXVII. And be it further enacted, That if any Person shall carelessly, negligently, or accidentally break, throw down, or otherwise destroy or damage any Mains or Pipes, Posts, Pillars, Pilasters, Lamps, or Lamp Irons respectively, and shall not, upon Demand, make Satisfaction for the Damages done, then and in every such Case it shall be lawful for any Justice of the Peace for the said Borough, and he is hereby required, upon Complaint thereof made, to summon before him the Party or Parties so complained of, and upon his, her, or their appearing, or making default to appear (Oath or Affirmation being made that the Party complained against had been served with such Summons, or that the same had been left at his, her, or their usual Dwelling or Place of Abode, if known), such Justice shall proceed to examine the Cause of such Complaint, and upon Proof thereof, either by Confesion of the Party, or by the Oath or Affirmation of any credible Witness, shall award and order such Satisfaction to be made by the Party or Parties complained against for the Damages so done

done as aforesaid, as to such Justice shall appear just and reasonable; and in case the Sum so awarded shall not be paid forthwith, it shall be lawful for such Justice and he is hereby required to cause the same to be levied and recovered in such and the same Manner as any Fine or Penalty is by this Act directed to be levied and recovered.

Streets to be watched, Watchmen appointed, &c.

XXXVIII. And be it further enacted, That the said Commissioners shall and they are hereby authorized and empowered from Time to Time to cause the said Streets, Lanes, Entries, and other public Passages and Places, or such of them as they shall think fit, to be safely and properly watched, and for that Purpose to appoint such Number of able-bodied Men as they shall judge proper to be employed as Watchmen, or as a Patrol, under such Regulations and subject to such Orders as the said Commissioners shall make and give from Time to Time in that Behalf; and to provide proper Watch Houses, Watch-boxes or Places for the Reception of such Watchmen and Patrol, and for the safe Custody of such Persons as may be apprehended by such Watchmen or Patrol whilst on Duty, and to pay such Watchmen or Patrol whilst on Duty reasonable Wages or Allowances; and also to impose from Time to Time any Fine not exceeding Forty Shillings on any Watchman or Patrolman for every Neglect or Misbehaviour, (such Fine to be deducted out of the Wages of such Watchman or Patrolman), or to discharge such Watchmen or Patrolmen, and from Time to Time to make such Orders and Regulations as they the said Commissioners shall deem expedient for the better Government of the Watchmen or Patrolmen to be so appointed as aforesaid, and to give and allow, out of the Monies to be raised by virtue of this Act, such Reward or Allowance as they shall think fit, to any Watchman or Patrolman and others who may be wounded or disabled in the Execution of his or their Office or Duty.

Duty of Watchmen.

XXXIX. And be it further enacted, That it shall be lawful for such Watchmen and Patrolmen, or any of them, and they are hereby required, within their respective Stations, to apprehend and secure in some proper Place or Places of Security to be for that Purpose appointed, all Malefactors, Rogues, Vagabonds, idle and disorderly Persons, Disturbers of the public Peace, Prostitutes, Thieves, and all suspected Persons who shall be found wandering or misbehaving themselves during the Hours of keeping Watch within the Limits of this Act, and to conduct all such Persons so soon as conveniently may be, before some Justice of the Peace for the said Borough, to be examined and dealt with according to Law.

Watchmen vested with the Powers of Constables.

XL. And be it further enacted, That all Watchmen and Patrolmen shall be sworn in as Constables before some Justice of the Peace for the said Borough, who is hereby required to swear them in accordingly, and such Watchmen and Patrolmen shall act as such whilst in the Execution of the Powers and Authorities of this Act, and they are hereby invested with and shall have and enjoy the like Powers and Authorities, Privileges and Immunities as any Constable or Constables is or are invested with by Law.

XLI. And

Penalty on Persons harbouring Watchmen.

XLI. And be it further enacted, That if any Victualler, Alehouse-keeper, or other Person selling spirituous or other Liquors, Beer or Cyder, shall entertain or harbour in his or her House or Outhouses, any Watchman or Night Patrol, during any of the Hours or Times appointed for the Attendance on Duty of such Watchmen or Night Patrol by virtue of this Act, every such Victualler or other Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Commissioners to direct Streets to be cleansed.

XLII. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby required to cause all the Streets, Lanes, Entries, and other public Passages and Places within the Limits of this Act, or such of them as they shall think fit, to be properly cleansed and kept clean; and also to cause the said Streets, Lanes, Entries and other public Passages and Places, or such of them as they shall think proper, to be watered from Time to Time; and for those Purposes to employ any Persons, and to purchase or hire any Carts or other Carriages, and also any Horses, and to cause the Dirt, Dust, Soil, Dung, Manure and Filth in any such Streets, Lanes, Entries, and other public Passages and Places, to be taken and carried away.

Commissioners may contract for lighting, paving, &c.

XLIII. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, from Time to Time to contract and agree with any Person or Persons they may think proper for the paving, flagging, widening, altering, amending and improving of the Carriageways and Footpaths, and for lighting, watching, cleansing, and watering the said Streets, Lanes, and other public Passages and Places within the Limits of this Act, and for furnishing Materials, and doing and performing all other Matters and Things necessary for completing any of the Works hereby authorized; which Contract or Contracts so to be entered into shall be reduced into Writing, and be signed by the said Commissioners, or any Seven or more of them, and also by the Person or Persons contracting to perform such Works respectively; which said Contract or Contracts shall specify the several Works to be done and the Prices to be paid for the same, and the Time or Times when such Works shall be done, performed, and completed, and the Penalties to be suffered in case of Nonperformance thereof; and such Contract or Contracts shall be entered in a Book or Books to be kept for that Purpose by the Clerk to the said Commissioners: Provided always, that Seven Days Notice at least shall be given previous to the Meeting for entering into such Contract, by Writing to be affixed on the several Church Doors aforesaid, or in such other Manner as the said Commissioners shall direct, in which Notice shall be specified the Works and Business to be contracted for at such Meeting, to the end that Persons may tender Proposals for such Contracts, at a certain Time and Place in such Notice to be mentioned; and the said Commissioners shall and they are hereby required to take Security from every such Contractor for the due Performance of his, her, or their Contract; and it shall be also lawful for the said Commissioners, and they are hereby also directed to cause the Works to be done in pursuance of such Contracts to be inspected by their

Surveyor or Surveyors, or by such other Person or Persons as they shall from Time to Time appoint; and in case the same shall not be well and sufficiently performed, according to the true Intent and Meaning of such Contract or Contracts, or shall not be done and completed at or within the Time or Times, and at such Times as shall be by such Contract or Contracts limited for doing and completing the same, the said Commissioners shall and may bring or cause to be brought any Action or Actions at Law, or Suit or Suits in Equity, against the Person or Persons so contracting and neglecting to perform such Contract or Contracts, or for any Injury suffered or sustained on account of the Nonperformance thereof; and upon proving the signing of the said Contract or Contracts and Nonperformance thereof, the said Commissioners shall be entitled to and shall recover such Penalty or Damage as may be awarded, with full Costs of Suit.

Commissioners may compound with Persons failing to perform Contracts.

XLIV. Provided always, and be it further enacted, That it shall be lawful for the said Commissioners from Time to Time and at all Times hereafter, to compound and agree with any Person or Persons against whom the said Commissioners shall bring or cause to be brought any Action or Suit for any Penalty incurred in any Contract hereafter to be made or entered into in pursuance of this Act, on account of any Breach or Nonperformance of any such Contract, for such Sum or Sums of Money as they shall think proper, so as the Sums compounded and agreed for be not less than the Injury sustained by the Breach or Nonperformance of such Contract, and the Costs, Charges, and Expences which shall have been or which may be occasioned thereby: Provided always, that the said Commissioners or their respective Estates shall not be liable, in their individual or personal Capacity, to any Loss, Damage, or Prejudice by reason of their signing any such Contract.

Inhabitants to sweep Pavements opposite their Houses.

XLV. And be it further enacted, That it shall be lawful for the respective Occupiers of Houses or other Buildings or Tenements with the Appurtenances within the said Borough, and they are hereby required to cause to be well and sufficiently swept and cleansed the Footways and Foot Pavements before, behind, and at the Sides of their respective Houses or other Buildings, (as the Situation thereof shall require), every *Saturday* in each and every Week, or oftener if the said Commissioners shall, by Notice to be left at the usual Residence of such Occupier, require the same to be done; and shall also cause the Dirt and Soil to arise from such sweeping and cleansing to be collected and taken away, and in default thereof such Occupier shall for every such Offence forfeit and pay to the said Commissioners any Sum not exceeding Forty Shillings.

Dirt not to be swept in Channels.

XLVI. And be it further enacted, That in case any Person shall sweep, rake, or place, or cause to be swept, raked, or placed, any of the Mud, Dirt, Dust, Rubbish, Filth, or Soil in the said Roads, Streets, Lanes, and Places within the Jurisdiction of the said Commissioners, or brought therein to, into, or upon the Channels on the Sides of the said Roads, Streets, Lanes, and public Places; or in case

any Person shall permit or suffer any Iron, Wood, or other Plate, Lid, or Covering over the Vaults, or otherwise belonging to any of the Houses and Premises within the Limits of this Act, to remain loose and unfastened, or shall leave the Opening to any such Vault or underground Place without any Plate, Lid, or other sufficient Covering, every Person so offending in any or either of the said Cases shall forfeit and pay any Sum not exceeding Five Pounds.

No Person to take away Dirt but Contractors.

XLVII. And be it further enacted, That if any Person or Persons other than such Occupiers, or the Person or Persons employed by or contracting with the said Commissioners for cleansing the said Streets, Lanes, Entries, and other public Passages and Places, or the Person or Persons employed by or acting under the Direction of the Person or Persons so contracting, shall take and carry away, or cause to be taken and carried away any Dust, Dung, Manure, Dirt, Ashes, or other Filth out of any of the Streets, Lanes, Entries, and other public Passages and Places, every such Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Persons reserving Ashes, &c. for their own Use, not to suffer the same to lie in the Streets, &c.

XLVIII. Provided always, and be it further enacted, That nothing in this Act contained shall extend to prevent any of the Inhabitants from preserving or keeping any Dung, Ashes, Cinders, Dust, Filth, or Rubbish within their Houses, Yards, Gardens, or Premises for their own Use, or from removing the same to any other Place by them occupied, so as such Dung, Ashes, Cinders, Dust, Filth, or Rubbish be not laid down or placed in any of the said Streets, Lanes, Entries, or other public Passages or Places, for any longer Time than shall in the Judgment of any of the said Commissioners be necessary for the Purpose of loading and carrying away the same, or be of any Annoyance to the Inhabitants thereof, or any Persons passing through the same; but in case such Person shall permit or suffer the same to be so placed as to become a Nuisance or Annoyance to any of such Inhabitants or to any other Inhabitants as aforesaid, and shall not remove the same within Six Hours after Notice in Writing so to do, signed by any Three or more of the said Commissioners, or by the Clerk to the said Commissioners, such Person shall forfeit and pay any Sum not exceeding Five Pounds for every Day such Annoyance shall be permitted to remain after such Notice as aforesaid; and it shall be lawful for the Person or Persons to be appointed by or contracting with the said Commissioners for cleansing the said Streets, Lanes, Entries, and other public Passages and Places, and they are hereby authorized and directed to take and convert such Dung, Ashes, Cinders, Dust, Filth, and Rubbish to his, her, or their own Use and Uses, and to sell and dispose thereof, without rendering any Satisfaction for the same.

Commissioners may hire Room, Office, and Storehouse.

XLIX. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time to hire any Room or Building, as they shall think fit, in any convenient Part or Parts within the Limits of this Act, for the Purpose of making use thereof as and for an Office or Offices for keeping their Accounts, holding their Meetings, and transacting the Business relating to this Act, and as a Storehouse or Storehouses for keeping their Implements and Materials, and for other the Purposes of this Act; and to pay out of the Money

to

to arise by virtue of this Act such Rent or Rents as they the said Commissioners shall from Time to Time agree upon, and also to accept and take a Lease of such Room, Building or Buildings to themselves, or any of them, or any Person or Persons in Trust for them, for any Term or Number of Years, at and under such Rent or Rents as they shall from Time to Time think fit, and to pay such Rent or Rents out of the Monies aforesaid.

Rates may be laid on Tenants of Shops, Dwelling Houses, &c.

L. And for raising Money for defraying the Expences of obtaining and passing of this Act, and carrying into Execution the several Purposes thereof; be it further enacted, That for the Purpose of altering and removing the said Pumps and Wells, for repairing the same, for laying down and repairing the Flag and Kirbstones of the said Footpath, and for the cleansing, lighting, and watching the said Borough, the said Commissioners shall and they are hereby authorized, empowered, and required, when and so often as they shall think necessary, to make one or more Rate or Rates, Assessment or Assessments in every Year upon the Tenants or Occupiers of all Dwelling Houses, Shops, Work Houses, Work Shops, Mills, Warehouses, Coach Houses, Stables, and other Buildings, Cellars and Vaults within the Borough aforesaid, and upon the several Gardens or Yards thereto respectively belonging, according to the annual Value of the same respectively, such Rate or Rates, Assessment or Assessments, not to exceed in any One Year the Sum of Two Shillings and Sixpence in the Pound; and the said Commissioners for the Purpose of repairing and keeping in Repair the said Streets, Lanes, Passages and Places within the said Borough, shall and they are hereby further authorized, empowered, and required, when and so often as they shall think necessary, to make one or more Rate or Rates, Assessment or Assessments in every Year upon the Tenants or Occupiers of all Lands and Tenements within the said Borough according to the annual Value of the same respectively, such last-mentioned Rate or Rates, Assessment or Assessments to be assessed and imposed in the Proportion of One-third Part thereof on Houses, Buildings, and Gardens annexed thereto, and the remaining Two-third Parts on Land and Orchards, and on Gardens used for the Purposes of Trade such last-mentioned Rate or Rates, Assessment or Assessments not to exceed in any One Year the Sum of One Shilling in the Pound; and for the Purpose of repairing and improving the said Bridge, the said Commissioners shall and they are hereby authorized, empowered, and required, when and so often as they shall think necessary, to make one or more Rate or Rates, Assessment or Assessments in every Year upon all and every the Owners and Proprietors, as well as the Tenants and Occupiers of Lands and Tenements throughout the said Borough, in the Proportion of One-half Part thereof on the Owners and Proprietors, and the other Half on the Occupiers and Tenants, according to the annual Value of such Lands and Tenements, such last-mentioned Rate or Rates, Assessment or Assessments, not to exceed in any one Year the Sum of Two Shillings in the Pound; and all and every such Rate or Rates, Assessment or Assessments, to be made and levied under the Powers of this Act, shall be subject to appeal in manner herein-after mentioned, and the Money or Monies so respectively rated or assessed on the said Proprietors, Tenants, or Occupiers shall be paid by them respectively

respectively to the Collector or Collectors, or other Person or Persons appointed by the said Commissioners to collect the same: Provided always, that it shall be lawful for the said Commissioners, and they are hereby required to apportion the Rates to be from Time to Time assessed and imposed by virtue of this Act on the several Parishes in the said Borough, so as that each Parish may bear an equal Share of such Rates and Assessments in proportion to the Extent and Value of such respective Parishes, and in proportion to the Extent of Paving, Lighting, Watching, Cleansing and other Improvements necessary and directed to be done by this Act in each respective Parish.

Powers for Recovery of Rates.

LI. And be it further enacted, That if any Person shall neglect or refuse to pay any Sum of Money on him or her rated or assessed by virtue of this Act for any of the Purposes hereof, to the said Collector or Collectors, or other Person or Persons appointed by the said Commissioners to collect the same, for the Space of Fourteen Days after the same shall have become due, and after personal Demand made thereof, or a Demand in Writing under the Hand of such Collector, left at the Dwelling House or usual Place of Abode of such Person, or on the Premises for which such Person shall be rated or assessed, the same shall be levied and recovered on and from such Person so neglecting or refusing, by Distress and Sale of his or her Goods and Chattels, by Warrant under the Hand and Seal or Hands and Seals of any One or more Justice or Justices of the Peace acting for the said Borough, such Defaulter having been first duly summoned by such Justice or Justices to appear before him or them at a Time and Place to be mentioned in such Summons, to show Cause for such Neglect or Refusal, and the Overplus (if any) of the Monies to be raised by such Distress and Sale shall be returned, on Demand, to the Owner or Owners of the Goods and Chattels so distrained and sold, together with so much thereof as shall remain unsold, after deducting all Costs, Charges, and Expences incurred previously to and attending such Distress and Sale, such Costs, Charges, and Expences to be ascertained and directed by the said Justice or Justices; and in default of such Distress it shall be lawful for any such Justice or Justices to commit such Person or Persons to the Common Gaol or House of Correction for the said Borough, there to remain, without Bail or Mainprize, for any Time not exceeding Six Calendar Months, unless Payment shall be sooner made of such Sum or Sums of Money as shall have been found to be due and in arrear upon all or any such Assessment or Assessments as aforesaid, together with all Costs, Charges, and Expences attending the Recovery thereof, such Costs, Charges, and Expences to be ascertained and determined by the said Justice or Justices respectively: Provided always, that the Sum charged by each Rate or Assessment on every Dwelling House not therein valued at a higher annual Rent than Four Pounds *per Annum*, shall at all Times be paid by the Landlord and not by the Tenant: Provided also, that none of the Rates or Assessments which shall be made by virtue of this Act shall be laid or imposed upon or in respect of any Lands or Grounds, or any Garden used or occupied by Gardeners for the Purposes of their Trade, save for the Repairs of the said Streets, Lanes, Passages, and Places, and for repairing and improving the said Bridge; nor shall any of the said Rates or Assessments be laid or imposed upon

the Tolls of the Fairs or Markets, Gaoler's House, Guildhall, Prison, or Public or Charity Schools.

Recovery of Rates from Persons quitting the Premises rated.

LII. And be it further enacted, That in case any Person who shall be rated or assessed by virtue of this Act, shall quit his or her House or Houses, Shop or Shops, Mill or Mills, Warehouse or Warehouses, Coach House or Coach Houses, Gig House or Gig Houses, Stable or Stables, Cellar or Cellars, or other Building, Garden, Land, Tenement, or Hereditaments, whereon any Rate or Assessment shall be made by virtue of this Act, before he or she shall have paid such Rate, and shall afterwards refuse or neglect, for the Space of One Calendar Month, to pay the same when demanded by Parol of such Person, or by Notice in Writing left at his or her Place or Places of Abode, by the Collector of such Rates, or other Person authorized by the said Commissioners, then and in every such Case it shall and may be lawful for any One or more of His Majesty's Justices of the Peace for the said Borough, and he and they is and are hereby required (such Defaulter having been first duly summoned by such Justice or Justices to appear before him or them at a Time and Place to be mentioned in such Summons, to show Cause for such Refusal or Neglect) to grant a Warrant or Warrants of Distress, under his or their Hand and Seal or Hands and Seals, (on Oath or Affirmation being made before him or them by the said Collector or Person as aforesaid, of such Person having been so rated, and of his or her having quitted the Premises as aforesaid, and of the said Rate or Assessment having been demanded of or from or at the then Place of Abode of such Person, and which Oath and Affirmation such Justice or Justices is and are hereby authorized and empowered to administer); authorizing and directing the Constable or Constables of the Parish, Township, or Place, or other Person or Persons to be specially directed by such Warrant, to distrain the Goods and Chattels of the Person so refusing or neglecting to pay, and to sell the same, rendering the Overplus (if any) after having retained the Rate or Assessment, and all Arrears thereof, and all the Costs and Charges of such Warrant, Distress, and Sale, to the Owner or Owners of such Goods and Chattels respectively; and in default of such Distress, it shall be lawful for such Justice or Justices to cause such Defaulter to be apprehended and brought before him, and to commit such Defaulter to the Common Gaol or House of Correction of and for the said Borough, there to remain, without Bail or Mainprize, for any Time not exceeding Six Calendar Months, unless Payment shall be sooner made of such Sums of Money as shall have been found to be due and in arrear upon any such Assessment or Assessments as aforesaid, together with all Costs, Charges, and Expences attending the Recovery thereof, such Costs, Charges, and Expences to be ascertained and directed by such Justice or Justices.

Persons removing to pay in proportion.

LIII. And be it further enacted, That in all Cases where any Person shall remove from or quit the Possession of any House, Building, Land, Ground, or other Tenement or Hereditaments, the Tenant or Occupier whereof shall be rated or assessed, or be liable to be rated or assessed by virtue of this Act, such Person so removing from or quitting the same shall be liable to pay such Rate or Assessment in proportion

proportion to the Time that such Person occupied the same respectively, and in like Manner as if such Person had not removed from or quitted the Possession of the same; and in all Cases where any Person shall come into or occupy any House, Building, Ground, or other Tenement or Hereditaments rated or assessed, or liable to be rated or assessed as aforesaid, out of or from which any other Person shall have removed, or which at the Time of making any such Rate or Assessment was empty and unoccupied, the Person or Persons coming into or occupying the same shall pay such Rate or Assessment, although his, her, or their Name or Names may not be inserted in such Rate or Assessment, in proportion to the Time that such Person or Persons shall occupy the same respectively, and in like Manner as if such Person or Persons had been originally rated or assessed by Name in such Rate or Rates, Assessment or Assessments; which said Proportions, in case of Dispute, shall be settled and ascertained by the said Commissioners.

Ready furnished Houses, how assessed.

LIV. And be it further enacted, That the Lessee, Landlord, or Owner of all Houses, Buildings, or Tenements within the Limits of this Act, which is or shall or may be let out ready furnished or in separate Apartments, Rooms, or Floors, shall be deemed and taken to be Tenant or Occupier thereof for the Purposes of this Act, and shall be liable and subject to the Rates or Assessments directed by this Act to be made, raised, and levied, according to the yearly Value of the Premises; and every such Lessee, Landlord, or Owner, and all and every Person or Persons renting or occupying any such ready furnished House or separate Apartments, Rooms, or Floors as aforesaid, shall be liable and compellable to pay the said Rates and Assessments, to be recovered in manner herein directed; and every such Tenant or Occupier who shall pay any such Rates or Assessments, or from whom the same shall be recovered in pursuance of this Act, shall and may deduct the same from and out of the next Rent due and payable from him or them to such respective Lessee, Landlord, or Owner, and the Receipt for such Payment shall be a sufficient Discharge for such Tenant or Occupier to his or her Landlord for so much Money as he or she shall pay, or as shall be levied on him or her by virtue of this Act; but no such Tenant or Occupier shall at any Time be required to pay, or be subject or liable to pay, any greater Sum for or towards the Discharge of the said Rates or Assessments, or any of them, and Arrears thereof, than the Amount of the Rent actually due and payable by such Tenant or Occupier to the Lessee, Landlord, or Owner of the Premises so let out ready furnished, or in separate Apartments, Rooms, or Floors, to him or her; Provided always, that nothing herein contained shall extend to prejudice or vacate any Agreement between Landlords and Tenants.

Power to borrow Money.

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

whole the Sum of Ten thousand Pounds, to be divided as follows; (that is to say), Five thousand Pounds on the Credit of the Rates, for altering and repairing the Pumps, for repairing the Footpaths, and for cleansing, lighting, and watching the said Borough; One thousand Pounds on the Credit of the Rates, for repairing the Streets, Lanes, Passages and Places within the said Borough; and Four thousand Pounds on the Credit of the Rates, for repairing, ornamenting, and improving the said Bridge; and by Writing under their Hands and Seals to mortgage or assign over the said several Rates or Assessments, or any Part thereof, to the Person or Persons who shall advance or lend such Money, or his, her, or their Trustee or Trustees, as a Security for the Money so to be borrowed, together with Interest for the same; and every such Mortgage or Assignment shall be framed according to the Form following; (that is to say),

Form of Mortgage.

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

Money may be raised on Annuities.

And every such Mortgage or Assignment shall be good, valid, and effectual in the Law, provided that the whole Sum to be charged on the Credit of the said Rates or Assessments shall not at any Time exceed the Sum of Ten thousand Pounds, in the Proportions before-mentioned: Provided always, that in case the said Commissioners shall think it advisable to raise all or any Part of the said Sum of Ten thousand Pounds, by the granting of Annuities for the Life or Lives of any Person or Persons, then it shall be lawful for the said Commissioners and they are hereby authorized and empowered, by any Writing under their Hands and Seals, to grant any Annuity to any Person who shall contribute, advance, and pay into the Hands of the Treasurer to the said Commissioners, any Sum of Money for the absolute Purchase of any such Annuity, to be paid and payable during the natural Life of every such Contributor, or the natural Life of every such Person as shall be nominated by or on behalf of such Contributor, at the Time of the Payment of his or her Contribution or

Purchase Money; and the Grant of every such Annuity may be according to the Form following; (that is to say),

Form of Grant of Annuity.

'BY virtue of an Act passed in the Fifth Year of the Reign of King *George* the Fourth, intituled [*here insert the Title of this Act*], we being of the Commissioners appointed by virtue of the said Act, in consideration of the Sum of paid to us by *A. B.* [*insert the Name, Place of Abode, and other necessary Addition of the Lender*], for the Purposes of the said Act, do hereby grant unto the said *A. B.*, his Executors, Administrators, and Assigns, one Annuity or yearly Sum of out of the Rates or Assessments arising out of [*here state the Parish and the Object for which the Money is borrowed*], by virtue of the said Act; which Annuity or yearly Sum of shall be paid to the said *A. B.*, his Executors, Administrators, and Assigns, at the House or Office of the Clerk to the said Commissioners upon the Day of in every. and the Day of during the natural Life of ; the first Payment thereof to be made upon the Day of next ensuing the Date hereof. In witness whereof we have hereunto set our Hands and Seals, this Day of in the Year of our Lord .'

Annuities charged upon Rates.

And every such Grant shall be a good, valid, and effectual Security in Law for the Payment of such Annuity; which said several Annuities so to be purchased shall be made payable and be paid quarterly, during the natural Lives of such Contributors respectively, or the natural Life or Lives of such other Person or Persons as shall be nominated by such respective Contributors, and a proportionate Part of such Annuity shall be paid from the last quarterly Payment to the Day of the Death of the Annuitant, or his or her Cestuique vie; and the said Commissioners shall pay the said Annuities freed and discharged from every Tax and Deduction whatsoever.

Restrictions as to Grants of Annuities.

LVI. And for preventing any improvident Grants of Annuities, be it further enacted, That the Amount of every Annuity to be granted by virtue of this Act shall be regulated according to the Price of the Three Pounds *per Centum* Consolidated Bank Annuities at the Time of granting the same, in the Manner and according to the Rate prescribed by Two several Acts, one passed in the Forty-eighth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to enable the Commissioners for the Reduction of the National Debt to grant Life Annuities*; and the other passed in the Fifty-second Year of the Reign of His said late Majesty, intituled *An Act for amending Two Acts passed in the Forty-eighth and Forty-ninth Years of His present Majesty, for enabling the Commissioners for the Reduction of the National Debt to grant Life Annuities.*

48G.3.c.142.

52G.3.c.129.

Mode of transferring Securities.

LVII. And be it further enacted, That it shall be lawful for the Persons entitled to any of the Securities for the Money borrowed, or to the Annuities granted as aforesaid, by Writing under their Hands,

to transfer the same respectively to any Persons, according to the Form following, or any other Form of Words to the like Purport or Effect, as the Case may be; *videlicet*,

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

Entries to be made of Securities.

And Entries or Memorials of all such Mortgages or Assignments, and Grants of Annuities, which shall be made in pursuance of this Act, and of all Transfers thereof, expressing in Words at Length the Names, Additions, and Places of Abode, and other necessary Descriptions of all such Persons as shall from Time to Time be entitled to the Principal Money and Interest, or the Annuities thereby respectively secured, shall be entered in a Book to be kept for that Purpose by the Clerk to the said Commissioners, which Book any Person interested shall at all Times have free Liberty to inspect, without Fee or Reward; and for the Entry of every such Mortgage, Assignment, or Grant, the said Clerk shall be paid the Sum of Two Shillings and Sixpence and no more; and every such Mortgage, Assignment, or Grant, after such Entry thereof as aforesaid, shall entitle the Person or Persons to whom the same shall be made, and his, her, or their Executors, Administrators, or Assigns, to the Benefit of the Security or Grant thereby made or transferred, and all Persons to whom such Mortgages, Assignments, or Grants of Annuities shall be made, or who shall be entitled to the Monies or Annuities thereby secured, shall be, in proportion to the Sums therein respectively mentioned, Creditors on the said Rates or Assessments, equally one with another, without any Preference in respect of the Priority of advancing such Money, or the Dates of any such Mortgages, Assignments, or Grants respectively.

Commissioners may remove Obstructions.

LVIII. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and required from Time to Time, as they shall think proper, to cause all Encroachments, Obstructions, Projections, Nuisances, and Annoyances now existing in the Streets, Lanes, Entries, Causeways, and other public Passages and Places within the Limits of this Act, to be abated, altered, or removed in such Manner as they the said Commissioners shall think proper; and from and after the passing of this Act it shall not be lawful for any Person or Persons to erect or place any Penthouse, Shed, Signpost, Bow-window, Steps, or any other Matter or Thing, so as to project into or hang over any of the Highways or Footpaths of any of the said Streets, Lanes, Entries, or other public Passages or Places, upon pain of forfeiting any Sum not exceeding Five Pounds for every such Offence; and in case the Person or Persons causing any such Obstruction or Encroachment shall not remove or abate the same, within Three Calendar Months after Notice in Writing to that Effect by the said Commissioners, or any Seven of them, or by their

their Clerk or Surveyor for the Time being by their Order, to be given to the Person or Persons offending in any of the Cases aforesaid, or left at his, her, or their usual Residence, it shall be lawful for the said Commissioners to cause the same to be removed or abated, and to charge the Expences thereof to such Person or Persons; and if the same shall not be paid on Demand made by the Clerk to the said Commissioners or other Person authorized by them, the same shall be levied and recovered in like Manner as any Penalty or Forfeiture is by this Act directed to be levied and recovered.

Regulating Cellar Doors, Flaps, &c.

LIX. And be it further enacted, That from and after the passing of this Act all Spouts and Pipes for conveying Water from the Roofs of Houses or other Buildings into the said Streets, Lanes, Entries, or other public Passages or Places, shall be made or placed so as to convey such Water from such Roofs close to the Face or Side of such Houses or Buildings down to the Ground, and under the Pavement into the Sewer or Drain, under the Penalty of Twenty Shillings for every Day the same shall remain placed contrary to the Directions of this Act, after Notice in Writing for the Purpose from any Three or more of the said Commissioners shall have been left One full Week at such House or Building for the Occupier thereof, such Penalty to be paid by such Occupier; and where any Opening is now or may hereafter be made in the Paving or Flagging of any of the said Streets, Lanes, Entries, or other public Passages or Places, as an Entrance into or for the Purpose of carrying Coals or other Articles into any Vault or Cellar, whether such Vault or Cellar be inhabited or uninhabited, or for the Purpose of carrying Light into any Room or Cellar, or for any other Purpose, the Door Lid or Lids, Flap or Flaps, Covering or Gratings to such Opening, shall be made (at the Expence of the Occupier of the Cellar, Kitchen, Building, or other Premises to which such Opening shall communicate), of Iron or such other Materials, and of such Dimensions, and in such Manner and Form as the said Commissioners shall approve of; and every such Door, Lid, Flap, Grating, or Covering shall from Time to Time be repaired, varied, and altered at the like Expence of the Person or Persons for whose Use and Benefit the same shall be possessed and enjoyed, and in such Manner and Form as the said Commissioners shall direct or appoint; and in case any Person shall cause any such Grating or Covering to be made, repaired, varied, or altered contrary to, or shall neglect or refuse to make, repair, vary, or alter any such Grating or Covering, consistently with such Direction or Appointment as aforesaid, or shall cause or permit any such Cellar Door, Cellar Lid, Flap or Cover, within the said Limits, so to be left open at any Time between Sun-setting and Sun-rising on any Pretence whatsoever, without the same being well and sufficiently lighted and guarded, so as to prevent Accidents from happening, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Twenty Shillings, and also any further Sum, not exceeding Five Pounds, for every Week the said Offence shall be continued.

Penalty for obstructing Causeways.

LX. And be it further enacted, That if any Person shall upon any of the Footways or Foot Pavements in any of the Streets, Lanes, Entries, and other public Passages and Places within the said Limits,

run, draw, drive or carry any Wheelsledge, Wheelbarrow, Handbarrow, Bier, or Carriage whatsoever, or roll any Cask or Tub, other than for the necessary loading and unloading thereof, upon, from, or out of any Carriage Road or Footway, further than the Extent of the Premises in the Occupation of the Person from or to whose House or Building such Cask or Tub shall be rolled; or if any Person shall wilfully drive any Cart or Carriage whatsoever, or shall ride, lead, or drive any Horse or other Beast, or any Cattle whatsoever, on any of the said Footways or Foot Pavements; or set up, affix, or use any Stall, Standing Block, or Working Place thereon, or so near thereto as to obstruct the passing thereon, or put or place any Cask, Tub, Pail, Bucket, Stool, Bench, Stall, or any other Matter or Thing, and suffer it to remain so as in any Manner to cause any Obstruction or Impediment in the Footway or on the Foot Pavement; or shall in any Street, Lane, Entry, or other public Passage or Place within the Limits of this Act hoop, fire, cleanse, wash, or scald any Cask or Tub, or hew, saw, or cut any Stone, Wood, or Timber, or bore any Timber, or make or repair any Coach, Chaise, Waggon, Sledge, Barrow, or other Carriage, (except such as may want immediate Repair from any sudden Accident on the Spot, or which cannot be conveniently removed for that Purpose, such unavoidable Repair to be done and completed with all convenient Speed); or if any Person shall hang out or cause to be hung out any Linen or Cloth, or any Article of wearing Apparel, or other Article for the Purpose of Sale, or of airing the same, upon or from any Door or Window within any Street, Lane, Entry, or other public Passage or Place within the Limits of this Act, or fix or tie up any Line, Rope, or Cord for any such Purpose; 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, so as in any way to cause an Obstruction or Impediment in the Pavements, Flagging, or Footways; or if any Person shall in or upon any such Street, Lane, Entry, or other public Passage, shoe, bleed, farry, or kill any Horse or other Beast or Cattle, (except in case of Accident); or if any Person shall within any such Street, Lane, Entry, or other public Passage or Place, show or expose any Stallion, or expose to Sale any Horse or other Beast, (the Market Days and the Days allowed for the holding of Fairs only excepted), or turn loose any Horse, Mule, or Ass; or if any Person shall make or assist in making of any Bonfire, or shall wantonly let off or discharge any Gun, Pistol, Blunderbuss, or other Firearms, or shall wantonly let off any Serpent or Rocket, or throw any Cracker, Squib, or other Fireworks, or play at Football or any other Game or Games to the Annoyance of any Inhabitant or Passenger, or shall wilfully break, or aid, abet, or assist in wilfully breaking or injuring any Glass Pane or Window, Panes or Windows, or any Bell, Bell Handle, or Bell Pull, or the Wires or Cranks connected with the same, or any Knocker, or any Lock or Handle to the same, belonging to any Dwelling House or other Building; or if any Person shall kill or slaughter, or shall scald, singe, dress, or cut up any Pig or other Animal, either wholly or in part, in any of such Streets, Lanes, or other public Passages and Places, or cause or permit any Blood to run from any Slaughterhouse, Butcher's Shop or Shambles, into the same or any of them; or shall, for the Purpose of obtaining or collecting Manure,

or

or for any other Purpose, stop up or impede the Passage of any common Sewer, Ditch, or Watercourse, or shall empty, convey, or discharge any Filth or Rubbish into any common Sewer or public Drain; or if any Person shall permit or suffer his or her Mastiff, Bull Dog, or any other dangerous Animal to go at large without being safely and sufficiently muzzled, or shall permit or suffer any Dog whatever to go at large therein, after public Notice given by the Town Crier or Bellman, 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, or other Carriage shall, in any of the said Streets, Lanes, Entries, or other public Passages or Places, ride on the Shafts or in or upon any Part of such Waggon, Cart, or other Carriage without Reins, or on any of the Horses or Cattle drawing the same, or if any Person riding any Horse or Beast, or driving any Sort of Carriage, shall ride or drive the same furiously so as to endanger the Life or Limb of any Passenger, or if any Person or Persons shall wilfully hinder, obstruct, or prevent the free Passage of any of the said Streets, Lanes, Entries, Ways, Footways, or other public Passages and Places; or if the Driver of any Sort of Carriage whatsoever meeting any other Carriage shall not keep his or her Carriage on the Left or Near Side of the Road, or shall in any Manner wilfully prevent any other Person or Persons from passing him or her, or any Carriage under his or her Care, within such Streets, Lanes, Entries, and other public Passages or Places, or by Negligence or Misbehaviour prevent, hinder, or interrupt the free Passage of any Carriage, or of His Majesty's Subjects, within the said Streets, Lanes, Entries, and other public Passages and Places, 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 for the loading or unloading their Baggage; or if any Person shall fix up or place or suffer to remain any Flowerpot at any Window, without sufficiently guarding or fastening the same so as to prevent the same from being blown or thrown down, or shall commit or permit any other Kind of Obstruction or Annoyance in or upon any Street, Lane, Entry, or other public Passage or Place within the Limits of this Act; or if the Occupier of any House or other Building within the Streets, Lanes, and Passages of the said Borough, shall permit or suffer any Chimney or Chimneys, Flue or Flues belonging to his or her Dwelling House and Premises to be on fire, or shall, through Negligence, or for the Purpose of cleansing any such Chimney or Flue, cause the same to be set on fire; every Person so offending in any of the aforesaid Cases, or the Owner or Proprietor of any such Horse, Beast, Cattle, Carriage, Goods, Matter, or Thing as aforesaid, as the Case may be (in any Instance where the Person actually offending cannot afterwards be found), shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds; and it shall be lawful for any Officer appointed by virtue of this Act, or for any Constable, to take away and remove any of the before-mentioned Obstructions, in case the Party occasioning the same shall not remove the same within a reasonable Time after being required so to do by any Person or Persons whomsoever.

Regulation as to Night Soil.

LXI. And be it further enacted, That no Person shall empty or begin to empty any Privy, or to take and carry away any Night Soil, or bring or place any Carts for removing the same from any House, Building, or Place already or hereafter to be erected, built, or made within the Jurisdiction of the Commissioners for executing this Act, before the Hour of Ten in the Night, or shall continue to take away the same after the Hour of Six in the Morning between *Michaelmas* and *Lady Day*, and after the Hour of Four in the Morning between *Lady Day* and *Michaelmas*; and that no Person shall unload, or cast, or spill, or cause or suffer to be unloaded, cast, or spilt, any such Night Soil out of any Cart, Tub, or otherwise, within the District comprised in this Act; and if any Person shall offend herein he shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, One Half whereof shall go the Informer and the other Half shall be paid to the Treasurer of the said Commissioners, to be applied to the general Purposes of this Act.

Slops to be carried only in covered Carts.

LXII. And be it further enacted, That if any Person at any Time hereafter shall drive, or cause to be driven, any Cart or other Carriage with any Soap Lees, Night Soil, Ammoniacal Liquor, Slop, Filth, or Channel Mire or Dirt therein, through, in, or over any of the Streets, Lanes, Entries, or other Passages or Places within the Jurisdiction of this Act, without such Cart or other Carriage having a proper Covering or Boards called Flush Boards, so as to prevent the same from slopping or spilling in any of the said Streets, Lanes, Entries, or other Passages or Places, or shall at any Time or Times hereafter fill or cause to be filled any Cart or other Carriage with any Soap Lees, Night Soil, or Ammoniacal Liquor in any of the said Streets, Lanes, Entries, or other Passages or Places, between the Hours of Six of the Clock in the Morning and Eight of the Clock in the Evening of any Day, or shall drive or cause to be driven any Cart or Carriage so filled as last-mentioned, through, in, or over any of the said Streets, Lanes, Entries, or other Passages or Places, between the Hours aforesaid, or shall fill any such covered Cart or other Carriage, so as to run over or cast any Soap Lees, Night Soil, Ammoniacal Liquor, Slop, Mire, or Channel Dirt or Filth, in or upon any of the said Streets, Lanes, Entries, or other Passages or Places, it shall and may be lawful for any Person whomsoever to seize and apprehend and to assist in seizing and apprehending the Offender or Offenders, and by the Authority of this Act, and without any other Warrant or Authority, to convey him or her before some Justice of the Peace for the Borough of *Evesham*, and which Justice is hereby authorized and required to hear Evidence, and determine on such Offence; and every Person so offending shall, for every such Offence, forfeit and pay the Sum of Five Pounds: Provided always, that in case the Person or Persons so offending cannot be apprehended, then the Owner or Owners of such Cart or Carriage in which such Soap Lees, Night Soil, Ammoniacal Liquor, Slop, Filth, Mire, or Channel Dirt shall be put or placed, and also the Employer or Employers of the Person or Persons so offending, shall be liable to and shall forfeit and pay such Penalty as aforesaid.

LXIII. And

Hoards may be erected.

LXIII. And be it further enacted, That nothing herein contained shall hinder or prevent any Person from erecting or building any Hoard or other Thing by way of Inclosure, either within or without the Area of his House, Wall, or Building, for the Purpose of making Mortar, or laying down Bricks or Stone, or making or working up any Lime, Sand, or other Materials for, or making, building, altering, or repairing any House, Wall, or other Building within the Limits of this Act, or to subject him to any Penalty on account thereof, provided that such Person shall previously have and obtain a Licence for that Purpose, under the Hand of the Clerk, Surveyor, or Inspector to the said Commissioners, which Licence such Clerk, Surveyor, or Inspector is hereby required forthwith to grant to any Person applying for the same, and for which he shall receive the Sum of One Shilling and no more; and such Licence shall specify the Length and Breadth of every such Hoard, and the Time it is to continue for such Purposes aforesaid; and if any Person shall erect any Hoard or Inclosure of greater Dimensions than shall be specified in, or shall suffer such Hoard or Inclosure to remain for any longer Time than shall be allowed by such Licence, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings for every Day that such Hoard or Inclosure or any Part thereof shall be continued, after Notice shall have been given by the Clerk, Surveyor, or Inspector, to take down and remove the same: Provided always nevertheless, that in case such Licence shall at any Time be renewed, no Fee or Reward shall be received or taken for such Renewal.

Proviso in favour of Builders.

LXIV. Provided also, and be it further enacted, That no Person shall be subject to any Penalty inflicted by this Act for or on account of any Building Materials, Rubbish, or Dirt being in or upon any of the said Streets, Lanes, Entries, or other public Passages and Places before or near the House or Building of such Person, occasioned by the building or pulling down, rebuilding or repairing such House or Building, so as there be convenient Room left for Carriages to pass, and a sufficient Way kept clean for Foot Passengers, and so as the Owner or Occupier of such House or Building do cause such Materials, Rubbish, and Dirt to be removed out of the said Streets, Lanes, Entries, or other public Passages and Places, within a reasonable Time after such building, pulling down, or repairing shall be finished, or upon Notice given to him or her, signed by any Three or more of the said Commissioners, or by the Clerk or Surveyor to the said Commissioners, and so that during the Time the same shall be lying in such Street, Lane, Entry, or other public Passage or Place, such Owner or Occupier shall guard and fence off the same either by a temporary Railing or otherwise, and also set up and maintain a sufficient Light or Lights during the whole of the Night-time, to the Satisfaction of the said Commissioners, to prevent Accidents and Mischief happening therefrom: Provided also, that in case any Person so placing such Materials, Rubbish, or Dirt in any of the said Streets, Lanes, Entries, or other public Passages or Places, shall not during the whole of the Night effectually guard and fence off the same, and also set up and maintain a sufficient Number of Lights, so as to prevent Accidents or Mischiefs happening therefrom, every Person making Default in any

of

of the Cases aforesaid, shall forfeit and pay for every such Offence any Sum not exceeding Ten Pounds.

Sale of Waste Lands.

LXV. And be it further enacted, That all the Commons and Waste Lands herein-before mentioned, (and which are described and set forth in the Three several Schedules hereunto annexed, and marked respectively (A.) (B.) and (C.), save as herein-after mentioned), whether now used or occupied for the Use of the respective Parishes of *All Saints* and *Saint Lawrence*, or either of them, by their respective Churchwardens and Overseers, for the Benefit of and in maintaining the Poor of the said Parishes or otherwise, shall from and after the passing of this Act be and are hereby vested in the Commissioners for executing this Act, in trust for the Intents and Purposes herein-after mentioned; and the said Commissioners shall and are hereby required to set out such Parts of such Commons or Waste Lands as adjoin to the Turnpike Road leading from *Evesham* to *Alcester*, and to fence the same; and it shall be lawful for the said Commissioners, after they shall have so set out and fenced the same, and they are hereby required to offer for Sale such Commons and Waste Lands contained in Schedules (A.) (B.) and (C.) except such Parts as are herein-after excepted, at such Price as the said Commissioners shall estimate the same to be worth, to the Proprietor or Proprietors of the Lands adjoining thereto; and in case the Proprietor or Proprietors of the Lands adjoining such Lot or Lots shall for the Space of One Calendar Month refuse or not agree to purchase the same, then and in every such Case an Affidavit shall be made and sworn to before a Master or Master Extraordinary of the High Court of Chancery, who is hereby empowered to take such Affidavit, by some Person not interested in the said Commons or Wastes, stating that such Offer was made by and on the Behalf of the said Commissioners, and that such Offer was then and thereupon refused or not agreed to within the Time aforesaid by the Person or Persons whose Lands may adjoin thereto as aforesaid, and such Affidavit so made and sworn to shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made, and was refused and not agreed to, and which Affidavit shall be filed and kept with the Proceedings of the said Commissioners; and it shall be lawful for the said Commissioners, after such Refusal, absolutely to sell and dispose of such Parts and Parcels of the said Commons and Wastes as shall be so refused, or not agreed to be purchased by the adjoining Proprietor or Proprietors as aforesaid, to any Person or Persons whomsoever, by public Auction, in such Lot or Lots as the said Commissioners shall think fit; and all Lands and Hereditaments to be sold by virtue of this Act shall, on Payment of the full Purchase Money for the same into the Hands of the said Commissioners, or of their Treasurer for the Time being, or of any other Person to be by them appointed to receive the same, be conveyed as Freehold of Inheritance in Fee Simple unto or in trust for the Purchaser or Purchasers thereof respectively, and a Conveyance or Conveyances of the same, by Lease and Release or Feoffment, shall be made and executed by the said Commissioners, or any Seven of them, and shall be valid and effectual in the Law to vest the same in such Purchaser or Purchasers,

chasers, and his, her, or their respective Heirs, Appointees, and Assigns absolutely for ever; and such Purchaser or Purchasers shall not be liable to see to the Application of the respective Purchase Monies, or be liable or accountable for the Misapplication or Non-application of the same.

Overplus Monies to be invested in the Public Funds.

LXVI. Provided also, and be it further enacted, That the said Commissioners, after the Receipt of the respective Purchase Monies, shall, after applying the same or so much thereof as shall be necessary in defraying the Costs, Charges, and Expences attending and incident to the obtaining and passing of this Act (and which the Commissioners are hereby directed and required to do) place the Overplus of such Purchase Monies out, and invest the Overplus of such Purchase Monies in some of the Public Funds or Stocks of that Part of the United Kingdom called *England*, in the Names of the Mayor and Recorder of the said Borough, and Minister of the Parish of *All Saints* in the said Borough, for the Time being, in Trust, to pay the Interest, Dividends, and Proceeds thereof to the said Commissioners, or to permit and suffer them to receive the same, to be applied by them from Time to Time and at all Times after such Investment, in aid of the Rates and Assessments to be made and levied by virtue of this Act on the respective Parishes of *All Saints* and *Saint Lawrence* only: Provided also, that nothing in this Act shall extend or be construed to extend to the selling or otherwise disposing of that Part of the *Merstow* or *Mastow Green*, containing Two Acres One Rood Twenty-six Perches, as described in the Schedule marked (C.) which (subject to such Rights of Way and Passage for Carriages, and otherwise for all Persons as have been and now are used and accustomed) is for ever hereafter to remain, continue, and be vested in the said Mayor, Aldermen, and Burgesses of the Borough of *Evesham*, and their Successors, for the Purpose of holding Fairs and Markets thereon, and for other the public Purposes of the said Borough, any thing herein contained to the contrary notwithstanding: Provided also, that the said Commissioners shall reserve out of the Lands hereby authorized to be sold as aforesaid, and shall set out and fence proper and convenient Roads, Paths, and Ways, over the Lands and Premises by this Act vested in them, to the Lands and Premises of the Owners and Occupiers of any Lands or Premises adjoining thereto, and such Owners and Occupiers shall at all Times have free Egress and Regress along such Roads, Paths, and Ways in such Manner in every respect as they or any of them now enjoy, to their respective Lands and Tenements, but not further or otherwise: Provided always, that nothing in this Act contained shall extend or be construed to extend to empower the said Commissioners to make sale of any Land or other Hereditaments which may be considered as Part of the said Commons and Waste Lands, which shall have been inclosed and separated from such Commons and Wastes by different Individuals for the Space of Five Years previous to the passing of this Act, save and except those Parts of the said Commons or Waste Lands occupied by the said Parishes of *All Saints* and *Saint Lawrence*, described in Schedules (A.) and (C.) and which are to be vested in the said Commissioners in manner and for the Purposes aforesaid: Provided always, that the said Commissioners shall, out of the said Commons or Wastes adjoining the

Reservation of Land on Mastow Green to Corporation.

Roads to be reserved.

Lands inclosed Five Years not affected by this Act.

the Lands of the said *William Bonaker*, described in the said Schedule marked (B.), set out a Path or Footway of Twelve Feet at the least in Width over and above Thirty Feet from the Centre of the said Turnpike Road leading from *Evesham* to *Alcester*, for the Use of the Inhabitants of the said Borough, and all others passing on Foot along the said Road, at all Times hereafter.

Bridge to be widened and repaired.

LXVII. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and empowered to widen, alter, and repair the said Bridge or so much and such Parts of the same as the said Commissioners shall think proper, and to dig and make proper Foundations in the said River, and on the Lands on each Side thereof, for the Piers and Abutments of the said Bridge, and to cut and level the Banks of the said River, in such Manner as the said Commissioners shall think necessary and proper for widening and repairing the said Bridge, and to remove or cause to be removed any Shoals or other Obstructions in the said River, and to cut, remove, take, and carry away any Trees, Roots of Trees, Gravel, Sand, Mud, or any other Impediment whatsoever, which may in anywise hinder the widening and repairing of the said Bridge, and to deepen and widen the said River for those Purposes, and also to widen the Avenues, Approaches, Roads, and Passages to and from the said Bridge, in such Manner as may facilitate the Approach to and Passage over the same, and also to perform and execute all other Matters and Things requisite and necessary, useful or convenient for widening and repairing the said Bridge, or any Part or Parts thereof, according to the true Intent and Meaning of this Act; and the said Commissioners shall from Time to Time have full Power and Authority to land on either Side of the said River all Materials and other Things to be used in and about the widening and repairing of the said Bridge, and there to work and use such Materials and Things accordingly; they the said Commissioners, and the Persons to be appointed by them as aforesaid, doing as little Damage as may be, and making such Satisfaction as is herein-after mentioned, to the respective Owners and Occupiers of all such Buildings, Lands and Grounds as shall be damaged, taken, or made use of for the Purposes aforesaid.

Commissioners may purchase Lands, &c. for the Repair of the Bridge and Streets.

LXVIII. And be it further enacted, That it shall be lawful for the said Commissioners, or any Seven or more of them, to contract and agree with the Owners and Occupiers of and all other Persons interested in any Messuages, Buildings, Lands, Tenements, or Hereditaments, which the said Commissioners for the Time being may think necessary and proper for the Purposes of widening, repairing, and improving the said Bridge, or of the said Streets, Lanes, and Passages within the Limits of this Act, for the Purchase thereof, or for the Loss or Damage such Persons may sustain by the widening and improving the Accesses or Avenues to such Bridge, or the widening, repairing, and improving the said Streets, Lanes, and Passages; and it shall be lawful for all Persons whomsoever, Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life and Tenants in Fee Tail, General or Special, or for Years determinable on any Life or Lives, whether in Possession, Reversion, Remainder, Expectancy or otherwise, Trustees, Feoffees

in Trust, Executors, Administrators, Husbands, Guardians, Committees for Lunatics, and all other Trustees and Persons whomsoever, not only for and on Behalf of themselves, their Heirs and Successors, but also for and on Behalf of their Cestuique Trusts, whether Infants or Issue unborn, Lunatics or Idiots, and for all Femes Covert, and all and every other Person and Persons under any legal Disability and Incapacity whatsoever, and to and for all and every other Person and Persons who are or shall be seised, possessed of, or interested in any such Messuages, Buildings, Lands, Tenements, or Hereditaments, to contract and agree with the said Commissioners for the Sale thereof, or for the Satisfaction to be made for the same, or for such Damages as aforesaid; and by Conveyance of Lease and Release, or Bargain and Sale or otherwise, to sell and convey unto the said Commissioners for the Purposes of this Act, all or any such Messuages, Buildings, Lands, Tenements, or Hereditaments, or any Part thereof, and the Fee Simple and Inheritance thereof, or any Term of Years, or any Estate or Interest therein; and every such Contract, Agreement, Bargain, Sale, and Conveyance shall, without any Fine or common Recovery, be good, valid, and effectual in the Law to all Intents and Purposes, and shall be a complete Bar to all Estates Tail and other Estates, Rights, Titles, Trusts, and Interests whatever, any Law, Statute, or Usage, to the contrary thereof in anywise notwithstanding; and all such Bodies Politic, Corporate, and Collegiate, Corporations Aggregate or Sole, Tenants for Life, in Tail, or for Years determinable on Life or Lives, Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees for Lunatics and Idiots, and all other Trustees and Persons as aforesaid, shall be and are hereby indemnified for what they shall do by virtue of or in pursuance of this Act.

Application of Compensation when exceeding 200*l.*

LXIX. And be it further enacted, That if any Money shall be paid, or agreed to be paid, for the Purchase of any Lands, Tenements, or Hereditaments to be purchased, taken, or used by virtue of the Powers of this Act, which shall belong to any Body Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporation Aggregate or Sole, Tenant for Life or in Tail, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee, for or on Behalf of any Infant, Idiot, Lunatic, Feme Covert, or other Cestuique Trust, or to any Person or Persons whose Lands, Tenements, or Hereditaments 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 Court of Exchequer, to be placed to his Account there, *ex parte* the Commissioners for executing this Act, pursuant to the Method prescribed by an Act passed in the First Year of the Reign of His present Majesty King *George* the Fourth, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at* Westminster *on account of the Suitors of the said Court, for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Orders of the said Court, and without Fee or Reward; and shall, when so paid in, there remain until the same shall by Order of the said Court, made upon a Petition

1 G. 4. c. 35.

a Petition to be preferred to the said Court in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, be applied, either 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 Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Trusts, Intents, or Purposes, as the said Court of Exchequer shall authorize to be purchased or paid, or such Part thereof as shall be necessary, or until the same shall, upon the like Application, be laid out in a summary Way by Order of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, 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 Lands, Tenements, or Hereditaments 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 meantime and until such Order can be made, the said Money shall, by Order of the said Court, 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, or in Government or Real Securities; and in the meantime and until the said Bank Annuities, or Government or Real Securities, 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 or Government or Real Securities, shall from Time to Time be paid, by the 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 such Lands, Tenements, or Hereditaments so to be purchased, conveyed, and settled.

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

LXX. Provided always, and be it further enacted, That if any Money so agreed to be paid for any Lands, Tenements, or Hereditaments to be purchased, taken, or used for the Purposes of this Act, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed or amount to 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 Lands, Tenements, or Hereditaments 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, with the Approbation of the said Commissioners, or any Three or more of them, 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 Court of Exchequer, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed, or otherwise the same may be paid, at the like Option and with the like Approbation, to Two Trustees, to be nominated by the Person or Persons who for the Time being

being would be entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments, so to be purchased and settled, such Nomination to be approved by Three or more of the Commissioners for executing this Act, such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties, and the Money so paid to such Commissioners, and the Dividends and Produce arising thereon and therefrom, shall be by them applied in like Manner as is herein-before directed with respect to the Money so to be paid into the Bank of *England* in the Name of the Accountant General of the Court of Exchequer, without obtaining or being required to obtain any Order of the said Court touching the Application thereof.

Application of Compensation Money when less than 20*l.*

LXXI. Provided also, and be it further enacted, That where such Money so agreed to be paid as last herein-before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be paid to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used for the Purposes of this Act, for his, her, or their own Use and Benefit, 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 Titles, or Persons entitled not being found, Money to be paid into the Bank.

LXXII. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be agreed to be paid for the Purchase of any Lands, Tenements, or Hereditaments to be purchased, taken, or used under or by virtue of the Powers of 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 agreed to be paid as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments 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 said Court of Exchequer, to be placed to his Account to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments, (describing them), subject to the Order, Controul, and Disposition of the said Court; which said Court, on the Application of any Person 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 same 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 Per-

son or Persons as shall pay any Sum or Sums of Money into the Bank of *England* as aforesaid.

Persons in Possession to be deemed presumptively entitled.

LXXIII. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the said Court of Exchequer in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, Title, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance of this Act for the Purposes aforesaid, or to any Bank Annuities or Government or Real Securities, to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities or Government or Real Securities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shown to the Satisfaction of the said Court; and the Dividends or Interest of the Bank Annuities or Government or Real Securities to be purchased with such Money; and also the Capital of such Bank Annuities, or Government or Real Securities, 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 Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

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

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

Form of Conveyance.

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

'I [*or* we] in consideration
'of the Sum of to me [*or* us,
'*or* into the Bank of *England, as the Case may be*], paid by the Com-
'missioners acting by virtue of an Act of Parliament passed in the

"Fifth Year of the Reign of King *George* the Fourth, intituled [*here "set forth the Title of this Act*], do hereby grant and convey to the "said Commissioners all [*describe the Premises*], and all my [*or* our] "Right, Title, and Interest to and in the same, and every Part "thereof, to hold to the said Commissioners for ever, for [*or* such "other Estate and Interest, *as the Case may be*], to and for the Uses "and Purposes of the said Act. In witness whereof I [*or* we] have "hereunto set my [*or* our] Hand and Seal [*or* Hands and Seals], "this Day of in the Year of "our Lord ."

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

Property to vest in Commissioners, on Payment or Tender of Purchase Money.

LXXVI. And be it further enacted, That every Sum of Money or Recompence to be agreed for as aforesaid, shall be paid out of the Money to be raised by virtue of this Act, either to the Party or Parties respectively entitled thereto or to their Agents; and upon Payment thereof to the Party or Parties entitled to receive the same, or on depositing the same in the Bank of *England*, in the Manner directed by this Act, for the Use of such Person or Persons respectively, and after Payment thereof as aforesaid, and on Ten Days Notice thereof given to such Parties or Persons, or their Agents, or left at their respective usual Places of Abode, or at their last known Place of Abode, or with the Tenant or Tenants in Possession of such Lands, Tenements, or Hereditaments, then such Lands, Tenements, and Hereditaments shall become absolutely vested, according to the Tenure thereof, in the said Commissioners for the Purposes of this Act.

Power to sell surplus Land.

LXXVII. And whereas the Commissioners for executing this Act may become seised of Buildings, Lands, or Grounds over and above such as may be necessary for effectuating the Purposes of this Act; be it therefore further enacted, That it may be lawful for the said Commissioners from Time to Time to sell or dispose of such Buildings, Lands, or Grounds, together or in Parcels, either by public Sale or private Contract (as they shall consider most advantageous and convenient), to such Person or Persons as shall be willing to contract for and purchase the same, and the said Commissioners shall apply the Money to arise by such Sale or Sales, after defraying all Expences attending the same, to and for the Purposes of this Act.

In case of Nonpayment of Compensation for Materials, or Damage done by the Commissioners, &c., the same to be levied by Distress

LXXVIII. Provided always, and be it further enacted, That when and as often as any Sum of Money shall be directed or ordered by any Justice or Justices of the Peace to be paid in pursuance of the Directions of this Act, as or by way of Compensation or Satisfaction for any Materials, Costs, Damages, Spoil, or Injury of any Nature or Kind whatsoever done or committed by the said Commissioners, or by any Persons acting by or under their Authority, and such Sum and Sums of Money shall not be paid by the said Commissioners to the Party or Parties entitled to receive the same within Ten Days after Demand

Demand in Writing shall have been made, stating the Order of such Justice or Justices, and delivered to the Clerk to the said Commissioners or to their Treasurer, in pursuance of the Direction or Order made by such Justice or Justices, then and in such Case the Amount of such Compensation or Satisfaction shall and may be levied and recovered by Action at Law against the said Commissioners or their Treasurer, or by Distress and Sale of the Goods and Chattels vested in the said Commissioners by virtue of this Act, or of the Goods and Chattels of their Treasurer for the Time being, under a Warrant to be issued for that Purpose by such Justice or Justices of the Peace, which Warrant any such Justice or Justices is and are hereby authorized and required to grant under his Hand and Seal or their Hands and Seals, on Application made to him or them for that Purpose by the Party or Parties entitled to receive such Sum or Sums of Money as or by way of Compensation or Satisfaction for any such Materials, Costs, Damages, Spoil, or Injury as aforesaid; and in case any Overplus shall remain after Payment of such Sum or Sums of Money, and the Costs and Expences of hearing and determining the Matter in Dispute, and also the Costs and Expences of such Distress and Sale, then and in such Case such Overplus shall be returned on Demand to the said Commissioners or their Treasurer for the Time being, as the Case may be.

Penalty on Nonattendance of Witnesses.

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

Penalty on obstructing the Execution of this Act.

LXXX. And be it further enacted, That if any Person shall obstruct, hinder, or molest any Collector or other Person whomsoever, who are or shall be employed to put this Act into Execution in the Performance or Discharge of his Duty, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Recovery and Application of Penalties.

LXXXI. And be it further enacted, That all Fines, Penalties, and Forfeitures inflicted or imposed by this Act, or by virtue of any Rule, Order, or Bye-law made in pursuance thereof, (the Manner of levying and recovering whereof, and the Appropriation whereof, is not hereby particularly directed), may, in case of Nonpayment thereof, be recovered in a summary Way, by the Order and Adjudication of some Justice or Justices of the Peace of the said Borough, on Complaint to him or them for that Purpose exhibited, and afterwards be levied, as well as the Costs of such Proceedings, on Nonpayment, by Distress and Sale

Sale of the Goods and Chattels of the Offender or respective Offenders, or Person or Persons liable to pay the same, by Warrant under the Hand and Seal or Hands and Seals of such Justice or Justices, who is and are hereby authorized and required to summon and examine any Witnesses, upon Oath or Affirmation, of and concerning such Offences, Matters, and Things, and to hear and determine the same; and the Overplus (if any) of the Money raised or recovered, after discharging the Fine, Penalty, or Forfeiture for which such Warrant shall be issued, and the Costs and Expences of recovering and levying the same, shall be rendered to the Owner or Owners of the Goods and Chattels so seized and distrained, all which Penalties not herein directed to be otherwise applied shall be paid to the Overseers of the Parish or Place within which such Offence shall be committed; and it shall and may be lawful for the said Justice or Justices to order the Offender or Offenders so convicted to be detained in safe Custody, until Return can be conveniently made to such Warrant or Warrants of Distress, unless the said Offender or Offenders shall give sufficient Security, to the Satisfaction of such Justice or Justices, for his, her, or their Appearance before the said Justice or Justices, on such Day or Days as shall be appointed for the Return of such Warrant or Warrants of Distress, such Day or Days not being more than Seven Days from the Time of taking any such Security, and which Security the said Justice or Justices is and are hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant or Warrants, it shall appear that no sufficient Distress can be had whereupon to levy the said Penalty or Penalties and such Costs as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to the Satisfaction of any such Justice or Justices, upon the Confession of the Offender or Offenders or otherwise, that he, she, or they hath or have not sufficient Goods and Chattels whereupon such Penalties, Forfeitures, Costs, and Expences can be levied if a Warrant of Distress were issued, such Justice or Justices shall not be required to issue such Warrant of Distress; and thereupon it shall be lawful for such Justice or Justices, and he and they is and are hereby required and empowered, by Warrant or Warrants under his Hand and Seal or their Hands and Seals, to commit such Offender or Offenders to the Common Gaol or House of Correction in the said Borough, there to remain, without Bail or Mainprize, for any Time not exceeding Twelve Calendar Months, or until such Offender or Offenders shall have paid such Penalty or Penalties, and all Costs and Charges attending such Proceedings as aforesaid, to be ascertained by such Justice or Justices, or shall otherwise be discharged by due Course of Law: Provided always, that in all Cases where the Penalty imposed by this Act shall exceed the Sum of Five Pounds, no Proceedings before Justices shall be had and taken for the Recovery thereof before a less Number than Two such Justices.

For securing transient Offenders.

LXXXII. And whereas Offences may be committed against this Act by Persons unknown to the Commissioners, Collectors, or other Officers appointed to put the same in Execution; be it therefore further enacted, That it shall be lawful for any of the said Commissioners, or for their Clerk, Collectors, or other Officers respectively, and

and such other Person or Persons as he or they shall call to his or their Assistance, or for any other Person or Persons whomsoever, without any Warrant or other Authority than this Act, to seize and detain any such unknown Person as shall commit any such Offence or Offences, and to take him, her, or them before any Justice of the Peace for the said Borough, or such Offender or Offenders shall be seized and apprehended, 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.

Form of Conviction.

LXXXIII. And be it further enacted, That every Justice of the Peace before whom any Person shall be convicted of any Offence against this Act, shall cause the Conviction to be drawn up according to the Form following; (that is to say),

'Borough of *Evesham*, in the County of *Worcester*, (to wit.) } BE it remembered, That on the Day of in the Year of our Lord is convicted before me [*or* us, *as the Case may be*] [*or*,] of His Majesty's Justices of the Peace for the Borough of *Evesham*, of having [*here specify the Offence or Omission, and the Time and Place when and where committed or made, as the Case may be*]; and I [*or* we, *as the Case may be*] do adjudge that the said hath forfeited for his [*or* her] said Offence the Sum of . Given under my Hand and Seal [*or* our Hands and Seals, [*as the Case may be*], the Day and Year first above written.'

Conviction not to be quashed or removed by Writ of Certiorari.

LXXXIV And be it further enacted, That no Order, Judgment, or other Proceeding made touching or concerning any of the Matters aforesaid, or touching or concerning the Conviction of any Offender against this Act, shall be quashed or vacated for Want of Form only, or be removed by Writ of Certiorari, or any other Writ or Process whatever, into any of His Majesty's Courts of Record at *Westminster*; any Law, Statute, or Usage to the contrary thereof in anywise notwithstanding.

Distress not unlawful for Want of Form.

LXXXV. Provided always, and be it further enacted, That where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Defect or Want of Form in the Information, Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio* on account of any Irregularity that shall be afterwards done by the Party or Parties so distraining, but the Person or Persons aggrieved by such Irregularities may recover Satisfaction for the special Damage in an Action on the Case.

Appeal to Quarter Sessions.

LXXXVI. And be it further enacted, That any Body Politic, Corporate, or Collegiate, or any other Person whomsoever thinking himself or herself aggrieved by any Rate or Assessment, or by any Order or Judgment of the said Commissioners, or by the Order or Determination

mination of any Justice of the Peace in pursuance of this Act, shall and may, within Four Calendar Months after the Cause of Complaint shall have arisen, appeal to the Justices at any General or Quarter Sessions of the Peace to be holden for the said Borough of *Evesham* or County of *Worcester*, at the Option of the Appellant, the Party or Parties appealing having first given at least Fourteen clear Days Notice in Writing of such Appeal, and of the Nature and Matter thereof, to the Party or Parties appealed against; except where such Appeal be made against any such Rate or Assessment as aforesaid, or against any other Act, Matter, or Thing made or done by the said Commissioners, or by any Justice of the Peace, and then to the Clerk to the said Commissioners, and within Six Days after such Notice entering into a Recognizance before some Justice of the Peace for the said Borough or County of *Worcester*, with sufficient Sureties conditioned to try such Appeal, and to abide the Order and Award of the said Court thereon, and to pay such Costs as shall be awarded; and the said Justices, upon due Proof, on Oath or Affirmation, of such Notice and Recognizance having been given and entered into as aforesaid, shall in a summary Way hear and determine such Complaint at such General or Quarter Sessions of the Peace, or if they think proper, may adjourn the Hearing thereof to the next General or Quarter Sessions of the Peace to be held for the said Borough or County as aforesaid, and shall and may also award such Satisfaction to be made to the Party injured, or such Costs to either of the Parties as they shall judge reasonable and proper; and all such Determinations of the said Justices at such Sessions shall be final and conclusive upon all Parties, to all Intents and Purposes whatsoever.

On Appeal from any Rate, the Quarter Session may amend it without quashing it, or, if necessary to grant Relief, may quash the Rate.

LXXXVII. And be it further enacted, That upon all Appeals from the said Rate or Assessment, or any of them, to be made by the said Commissioners for the Purposes of this Act, the Court of General or Quarter Sessions of the Peace shall, and such Court is hereby authorized and required (in all Cases where they shall see just Cause to give Relief), to amend such Rate or Assessment either by inserting therein or striking out the Name or Names of any Person or Persons, or by altering the Sum or Sums therein charged on any Person or Persons, or in any other Manner which the said Court shall think necessary for giving such Relief, and without quashing or wholly setting aside such Rate or Assessment: Provided always, that if the said Court shall be of Opinion that it is necessary for the Purpose of giving Relief to the Person or Persons appealing, that the Rate or Assessment should be wholly quashed, then the said Court may quash the same.

Inhabitants not incompetent Witnesses.

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

LXXXIX. And

Plaintiff not to recover after Tender of Amends.

LXXXIX. And be it further enacted, That no Plaintiff shall recover in any Action to be commenced against any Person for any thing done in pursuance of this Act, unless Notice in Writing shall have been given to the Defendant or Defendants Twenty-eight Days before such Action shall be commenced, of such intended Action, signed by the Attorney of the Plaintiff or Plaintiffs, specifying the Cause of such Action, nor shall the Plaintiff or Plaintiffs recover in any such Action if Tender of Amends shall have been made to him, her, or them, or to his, her, or their Attotney, by or on Behalf of the Defendant or Defendants, before such Action brought; and in case no such Tender be made, it shall be lawful for the Defendant or Defendants in any such Action, by Leave of the Court, at any Time before Issue joined, to pay into Court such Sum of Money as he or they shall think proper, whereupon such Proceedings, Order, and Judgment shall be made and given in and by such Court, as is or shall be practised in other Actions in the Courts of Law, in which Actions the Defendant is allowed to pay Money into Court.

Limitation of Actions.

XC. And be it further enacted, That no Action at Law shall be brought against any Person or Persons for any thing done in pursuance of this Act, after Three Calendar Months from the Time of the Fact being committed; and every such Action shall be brought and tried in the County within which the Cause of Action shall have arisen, and not elsewhere; and the Defendant or Defendants in every such Action shall or may at his or their Election plead Specially or the General Issue, and give this Act and the special Matter in Evidence at any Trial, and that the same was done in pursuance and under the Authority of this Act; and if the same shall appear to been so done, or if such Action shall have been brought before the Expiration of Twenty-eight Days next after such Notice shall have been given as aforesaid, or after sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same, or shall be brought in any other County than as aforesaid, then and in any of the said Cases the Jury shall find a Verdict for the Defendant or Defendants upon such Action; or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action after the Defendant or Defendants shall have appeared, or upon any Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, then and in every such Case the Defendant or Defendants shall recover Treble Costs, and have such Remedy for recovering the same as any other Defendant hath in other Cases by Law.

Justices empowered to administer Oath.

XCI. And be it further enacted, That in all Cases where Cognizance is given to any Justice of the Peace under the Provisions of this Act, it shall be lawful for such Justice of the Peace to administer an Oath (or Affirmation, in the Case of a Quaker) to any Person for his, her, or their more certain Information in the Matter then depending; and if any Person shall, upon his or her Examination on Oath or Affirmation before any Justice, wilfully and corruptly give false Evidence, such Person so offending, and being thereof duly convicted, shall be and is hereby declared to be subject and liable to such Pains and

Penalties, as by any Law in force Persons convicted of wilful and corrupt Perjury are subject and liable to.

Directing what shall be deemed a Service of Notice on Commissioners.

XCII. And be it further enacted, That in all Cases wherein it may be requisite or necessary for any Person or Persons to serve any Notice or Notices upon the said Commissioners, or any Writ or Writs or other legal Proceedings, the Service thereof upon any of the said Commissioners, or left at his usual Place of Abode, or upon the Clerk to the said Commissioners, or left at the Office of such Clerk, or at his last or usual Place of Abode, or upon any Collector or Surveyor of the said Commissioners, or left at his last or usual Place of Abode, shall be deemed a sufficient Service of the same respectively on the said Commissioners.

Commissioners, &c. liable to be indicted for a Nuisance.

XCIII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to prevent any Person from proceeding by Indictment or otherwise against any of the Officers, Servants, or Workmen of the said Commissioners, Body or Bodies Politic or Corporate, or of any Company of Proprietors, or other Persons contracting to light or lighting with Gas as aforesaid, in respect of any Works, or the Means which shall be employed by them or any of 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 against the said Commissioners, Company or Companies of Proprietors, or Person or Persons as aforesaid, or any of their Officers, Servants, or Workmen, 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 Method of lighting, or the Carelessness or Want of Skill of any of the Persons employed therein, or from any other Cause whatsoever.

Right of Corporation of Evesham not to be injuriously affected.

XCIV. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to prejudice, lessen, or defeat any Right, Interest, or Property of the Mayor, Aldermen, and capital Burgesses of the Borough of *Evesham*, of, in, or to Toll thorough, or of or to the Tollage, Picage, and Stallage, Profits of Markets and Fairs, or of or in any Power, Privilege, Franchise, or Authority now exercised and enjoyed by them, or which they heretofore might have exercised and enjoyed; but that all and every such Powers, Privileges, Franchises, and Authorities shall and may (save and except such as are by this Act expressly taken away and extinguished) be exercised and enjoyed in as full and ample a Manner to all Intents and Purposes as the same were exercised and enjoyed immediately before the passing of this Act, or they would or might have been, if this Act had not been passed.

General Saving.

XCV. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to all and every Person and Persons, Body and Bodies Politic, Corporate, and Collegiate, and his, her, and their Heirs, Executors, Administrators, and Successors respectively, all Royalties, Liberties, Franchises, Rights, Titles, and Interests, (other than

than and except such as are meant and intended to be by this Act barred, destroyed, and extinguished), which they, every, or any of them respectively could or ought to have enjoyed in, to, or in respect of the Commons or Wastes hereby directed to be sold, in case this Act had not been passed.

Public Act.

XCVI. 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.

The

The SCHEDULES to which this Act refers.

SCHEDULE (A.)

PARISH OF ALL SAINTS.

No.	Occupiers.	Boundaries.	Quantity. A.	R.	P.
1	Parish of All Saints -	Land of Edward Rudge, East and North; the Road after mentioned (No. 9.) West; and the Land next after mentioned, South -	1	0	29
2	- Ditto -	Land of Edward Rudge, East; the Land before mentioned, North; the Road after mentioned (No. 9.) West; and the Land next after-mentioned, South - -	0	1	30
3	- Ditto -	Land of Edward Rudge and John Smith, East; the Land last before mentioned, North; the Road after mentioned (No. 9.) West; and the Land next herein-after mentioned, South - - -	1	0	13
4	- Ditto -	Land of John Smith, East; the Land last before mentioned, North; the Road after mentioned (No. 9.) West; and the Land next herein-after mentioned, South -	1	0	19
5	- Ditto -	Land of John Smith, East; the Land last before mentioned, North; the Road after mentioned (No. 9.) West; and the said Road and the Land next herein-after mentioned, South - - - -	0	3	28
6	Robert Tustin, inclosed upwards of Five Years.	Land of John Smith, East; the Land last before mentioned, North; the Road after mentioned (No. 9.) West; and the Land next herein-after mentioned, South - -	0	1	13
7	Ditto Ditto	Land of John Smith, East, the Land last before mentioned, North; the Road after mentioned (No. 9.) and the Land next herein-after mentioned, South - -			
8	Henry Gibbs, ditto -	Land of John Smith, East; the Land last before mentioned, North; the Road after mentioned (No. 9.) West; and the Land of John Smith, South - -	0	0	15
		ROADS.			
9	- - -	The before mentioned Lands, East; and the Lands of Edward Rudge, John Walford Izod, Thomas Hill, Anthony New, and Harriet Smith, West - - -	1	1	8
10	- - -	Lying between the above mentioned Lands, Nos. 1 and 2 - - -	0	0	2
11	- - -	Lying between the above mentioned Lands, Nos. 2 and 3 - - -	0	0	4
12	- - -	Lying between the above mentioned Lands, Nos. 3 and 4 - - -	0	0	8
13	- - -	Lying between the above mentioned Lands, Nos. 4 and 5 - - -	0	0	12
			6	2	21

SCHEDULE (B.)

PARISH OF ALL SAINTS,

Being the East Side of the Road leading from Evesham to Alcester.

No.	Occupiers.	Boundaries.	Quantity. A.	R.	P.
1	Thomas Blayney, inclosed upwards of Five Years.	Land of Thomas Blayney, East; the Land after mentioned, West; and the Road leading to Offenham, North - -	0	1	33
2	Common - -	The Land last mentioned, East; the Turnpike Road leading from Evesham to Alcester, West; the last mentioned Turnpike Road, North; and the Land next after mentioned, South - - -	0	0	38
3	Ditto - -	The Land of Thomas Blayney, East; the last mentioned Turnpike Road, West; the last mentioned Land (No. 2.) North; and the Land next herein after mentioned, South - - -	1	0	1
4	Ditto - -	The Land late Shayler, East; the last mentioned Turnpike Road, West; the last mentioned Land (No. 3.) North; and the Land next herein-after mentioned, South - - - -	0	3	0
5	Ditto - -	The land of said Shayler, East; the last mentioned Turnpike Road, West; the last mentioned Land (No. 4.) North; and the Land next herein-after mentioned, South	1	1	17
6	Ditto, including Road to Gallows Lane.	The Land of said Shayler, East and South; the last mentioned Turnpike Road, West; and the last mentioned Land (No. 5.) North - - -	0	1	23
7	Common - -	The Land of Thomas Allard, East; the last mentioned Turnpike Road, West; the Land of Anthony Roper, North; and a public Road, South - -	0	0	17
8	Ditto, planted with Trees.	The last mentioned Turnpike Road, East; the Land of Edward Rudge, West, North, and South - - - -	0	0	23
	PARISH OF SAINT LAWRENCE, Being the West Side of the Road leading from Evesham to Alcester.				
9	Common, including Pool.	The last mentioned Turnpike Road, East; the Land of William Bonaker, West and North; and a House called "The King of Prussia," South - - -	0	3	24
9 (a)	Common - -	The last mentioned Turnpike Road, East; Land of William Bonaker, West; the Land next mentioned, North; and the Land of William Bonaker, South - -	0	0	7
10	Ditto, in part planted with Trees.	The last mentioned Turnpike Road, East; Land of William Bonaker and William Byrch, West; Land of said William Byrch, North; and the Land last mentioned, South	0	2	4
			5	3	27

SCHEDULE (C.)

PARISH OF SAINT LAWRENCE.

No.	Occupiers.	Boundaries.	Quantity. A.	R.	P.
1	Parish of St. Lawrence	The House and Premises belonging to Anthony Roper, used as a Poor House, and the Land of John Grove and James Grove, North; the Land after mentioned (No. 3.) and the Land after mentioned leading to the Boat Lane, South; the Lands after mentioned (Nos. 2, 3, 4, and 8.) East; and the Land of Henry Grove and James Grove, West, - - - -	2	2	28
2	John Leonard, not inclosed Five Years.	The last mentioned Land (No. 1.) West; and the Land after mentioned (No. 8.) and now uninclosed, East, North, and South - - - -	0	0	21
3	Thomas Hill, now a Dwelling House and Garden, inclosed Five Years.	The Land uninclosed (No. 8.) East; the before mentioned Land (No. 1.) West; the Land (No. 1.) and the Land (No. 8.) North; and the Land next herein-after mentioned, in the Occupation of John Agg, South - - - -	0	1	26
4	John Agg, now a Garden walled in, inclosed Five Years.	The Land uninclosed (No. 8.) East; the before mentioned Land (No. 1.) West; the last mentioned Land (No. 3.) North; and the Road leading to the Boat Lane, South - - - -	0	1	16
5	William Phillips and James Taylor, now Dwelling House and Gardens, inclosed Five Years.	The Land uninclosed (No. 8.) East; the Road to the Boat Lane, West; the Land uninclosed (No. 8.) and the said Road leading to the Boat Lane, North; and the Land of Edward Rudge, called "The Abbey Gardens," South - - - -	0	2	38
6	James Taylor, Skin Pits and Buildings, inclosed Five Years.	The Land uninclosed (No. 8.) North and West; and the Land of Edward Rudge, South; and the Land (No. 7.) next herein-after mentioned, East - -	0	0	27
7	—— Lewis, Dwelling House and Garden, inclosed Five Years.	The Land uninclosed (No. 8.) North and East; the Land last before mentioned (No. 6.) West; and Land of Edw. Rudge, South - - - -			
8	Common and uninclosed, reserved to Corporation.	The House and Garden called "The Abbey House," belonging to Mary Phillips, and the House in the Possession of Elizabeth Horne, East; the Land before mentioned (Nos. 1, 2, 3, and 4.) West; the Street called "The Pig Market," and the Houses and Land in the Mastow Green, as far as the said Tan Yard of Anthony Roper, North; and the Land of Edward Rudge and the Lands before mentioned (Nos. 5, 6, and 7.) South - - -	2	1	26
9	Road across from the Mastow Green to the Boat Lane.	Land (Nos. 1 and 4) North; and the Land No. 5.) and the said Land of Edward Rudge called "The Abbey Gardens," South - - -	0	1	2
			7	0	24

	A.	R.	P.
Schedule (A.) - - - - - -	6	2	21
(B.) - - - - - -	5	3	27
(C.) - - - - - -	7	0	24
	19	2	32

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1824.