ANNO QUINTO

VICTORIÆ REGINÆ.

Sess. 2.

****

Cap. xlix.

An Act for paving, lighting, watching, cleansing, and otherwise improving the Town of *Fleetwood* and the Neighbourhood thereof in the County Palatine of *Lancaster*, and for establishing a Market therein. [18th *June* 1842.]

WHEREAS it is expedient that Powers should be granted for better paving, lighting, watching, cleansing, and otherwise improving the Roads, Streets, Lanes, public Passages, and Places within the Town of *Fleetwood* and the Neighbourhood thereof in the County Palatine of *Lancaster*, and for removing and preventing Encroachments, Obstructions, Nuisances, and Annoyances within the same, and for establishing a Market therein; but such Objects cannot be completely effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen'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

Commissioners.

by the Authority of the same, That every Male Person of the Age of Twenty-one Years, being either a resident Inhabitant within the Limits of this Act rated to the Rates made for the Relief of the Poor of the Township of *Thornton* for any Tenement within the Limits of this Act of the annual Value of Fifteen Pounds or upwards, or being seised or possessed as Owner or Lessee, or in the Enjoyment, for his own Use, of the Rents and Profits of any Messuages, Lands, and Hereditaments within the Limits of this Act of the annual Value of Fifteen Pounds, for an Estate, Term, or Period of not less than Fifty Years, shall be a Commissioner for carrying this Act into execution, and such Commissioners shall be called "The *Fleetwood* Improvement Commissioners."

Same Property not to give Two Qualifications.

II. Provided always, and be it enacted, That the same Property shall not give a Qualification to Two Commissioners at the same Time as Owner and Occupier thereof, but in case any Person so entitled to be a Commissioner as aforesaid shall be Owner of more than One Estate within the Limits of this Act of the annual Value of Fifteen Pounds or upwards, such Owner shall, at the Time of qualifying as herein-after mentioned, declare in Writing under his Hand in respect of which Estate he so qualifies, in order that the Tenant of any other Estate may have the Privilege of qualifying in respect thereof; and the Owner or Occupier of any Estate or Tenement who shall first qualify as a Commissioner in respect thereof shall exclude the other.

No Bankrupt or Insolvent to be a Commissioner.

III. And be it enacted, That no Bankrupt or Insolvent, or Person not qualified as herein-before mentioned, shall be capable of being or continuing a Commissioner.

No Person holding Office or concerned in a Contract to be a Commissioner.

IV. And be it enacted, That if at any Time subsequently to the Appointment or Election of any Commissioner he shall accept or continue to hold any Office or Place of Trust or Profit under this Act, or be concerned in any Contract, or participate in any Manner in the Profits of any Work to be done under the Authority of this Act, such Person shall cease to be a Commissioner, and his Office shall thereupon become vacant.

Shareholders in Companies established under Act of Parliament not disqualified by reason of Contracts.

V. Provided always, and be it enacted, That no Person being a Shareholder or Member of any Joint Stock Company engaged in the Manufacture or Supply of Gas shall be prevented from acting as a Commissioner by reason of any Contract entered into between such Company and the Commissioners; but no such Commissioner being a Member of such Company shall vote on any Question relating to the Execution of this Act in which such Company may be interested.

Commissioner not incapable of acting as Justice.

VI. And be it enacted, That a Person shall not be incapable of acting as a Justice of the Peace in any Matter relating to the Execution of this Act by reason of his being a Commissioner.

Declaration by Commissioners.

VII. And be it enacted, That no Person herein-before appointed shall be capable of acting as a Commissioner, except in administering the

the Declaration herein-after mentioned, until he shall have made and signed before One of the Commissioners a Declaration to the Effect following:

'I *A.B.* do solemnly declare, That I will faithfully and impartially, according to the best of my Skill and Judgment, execute all the Powers and Authorities reposed in me as a Commissioner by virtue of an Act of Parliament, intituled [*here insert the Title of this Act*], and also that I am a resident Inhabitant within the Limits of the said Act, and am rated to the Rates made for the Relief of the Poor of the Township of *Thornton*, for a Tenement within the Limits of the said Act of the annual Value of Fifteen Pounds, *or* that I am seised or possessed as Owner or Lessee, *or* in the Enjoyment for my own Use, of the Rents and Profits of Messuages, Lands, and Hereditaments within the Limits of the said Act of the annual Value of Fifteen Pounds, for an Estate, Term, or Period of not less than Fifty Years.'

False Declaration a Misdemeanor.

VIII. And be it enacted, That any Person who shall falsely or corruptly make and subscribe a Declaration under this Act, knowing the same to be untrue in any Particular, shall be deemed guilty of a Misdemeanor.

Declaration to be taken on first Attendance at Meeting.

IX. And be it enacted, That at the Meeting of Commissioners at which any Person shall first attend as One of such Commissioners such Person shall make and subscribe the Declaration herein required, and it shall be lawful for any Person attending as One of such Commissioners, whether he shall himself have made such Declaration or not, to administer such Declaration.

Penalty on Commissioner acting not being qualified.

X. And be it enacted, That if any Person shall act as a Commissioner, being incapacitated to act, or not being duly qualified, or before he shall have made or subscribed such Declaration as aforesaid, or after having become disqualified, he shall for every such Offence forfeit the Sum of Fifty Pounds; and such Penalty may be recovered, with full Costs of Suit, in any of Her Majesty's Courts of Record at *Westminster*, by any Person who shall sue for the same, by Action of Debt or on the Case; and in every Action for the Recovery of such Penalty the Person so sued shall prove that he was qualified, and had made and subscribed the Declaration aforesaid, or he shall pay the said Penalty and Costs, without any other Proof or Evidence on the Part of the Plaintiff than that such Person had acted as a Commissioner in the Execution of this Act; nevertheless all Acts and Proceedings of any Person acting as a Commissioner, being incapacitated, not duly qualified, or being disqualified, done previously to the Recovery of the Penalty, shall be as valid as if such Person had been duly qualified.

First and other Meetings.

XI. And be it enacted, That the Commissioners for executing this Act shall hold their First General Meeting on the Fourth *Monday* after the passing of this Act, at the *North Euston* Hotel, or some other convenient Place within the said Town, between the Hours of Ten of the Clock in the Forenoon and Two of the Clock in the Afternoon,

Afternoon, and proceed to ascertain and settle the Amount due to the said Sir *Peter Hesketh Fleetwood* as herein-after mentioned; and that from and after such Amount shall have been ascertained and settled a Monthly General Meeting of the Commissioners shall be held on the First *Monday* in every Month, at the Place and between the Hours aforesaid, for the Purposes of this Act, unless some other Place shall be appointed by the Commissioners, and it shall be lawful for the Commissioners present at such First or any subsequent Meeting from Time to Time to adjourn such Meeting to the same or any other Place within the said Town; and if at any such Meeting there shall not be Five Commissioners present within One Hour after the Time appointed for such Meeting, then it shall be lawful for the Commissioners present, or the major Part of them, or any One Commissioner, if only One be present, to adjourn such Meeting to another Day; and if the Meeting shall not be adjourned, then it shall be lawful for any Two of the Commissioners, or the Clerk, to appoint a Meeting, to be held at any convenient Place within the said Town, and not less than Seven Days Notice shall be given of such intended Meeting: Provided always, that until the Amount due to the said Sir *Peter Hesketh Fleetwood* shall have been ascertained and settled as herein-after mentioned, none of the Powers given by this Act to the Commissioners, except those relating to themselves and their Officers, shall come into operation or be exercised by them.

Special Meetings.

XII. And be it enacted, That it shall be lawful for the said Commissioners to hold Special Meetings, and any Two or more of the Commissioners may require a Special Meeting to be held, but no such Meeting shall be held unless Seven Days Notice thereof shall be given.

Quorum of Commissioners.

XIII. And be it enacted, That all Powers of this Act may be exercised by any Five or more of the Commissioners present at any Meeting holden in pursuance of this Act; and no Business shall be transacted at any Meeting of the Commissioners unless Five or more Commissioners shall be present at such Meeting.

How Notices of Meetings are to be given.

XIV. And be it enacted, That all Notices of any Meeting to be held under the Authority of this Act shall be in Writing, and shall be delivered or sent by the Post to the usual Place of Abode of each of the Commissioners Seven Days at least previous to such Meeting; and every Notice shall specify the Time and Place of Meeting, and in case of a Special Meeting shall specify the Object thereof, and no Business shall be transacted at any Special Meeting except such as is stated in the Notice thereof.

Expences at Meetings.

XV. And be it enacted, That at all Meetings of the Commissioners they shall defray their own Expences, except for the Use of the Room in which the Meeting is held.

General Meeting may appoint Committees.

XVI. And be it enacted, That it shall be lawful for the said Commissioners at any General or Special Meeting to appoint a Committee, consisting of not more than Five of the Commissioners, for carrying into effect any of the Provisions of this Act, and at any General Meeting

Meeting to continue, alter, or discontinue such Committee; but no such Committee shall be appointed to act for a longer Term than Six Calendar Months from the Time of their Appointment, unless such Committee shall be re-appointed by the said Commissioners at a General Special Meeting to be held at the Expiration of that Period. Duration of Committees.

XVII. And be it enacted, That no Business shall be transacted at any Meeting of the Committee unless Three Members of the Committee be present. Quorum of Committees.

XVIII. And be it enacted, That at every Meeting of the Commissioners or Committee One of the Commissioners present shall be elected Chairman by the Majority of the Votes of the Commissioners present at such Meeting; and all Questions considered at any such Meeting shall be decided by the Votes of the Majority present, and if there be an equal Division of Votes, the Chairman, in addition to his own Vote as a Commissioner or Member of the Committee, shall have a casting Vote: Provided always, that if at any such Meeting there shall be an Equality of Votes in the Election of the Chairman, that One of the Commissioners having equal Numbers of Votes whose Name would stand first if the Names of the Commissioners present were alphabetically arranged, shall be Chairman of such Meeting. Order of Business at Meetings of Commissioners and Committees.

XIX. And be it enacted, That no Resolution or other Act of any Meeting of the Commissioners shall be revoked or altered at any subsequent Meeting, unless such subsequent Meeting be called expressly for such Alteration or Revocation by Notice given Seven Days at least previous to the holding thereof, nor unless such Revocation or Alteration be determined upon by a Majority consisting of Two Thirds of the Commissioners present at such subsequent Meeting, if the Number of the Commissioners present at such subsequent Meeting be not greater than the Number present when such Resolution was made, or such Act was done, or if the Number of Commissioners present at such subsequent Meeting be greater than the Number present at such former Meeting, then by a simple Majority. No Resolution of Commissioners to be revoked at a subsequent Meeting, unless under certain Circumstances.

XX. And be it enacted, That it shall be lawful for the Commissioners to enter into Contracts with any Persons for the Execution of any Works directed or authorized by this Act to be done by the said Commissioners, and for furnishing any Materials for the same, or which may be required by the Commissioners; and every such Contract shall be in Writing, and shall specify the Works to be done and the Materials to be furnished, and a Copy thereof shall be entered into a Book to be kept by the Clerk of the Commissioners for that Purpose. For what Contracts may be made.

XXI. And be it enacted, That every such Contract shall be signed by any Three of the Commissioners and the other Parties thereto, and such Contracts shall be binding on the Commissioners, and Actions and Suits may be maintained thereon, and Damages and Costs recovered by or against the Commissioners or the other Parties failing in the Execution thereof. How to be signed.

Materials for Works contracted for to be considered the Property of the Commissioners.

XXII. And be it enacted, That during the Execution of any such Contract the Works in course of being done under such Contracts, and all the Materials of every Description brought upon or near such Works for the Purpose of being used in the Execution of such Contracts, shall, for the Purpose of protecting the same from Injury, by Indictment, as herein-after mentioned, be held to be the Property of such Commissioners.

Indictments how to be preferred.

XXIII. And be it enacted, That it shall be lawful for the Commissioners, by their Clerk, to prefer any Bill of Indictment against any Person who shall steal, take, or carry away, deface or injure, any Property, Article, or Thing belonging to the said Commissioners; and in any such Bill of Indictment it shall be sufficient to state generally the Property, Article, or Thing in respect of which such Bill of Indictment shall be preferred to be the Property of the Commissioners for executing this Act, without naming the Members thereof.

Commissioners not to be personally liable.

XXIV. And be it enacted, That nothing in any Deed or Contract by this Act authorized to be made by or on the Behalf of the Commissioners for any of the Purposes of this Act shall extend to charge or affect the Persons of any of the Commissioners, or their Heirs, Executors, or Administrators, or their or any of their own proper Lands or Goods, with or for the Performance of any thing contained in any such Instrument; but the Amount of all Damages, Costs, and Charges recovered in any Action or Suit in consequence of any such Instrument, or which any such Commissioner shall otherwise be put to by virtue of this Act, shall respectively be discharged out of the Monies to arise by virtue of this Act, or other the Goods and Chattels vested in the Commissioners by virtue of their Office, unless such Action or Suit, or any such Damages or Charges, have arisen in consequence of wilful Neglect or Default on the Part of the Commissioners incurring the same, or unless such Action or Suit have been defended without the Order or Direction of the Commissioners.

Liability of their Fuuds.

Actions or Suits to be brought in the Name of any Two Commissioners or their Clerk.

XXV. And be it enacted, That in all Actions and Suits in respect of any Matter or Thing relating to the Execution of this Act, to be brought by or against the Commissioners, it shall be sufficient to state the Names of any Two of the Commissioners, or the Name of their Clerk, as the Party, Plaintiff or Defendant, representing the Commissioners in any such Action or Suit; and no such Action shall abate or be discontinued by the Death of any such Commissioner, or by the Death, Suspension, or Removal of such Clerk.

Executions against Goods of Commissioners.

XXVI. And be it enacted, That Executions upon every Judgment or Decree against the Commissioners in any such Action or Suit shall be executed against the Goods and Chattels belonging to the Commissioners by virtue of their Office.

Indemnity to Commissioners and Clerk.

XXVII. And be it enacted, That every such Commissioner or Clerk in whose Name any such legal Proceeding shall be carried on, either as Plaintiff or Defendant, on behalf of the Commissioners, shall be reimbursed, out of the Monies which shall come into the Hands of the Treasurer of the Commissioners by virtue of his Office, all

Damages, Costs, Charges, and Expences to which any such Commissioner or Clerk may be put, or with which he may become chargeable, by reason of being so made Plaintiff or Defendant; and no such Commissioner or Clerk shall be personally liable for the Payment of the same, unless such Action or Suit have arisen in consequence of his own wilful Neglect or Default, or unless, if such Action have been brought by the Clerk or Two Commissioners, or more, as aforesaid, it have been so brought without the Order or Direction of the Commissioners.

Proceedings to be entered in a Book, and be open for Inspection.

XXVIII. And be it enacted, That the Commissioners shall cause Notes, Minutes, or Copies, as the Case may require, of all Appointments made or Contracts entered into by them, and of the Orders and Proceedings of all Meetings, as well ordinary as special, of the Commissioners and of the Committees, to be duly entered in Books to be from Time to Time provided for the Purpose, which shall be kept under the Superintendence of the Commissioners; and every such Entry shall be signed by the Chairman of the Meeting at which the Matter in respect of which such Entry is made was moved or discussed; and such Entry, so signed, shall be received as Evidence in all Courts, and before all Judges, Justices, and others, without Proof of such respective Meetings having been duly convened, or of the Persons making or entering such Orders or Proceedings being Commissioners or Members of Committee respectively, or of the Signature of the Chairman, all of which last-mentioned Matters shall be presumed; and all such Books shall at all reasonable Times be open to the Inspection of the Commissioners and any of the Creditors or Ratepayers or other Parties interested.

Commissioners to appoint Treasurer and other Officers.

XXIX. And be it enacted, That the said Commissioners shall from Time to Time appoint a Treasurer and Clerk, Collector and Assessor, and such other Officers as they shall think fit, with such Salaries and Allowances as they think reasonable, and may remove such Clerk, Treasurer, Collector, Assessor, and Officers, and appoint others in their Stead.

Offices of Clerk and Treasurer to be separate.

XXX. And be it enacted, That neither the Person who shall hold the Office of Clerk, nor the Partner of such Clerk, nor any Person in the Service or Employ of such Clerk or of his Partner, shall be eligible to be Treasurer; and that neither the Person who shall be the Treasurer, nor any Person in the Service or Employ of such Treasurer or of his Partner, shall be eligible to be the Clerk; and if any Person offend in any of the following Cases he shall forfeit One hundred Pounds; (that is to say,)

Penalty.

If any Person accept both the Office of Clerk and Treasurer:

If any Person, being the Partner of such Clerk, or in the Service or Employ of such Clerk or of his Partner, accept the Office of Treasurer, or act as Deputy of the Treasurer, or in any Manner officiate for the Treasurer:

If any Person, being the Treasurer, or the Partner of such Treasurer, or in the Service or Employ of such Treasurer or of his Partner, accept the Office of Clerk, or act as Deputy of such Clerk, or in any Manner officiate for such Clerk:

If

If any such Clerk or Treasurer hold any Place of Profit or Trust under the Commissioners other than that of Clerk or Treasurer (as the Case may be):

And any Person may sue for such Penalty, either by Action of Debt or on the Case, in any of Her Majesty's Superior Courts of Record at *Westminster*, and shall on Recovery thereof be entitled to full Costs of Suit.

Officer taking Fees to lose his Office, and forfeit 50*l.*

XXXI. And be it enacted, That if any such Treasurer, Clerk, Collector, or other Officer employed by the Commissioners exact, take, or accept, on account of any thing done by virtue of his Office, or in relation to the Functions of the Commissioners, any Fee or Reward whatsoever, other than the Salaries, Rewards, or Allowances allowed by the Commissioners, or be in anywise concerned or interested in any Bargain or Contract made by the Commissioners, he shall be incapable of being afterwards employed by the Commissioners, and he shall forfeit Fifty Pounds to any Person who shall sue for the same as aforesaid.

Commissioners to take Security from all Officers intrusted with Money.

XXXII. And be it enacted, That the Commissioners shall take from their Treasurer, and also from all other Officers in their Employ intrusted with the Receipt or Disbursement of Money, sufficient Security for the due Execution of their respective Offices, and for answering and paying, as the Commissioners shall from Time to Time require, all Sums of Money which shall be by them respectively received, and also for their giving and making respectively true Accounts in Writing from Time to Time, when required by the Commissioners so to do, of all Monies by them respectively received or collected for the Purposes of this Act, and when, of whom, and for what the same were so received or collected.

Officers to account.

XXXIII. And be it enacted, That every Officer appointed or employed by the Commissioners by virtue of this Act shall from Time to Time, when required by the Commissioners, make out and deliver to them, or to any Person appointed by them for that Purpose, a true and perfect Account in Writing under his Hand of all Monies received by him on behalf of the Commissioners; and such Account shall state how, and to whom, and for what Purpose such Monies have been disposed of, and together with such Account such Officers shall deliver the Vouchers and Receipts for such Payments; and every such Officer shall pay to the Commissioners, or to any Person appointed by them to receive the same, all Monies which shall appear to be owing from him upon the Balance of such Accounts.

Remedy against Officers failing to account.

XXXIV. And be it enacted, That if any such Officer shall fail to render such Accounts, or to produce and deliver up all the Vouchers and the Receipts relating to the same in his Possession or Power, or to pay the Balance thereof when thereunto required, or if for Three Days after being thereunto required he shall fail to deliver up to the Commissioners, or to any Person appointed by them to receive the same, all Papers and Writings, Property, Effects, Matters, and Things, in his Possession or Power, relating to the Execution of this Act, or belonging to the Commissioners, then, on Complaint thereof being made

made to any Justice acting within the Jurisdiction where such Officer may be found, such Justice shall, by Warrant under his Hand and Seal, cause such Officer to be brought before him; or if such Officer cannot be found, then in his Absence such Justice may hear and determine the Matter in a summary Way, and may adjust and declare the Balance owing by such Officer; and if it appear, either upon Confession of such Officer, or upon Evidence, or upon Inspection of the Account, that any Monies of the Commissioners are in the Hands of such Officer, or owing by him to the Commissioners, such Justice made order such Officer to pay the same forthwith; and if he shall fail to pay the Amount, it shall be lawful for such Justice to grant a Warrant to levy the same by Distress, or in default thereof to commit the Offender to Gaol, there to remain, without Bail, for any Time not exceeding Three Calendar Months; and in any of the following Cases; (that is to say,)

If such Officer do not appear before such Justice at the Time appointed; or

If such Officer appear, but fail to make out such Account in Writing; or

If such Officer refuse to produce and deliver to the Justice the several Vouchers and Receipts relating to such Account in his Possession or Power; or

If such Officer refuse to deliver up any Books, Papers, or Writings, Property, Effects, Matters, or Things, relating to the Execution of the Act, or belonging to the Commissioners, in his Possession or Power,

Such Justice may lawfully commit such Offender to Gaol; and in every such Case of Commitment the Prisoner shall remain in Custody, without Bail, until he have made out and delivered such Accounts, and delivered up the Vouchers and Receipts, if any, relating thereto, in his Possession or Power, and have delivered up such Books, Papers, Writings, Property, Effects, Matters, and Things, if any, in his Possession or Power.

Commitment not to discharge Sureties.

XXXV. And be it enacted, That no such Proceeding against or Dealing with any such Officer as aforesaid shall deprive the Commissioners of any Remedy which they might otherwise have against any Surety of such Officer.

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

XXXVI. And be it enacted, That the Commissioners shall cause a Book to be kept by their Clerk, in which such Clerk shall enter or cause to be entered true and regular Accounts of all Sums of Money received and expended for the Purposes of this Act, and of the several Matters for which such Sums of Money shall have been received or expended, and such Book shall at all seasonable Times be open to the Inspection of the Commissioners and of every Creditor on the Rate and Assessment by this Act authorized to be made, and of every Person paying such Rate or Assessment, without any Fee being demanded for such Inspection; and it shall be lawful for any of the Commissioners, Creditors, or other Persons aforesaid, at seasonable Times, to take Copies of or Extracts from the said Book, without paying any thing for the same; and if, on Request for that Purpose, the Clerk shall fail to permit any of the Commissioners, Creditors, or Per-

sons aforesaid to inspect such Book, or to take Copies or Extracts as aforesaid, such Clerk shall for each such Default forfeit a Sum not exceeding Five Pounds.

Accounts to be examined and settled at the annual Meeting.

XXXVII. And be it enacted, That the Accounts of the Monies received and expended by the Commissioners shall be produced at the First Ordinary Meeting of the Commissioners, which shall take place on the First *Monday* in the Month of *February* in every Year, or at some Adjournment thereof, at which Meeting it shall be lawful for all Persons interested to be present, and such Accounts shall be examined and settled by the Commissioners, and if the same shall be found just and true they shall be allowed by the Commissioners, and certified accordingly under the Hand of the Chairman of such Meeting; and after such Accounts shall have been so allowed and signed the same shall be final in regard to all Persons whomsoever, unless an Appeal be prosecuted against such Accounts at One of the Two then next General Quarter Sessions of the Peace for the County Palatine of *Lancaster*, which Appeal it shall be lawful for any Person interested in such Accounts to institute and prosecute, Notice in Writing of such Appeal having been given to the Clerk of the Commissioners Fourteen Days at least before the hearing of any such Appeal.

Statement of Accounts to be previously prepared, and to be open for Inspection Ten Days.

XXXVIII. Provided always, and be it enacted, That Ten Days at the least previously to such Examination and Settlement as aforesaid the Commissioners shall cause a full and true Statement and Account to be drawn out of all Rates or Assessments made, and of all Contracts entered into, and of all Monies received and expended by virtue of this Act during the preceding Year, and also of all Debts then owing by the Commissioners, and they shall allow such Statement and Account to remain for Inspection at the Office of the Commissioners; and every Creditor of the Rates and Assessments by this Act authorized to be made, and every Person paying any such Rate or Assessment, or any Person acting on behalf of any such Creditor or Rate-payer, may at all reasonable Times inspect such Statements and Accounts, and the said Statement and Account shall be printed, and the Clerk shall, on Demand, furnish a printed Copy thereof to every such Creditor and Rate-payer, without Fee; and Fourteen Days at the least previously to the Meeting for examining and settling such Accounts the Commissioners shall give public Notice of such intended Meeting, stating in such Notice that the said Statement and Account are at the Office of the Commissioners ready for the Inspection of the Creditors or Rate-payers or other Parties interested.

Auditors may be appointed.

XXXIX. And be it enacted, That at the Meeting so to be held for examining and passing the Accounts of the Commissioners, it shall be lawful for the Rate-payers to nominate, if they think fit so to do, Two or more Persons, not being Commissioners, to be Auditors of the Accounts of the Commissioners, and the Persons so to be nominated Auditors shall have the like Qualification and shall be subject to the like Disqualification or Disability as the Commissioners, and before entering on their Office they shall make and sign before One of Her Majesty's Justices of the Peace a solemn Declaration of the like

like Purport and Effect to that hereby required to be signed by the Commissioners.

Auditors to inspect Accounts, and to appeal if they think fit.

XL. And be it enacted, That the Auditors so nominated shall meet forthwith, or as soon after their Appointment as conveniently may be, at the Office of the Commissioners, or at some other convenient Place to be appointed by the Commissioners, and from Time to Time shall, in the Presence of the Clerk to the Commissioners, in case he should desire to be present, proceed to audit the Accounts of the Commissioners for the Year preceding the Appointment of such Auditors; and the Commissioners shall, by their Clerk, produce and lay before such Auditors at every such Meeting the Statement and Account herein-before mentioned, accompanied with proper Vouchers in support of the same, and all Books, Papers, and Writings in their Custody or Power relating thereto; and if such Auditors think there is just Cause to disapprove of any Part of the said Accounts, it shall be lawful for such Auditors, or any other Person interested in the said Accounts, to appeal against any such Parts of the said Accounts as shall be so disapproved of to One of the Two next General Quarter Sessions of the Peace for the County Palatine of *Lancaster*, Notice in Writing of such Appeal being given to the Clerk of the Commissioners Fourteen Days at the least prior to the hearing of such Appeal.

Reimbursement to Sir P. H. Fleetwood in respect of Expenditure by him in making Roads, &c.

XLI. And whereas the said Sir *Peter Hesketh Fleetwood* hath expended and disbursed very considerable Sums of Money in constructing, forming, and repairing Sewers and Drains for the Drainage and Sewerage of the said Town, and in forming Esplanades, and in making and paving, gravelling and repairing, lighting, watching, watering, and cleansing such of the several Roads, Streets, and Ways within the said Town as have been already made and paved, and in erecting Lamp Posts and Lamp Irons therein; be it enacted, That such several Sums, not exceeding in the whole the Sum of Ten thousand Pounds, together with lawful Interest thereon from the respective Periods of the Payment of such several Sums to the Time when the total Amount thereof shall have been ascertained in manner herein-after mentioned, together with lawful Interest on such total Amount from the Time last mentioned, shall be charged upon the consolidated Rates, Assessments, Duties, and Impositions to be raised and levied under and by virtue of this Act; and the said Commissioners are hereby authorized and empowered, out of the Sums authorized to be raised on Mortgage of the said Rates or Assessments as herein-after mentioned, to repay and reimburse the said Sir *Peter Hesketh Fleetwood* the several Sums of Money, not exceeding the said Sum of Ten thousand Pounds, so expended and disbursed by him, with Interest as aforesaid, and are hereby required, within the Space of Two Calendar Months after the Time when the total Amount thereof shall have been ascertained as herein-after mentioned, either by Mortgage of the said consolidated Rates, Assessments, Duties, and Impositions, or by actual Payment, if they so determine, to satisfy the same accordingly: Provided always, that the said Sir *Peter Hesketh Fleetwood*, his Heirs, Executors, Administrators, or Assigns, shall not attempt to compel Payment of nor take any Steps or Proceedings against

against the said Commissioners, or any other Person or Persons, for the Purpose of enforcing Payment of the Principal Sums of Money so expended and disbursed by him as aforesaid; any thing contained in this Act, or any thing contained in any Lease or Agreement granted or entered into by the said Sir *Peter Hesketh Fleetwood* before the passing of this Act, to the contrary notwithstanding.

For ascertaining the Amount due and to be reimbursed to Sir P. H. Fleetwood.

XLII. And for the Purpose of ascertaining the Amount of the several Sums of Money so disbursed by the said Sir *Peter Hesketh Fleetwood*, and the Amount of Interest accrued due thereon respectively, as herein-before mentioned, be it enacted, and the said Commissioners are hereby authorized and required to inspect and investigate the Documents, Accounts, and Vouchers of the said Sir *Peter Hesketh Fleetwood* relating to the Matters of such Disbursements, which Documents, Accounts, and Vouchers the said Sir *Peter Hesketh Fleetwood* is for that Purpose required to produce and show forth; and whatever Sum, not exceeding the said Sum of Ten thousand Pounds, shall, in and by such Documents, Accounts, and Vouchers, appear to have been expended and disbursed by the said Sir *Peter Hesketh Fleetwood* in respect of the Matters aforesaid, with Interest as aforesaid, shall be the Sum so to be charged upon the said Rates, Assessments, Duties, or Impositions, or repaid as herein-before mentioned; and if any Difference shall arise between the said Commissioners and the said Sir *Peter Hesketh Fleetwood* touching the Construction of this Act, or any Account or Valuation to be produced by the said Sir *Peter Hesketh Fleetwood*, or any Sum claimed by him, such Difference shall, upon the Request either of them the said Commissioners or the said Sir *Peter Hesketh Fleetwood*, be reduced into Writing, and be referred to the Award and Arbitrament of Three indifferent Persons, One of them to be chosen by the said Commissioners, and One of them by the said Sir *Peter Hesketh Fleetwood*, and a Third by the Persons first chosen from Time to Time, which Three indifferent Persons shall accordingly be chosen for that Purpose, from Time to Time, within the Space of Fourteen Days next after such Request; and the Award and Determination of the said Three Persons, to be chosen as aforesaid, or any Two of them, in the Matter so referred to them, shall be binding and conclusive upon the said Persons so differing, and shall be performed and kept by them accordingly, without any further Suit or Trouble whatsoever, so as such Award or Determination be made and set down in Writing under the Hands and Seals of such Three Persons or any Two of them, within the Space of Twenty-one Days after the said Three Persons shall be so elected as aforesaid; and if either of them the said Commissioners or the said Sir *Peter Hesketh Fleetwood* shall, by any Writing under their or his Hands or Hand, request the other of them to refer the Matter in dispute to Arbitration, and to nominate some fit Person to be an Arbitrator thereupon on their or his Behalf as aforesaid, and the Person or Persons to whom such Request shall be made shall for the Space of Fourteen Days after such Request refuse or neglect so to do, or in case either of the Persons so to be elected as aforesaid shall refuse or neglect or be unable to act, then and in such Case it shall be lawful for the other Person or Persons so chosen an Arbitrator or Arbitrators as aforesaid, by any Writing under his or their Hand or

Hands, to choose some Person to act as an Arbitrator on the Part of the Party so refusing or neglecting as aforesaid, or in the Place of the Person so neglecting, refusing, or being unable to act; and the Arbitrament and Umpirage of the Person so chosen as last herein-before is mentioned shall, to all Intents, Effects, Constructions, and Purposes, be as valid, effectual, binding, and conclusive as if the Person so last chosen had been actually chosen by the Person or Persons to whom such Request shall have been made, or had been originally chosen Arbitrator.

An Annual Account of Receipt, &c. to be transmitted to the Clerk of the Peace.

XLIII. And be it enacted, That the Commissioners shall every Year cause an annual Account in Abstract to be prepared, showing the total Receipt and Expenditure of all Funds levied by virtue of this Act for the Year ending on the Thirty-first Day of *December*, or some other convenient Day in each Year, under the several distinct Heads of Receipt and Expenditure, with a Statement of the Balance of such Account, duly audited and certified by the Clerk for the Time being of the said Commissioners, and shall transmit a Copy of the said Account, free of Charge, to the Clerk of the Peace for the County of *Lancaster*, on or before the Thirty-first Day of *January* then next, which Account shall be open to the Inspection of the Public at all seasonable Hours, on Payment of the Sum of One Shilling for every such Inspection: Provided always, that if the said Commissioners shall omit to prepare and transmit such Account as aforesaid they shall forfeit for every such Omission the Sum of Twenty Pounds.

Power to borrow on Mortgage.

XLIV. And be it enacted, That it shall be lawful for the said Commissioners from Time to Time to borrow at Interest on the Credit of the several Rates or Assessments by this Act granted, and other Property vested in such Commissioners, the Amount that may be found due to the said Sir *Peter Hesketh Fleetwood*, and any additional Sum of Money not exceeding the Sum of Twenty thousand Pounds; and in the event of any Part of such Sum of Money, including the Amount that may be found due to the said Sir *Peter Hesketh Fleetwood*, being repaid by the Commissioners, to re-borrow the same, and so *toties quoties*, but so nevertheless that there shall not be owing on the Security aforesaid any more than the Amount that may be found due to the said Sir *Peter Hesketh Fleetwood* and the Sum of Twenty thousand Pounds at any One Time; and for securing the Repayment of the Monies so borrowed, with Interest, the Commissioners, or any Three of them, may assign over the said Rates, Assessments, and Property, or any Part thereof, to the Person who shall advance or lend such Money, or his Trustee, as a Security for the Payment of the Money so to be borrowed, together with Interest for the same.

Form of Mortgage.

XLV. And be it enacted, That every Assignment or Mortgage granted under this Act shall be by Deed duly stamped, in which the Consideration shall be truly stated, and every such Deed shall be under the Hands and Seals of Three of the Commissioners, and may be according to the Form in Schedule (A.) to this Act annexed, or to the like Effect.

Mortgages to be without Preference.

XLVI. And be it enacted, That all Persons to whom such Mortgages or Assignments shall be made, or who shall be entitled to the Monies thereby secured, shall, in proportion to the Sums therein respectively mentioned, be Creditors on the said Rates or Assessments, equally one with another, without any Preference in respect of the Priority of advancing such Monies or of the Dates of any such Assignments respectively.

Commissioners may raise Money by Annuity.

XLVII. And be it enacted, That it shall be lawful for the Commissioners to raise all or any Part of the Money to be borrowed for the Purposes of this Act by granting Annuities for Lives, instead of Assignments as aforesaid, and for that Purpose for the Commissioners, or any Three or more of them, to charge the Rates and Assessments granted by this Act with an Annuity to determine on a Life or Lives in being, in favour of any Person who shall advance to the Commissioners any Sum of Money for the Purchase of the same.

Form of Grant of Annuity.

XLVIII. And be it enacted, That every such Grant of Annuity shall be by Deed duly stamped, in which the Consideration shall be truly stated, and shall be made under the Hands and Seals of Three of the Commissioners, and may be in the Form in Schedule (B.) to this Act annexed, or to the like Effect.

For preventing improvident Grants of Annuities.

XLIX. And for preventing improvident Grants of Annuities, be it enacted, That the Price to be paid for any such Annuity shall not be less than the Price of a similar Annuity paid by Law for such Annuity granted by the Commissioners for the Reduction of the National Debt.

Annuities to rank after Mortgages.

L. And be it enacted, That every Annuity so granted shall be paid out of the Rates or Assessments according to the Grant of such Annuity, and shall have Priority after any Mortgages or Assignments granted under this Act.

Expences of Mortgages and Annuities.

LI. And be it enacted, That the Expences of every Assignment or Mortgage and Grant of Annuity shall from Time to Time be defrayed by the Commissioners out of the Money raised by the same.

Register of Mortgages and Annuities to be kept, and to be open to Inspection.

LII. And be it enacted, That a Register of all Mortgages or Assignments and Annuities granted under this Act shall be kept by the Clerk to the Commissioners, and within Fourteen Days after the Date of any such Mortgage or Assignment or Annuity an Entry or Memorial of the Number and Date thereof, and of the Names of the Parties thereto, with their proper Additions, shall be made in such Register, and such Register may be perused at all reasonable Times by any Person interested therein, without Fee or Reward.

Assignment of Mortgages and Annuities.

LIII. And be it enacted, That from Time to Time any Party entitled to any such Mortgage or Assignment or Annuity may transfer his Right and Interest therein to any other Person, by Deed duly stamped, wherein the Consideration shall be truly stated; and any

such Transfer may be according to the Form in the Schedule (C.) to this Act annexed, or to the like Effect.

Register of Transfers to be kept.

LIV. And be it enacted, That within Thirty Days after the Date of every such Transfer it shall be produced to the Clerk to the Commissioners, and thereupon such Clerk shall cause an Entry or Memorial thereof to be made, in the same Manner as in the Case of the original Mortgage or Assignment or Annuity, and for such Entry the Clerk may demand a Sum not exceeding Five Shillings; and after such Entry every such Transfer shall entitle the Transferee, his Executors, Administrators, or Assigns, to the full Benefit of the original Mortgage or Assignment or Annuity in all respects; and no Party having made such Transfer shall have Power to make void, release, or discharge the Mortgage or Assignment or Annuity so transferred, or any Money thereby secured.

Interest on Mortgages to be paid half-yearly.

LV. And be it enacted, That unless otherwise provided by any Mortgage or Assignment the Interest of the Money borrowed upon every such Mortgage or Assignment shall be paid half-yearly to the several Parties entitled thereto.

Power to take up Money at a less Rate of Interest.

LVI. And be it enacted, That if the Commissioners can at any Time borrow or take up any Sums of Money for any of the Purposes of this Act at a lower Rate of Interest than any Securities given by them and which shall then be in force shall bear, then from Time to Time it shall be lawful for them to borrow such Sums of Money as they shall think proper, at such lower Rate as aforesaid, in order to pay off and discharge the Securities bearing such higher Rate of Interest, and to charge the Rates and Duties payable under this Act, or any Part thereof, with Payment of such Sum and such lower Rate of Interest, in such Manner and subject to such Regulations as are herein contained with respect to other Monies borrowed on Mortgage.

Mode of paying off Mortgages.

LVII. And in order that no undue Preference may be given in paying off any Mortgages or Assignments, be it enacted, That when and as often as the Commissioners shall under the Provisions of this Act be enabled and think it expedient to pay off One or more out of the Number of such Mortgages upon which the same Rate of Interest shall be payable, or a Part of the Money secured on any such Mortgage, they shall cause the several Numbers of such Mortgages to be written upon distinct Slips of Paper of an equal Size, and all such Slips shall be rolled or folded up in similar Form, and put into a Box, and the Clerk to the Commissioners shall, in the Presence of Three or more of the Commissioners, draw separately out of the said Box One of the said Slips, and thereupon the Mortgage corresponding with the Number so drawn, or the Part of the Money due thereon so proposed to be paid off, shall accordingly be paid off by the Commissioners; and after every such Ballot the Commissioners shall cause a Notice, signed by their Clerk, to be given to the Person entitled to the Money to be paid off pursuant to such Ballot, and such Notice shall express the Principal Sum proposed to be paid off, and that the same will be paid, together with the Interest due thereon, at a Place to be specified in such Notice, at the Expiration of Six Months from the Date

Date of giving such Notice; and at the Expiration of such Period the Interest of the Principal Money to be paid off shall cease, unless such Principal Money and Interest be not paid, on Demand, pursuant to such Notice; but such Principal Money, and the Interest thereof to the End of the said Six Months, shall nevertheless be payable, on Demand, after the Expiration of the said Six Months.

Application of Monies to be borrowed.

LVIII. And be it enacted, That all the Money which shall be raised on the Credit of the Rates hereby authorized to be levied shall be applied, in the first place, in making such permanent Improvements within the Limits of this Act as are hereby authorized, and as the Commissioners shall direct to be made, and afterwards in paying off or discharging the Whole or any Part of the Amount that may be found due to the said Sir *Peter Hesketh Fleetwood*, including his Costs, Charges, and Expences of applying for or incident to the obtaining and passing this Act, as they the said Commissioners shall think fit or expedient.

Commissioners may make Bye Laws to govern themselves and their Servants.

LIX. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to make such Bye Laws for regulating the carrying on of their Business, and the Business of their Committees, and for the Government of the Officers, Servants, or other Persons in their Employ, as they shall think fit, and to repeal or alter any such Bye Laws as they shall think fit, so as no such Bye Law be contrary to the Laws of *England* or the Provisions of this Act, and so as the same be reduced into Writing, and signed by Three or more of the Commissioners.

Fines for Breach of such Bye Laws.

LX. And be it enacted, That it shall be lawful for the Commissioners by such Bye Laws to impose such reasonable Forfeitures and Fines upon their Officers and Servants or other Persons in their Employ offending against the same, as they shall think fit, not exceeding Five Pounds for each Offence: Provided always, that such Bye Laws shall be so framed as to allow the Justices before whom any Penalty imposed thereby may be sought to be recovered to order the Whole or a Part only of such Penalty to be paid.

Service of Notice on Commissioners.

LXI. And be it enacted, That any Summons, Notice, or Writ, or other Proceeding, at Law or in Equity, requiring to be served upon the Commissioners, may lawfully be served by delivering the same personally to the Clerk of the Commissioners, or to some Inmate at his usual Place of Abode, or by leaving the same at the Office of the Commissioners, or in case there be no Clerk, or his Place of Abode shall be unknown, then by delivering the same to any One Commissioner, or to some Inmate of the Place of Abode of any such Commissioner.

Authentication of Notices

LXII. And be it enacted, That every Summons, Demand, or Notice, or other such Document under this Act, may be in Writing or Print, or partly in Writing or Print; and if the same require Authentication by the Commissioners, the Signature thereof by One Commissioner, or by the Clerk of the Commissioners, shall be a sufficient Authentication.

LXIII. And

Releases to Witnesses.

LXIII. And be it enacted, That in all legal Proceedings under this Act it shall be lawful for any Three or more of the Commissioners, by Order of the Commissioners, to grant general or other Releases for the Purpose of qualifying any Person in the Service of the Commissioners to give Evidence as a Witness; and every such Release or Discharge shall be under the Hands and Seals of the Parties giving the same.

Tender of Amends.

LXIV. And with respect to Actions brought in respect of any Proceeding under the Provisions of this Act, be it enacted, That if before an Action be brought any Party having committed any Irregularity, Trespass, or other wrongful Proceeding in the Execution of this Act, or by virtue of any Power or Authority thereby given, make sufficient Tender of Satisfaction, the Plaintiff shall not recover in any Action brought on account of such Irregularity, Trespass, or other wrongful Proceeding; and if no such Tender shall have been made it shall be lawful for the Party offending, by Leave of the Court where such Action shall be pending, at any Time before Issue joined, to pay into Court such Sum of Money as he shall think fit, and thereupon such Proceedings shall be had as in other Cases where Defendants are allowed to pay Money into Court.

Power to purchase Lands.

LXV. And be it enacted, That, subject to the Provisions of this Act, it shall be lawful for the Commissioners to agree with the Owners of any Lands, within the Limits of this Act, which they may require for the Purpose of forming Approaches to the said Town, of opening and making more convenient Communications, Ways, or Streets, and of widening or improving any existing Ways or Streets, or for other the Purposes of this Act, for the absolute Purchase, for a Consideration in Money, of any such Lands, or such Parts thereof as they shall think proper, and of all subsisting Leases therein, and of all Rentcharges, Annuities, Mortgages, or Incumbrances affecting any such Lands, and all other Estates or Interests in such Lands of what Kind soever.

Parties under Disability enabled to sell and convey.

LXVI. And be it enacted, That it shall be lawful for all or any of the following Parties, being seised, possessed of, or entitled to any such Lands, or any such Estate or Interest therein as aforesaid, to sell and dispose of, and convey or release the same to the Commissioners, and to enter into all necessary Agreements for that Purpose; (that is to say,) all Corporations, Tenants for Life or in Tail, or for any other partial or qualified Estate or Interest, Married Women seised in their own Right or entitled to Dower, Guardians, Committees of Lunatics and Idiots, Trustees, or Feoffees in Trust for charitable or other Purposes, Executors and Administrators; and the Power so to sell and convey as aforesaid may lawfully be exercised by all such Parties, not only on behalf of themselves and their respective Heirs, Executors, Administrators, and Successors, but also for and on behalf of every Person entitled in Reversion, Remainder, or Expectancy after them, if incapacitated, unborn, or not to be found, and as to such Married Women as if they were sole, and as to such Guardians on behalf of their Wards, and as to such Committees on behalf of the Lunatics and Idiots of whom they are the Committees respectively, and that to the same

Extent as such Wives, Wards, Lunatics, and Idiots respectively could have exercised the same Power, under the Authority of this Act, if they had respectively been under no Disability, and as to such Trustees, Executors, and Administrators, on behalf of their Cestuisque Trusts, whether Infants, Issue unborn, Lunatics, Femes Covert, or other Persons, and that to the same Extent as such Cestuique Trusts respectively could have exercised the same Powers under the Authority of this Act if they had respectively been under no Disability.

Acceptance of Compensation for Price or for Damage to Lands.

LXVII. And be it enacted, That the Owners of any such Lands, or of any such Estate or Interest therein as aforesaid, and all Parties by this Act enabled to convey any such Lands, may agree to accept, and, subject to the Restrictions in this Act contained as to the Payment thereof, may accept, Satisfaction for the Value of such Lands, or any Interest therein, to which such Party shall be entitled; and in addition to Compensation for the Value of such Lands, or of the Interest therein to be so conveyed, such Parties shall be entitled to and may in like Manner accept Compensation for any Damage by them sustained owing to the Exercise of the Powers of this Act.

Amount of Compensation to be ascertained by Valuation in case of Parties under Disability.

LXVIII. And with respect to the Consideration Money to be paid for any Lands to be purchased from any Party under any Disability or Incapacity, and not having Power to sell or convey, except under the Provisions in this Act contained, and the Compensation Money to be paid for any permanent Damage or Injury to any such Lands, be it enacted, That such Consideration Money or Compensation shall not be less than shall be determined by the Valuation of Two able practical Surveyors, one of whom shall be nominated by the Commissioners, and the other by the other Party, and if such Two Surveyors cannot agree in the Valuation, then by such Third Surveyor as any Two Justices shall for that Purpose nominate; and each of such Two Surveyors, if they agree, or if not, then the Surveyor nominated by the Justices, shall annex to the Valuation a Declaration of the Correctness thereof.

Form of Conveyance.

LXIX. And be it enacted, That all Conveyances of Lands so to be purchased as aforesaid may be according to the Form in Schedule (D.) to this Act annexed, or as near thereto as the Circumstances of the Case will admit; and all such Conveyances shall be effectual to vest the Lands thereby conveyed in the Commissioners, and shall operate to merge all Terms of Years attendant by express Declaration or by Construction of Law on the Estate or Interest so thereby conveyed, and to bar and destroy all such Estates Tail, and all other Estates, Rights, Titles, Remainders, Reversions, Limitations, Trusts, and Interests whatsoever of and in the Lands comprised in such Conveyances as shall have been purchased or compensated for by the Consideration therein mentioned; but although Terms of Years be thereby merged they shall in Equity afford the same Protection as if they had been kept on foot and assigned to a Trustee for the Commissioners to attend the Reversion and Inheritance.

Costs of Conveyance.

LXX. And with respect to the Costs of the Conveyance of any such Lands purchased by the Commissioners, be it enacted, That all such

Costs shall be borne by the Commissioners, and such Costs shall include all Charges and Expences, incurred on the Part as well of the Seller as the Purchaser, of all Conveyances and Assurances of any such Lands, and of any outstanding Terms or Interests therein, and of deducing, evidencing, and verifying the Title to such Lands, Terms, or Interests, and of making out and furnishing such Abstracts and attested Copies as the Commissioners may require, and all other Expences incident to the Investigation, Deduction, and Verification of such Title; and before the Commissioners enter into possession of the Lands so purchased or taken they shall pay the Amount of such Costs, and if there be any Dispute about the same they shall obtain an Order for the Taxation thereof as herein-after provided; nevertheless, if within Seven Days after Notice in Writing from the Commissioners the Parties from whom such Lands shall have been purchased do not deliver a Bill of their Costs to the Commissioners, then the Commissioners shall not be prevented from entering into the Possession of such Lands by reason of the Nonpayment of such Costs, or by reason of such Order for Taxation thereof not having been obtained.

Taxation of Costs.

LXXI. And be it enacted, That if the Commissioners and the Party entitled to any such Costs shall not agree as to the Amount thereof, such Costs shall be ascertained by the Court of Chancery, and for that Purpose either Party may apply to the Court by Petition, and thereupon the Court shall order such Costs to be referred to One of the Masters to be taxed in the usual Manner; and upon Proof of such Service the Master shall proceed to tax such Costs accordingly, Notice of such Taxation being given to the other Party; and after the Taxation thereof it shall be lawful for the Court to order the Amount at which the same shall be so taxed, together with the Costs of Taxation, or so much of the same as shall be payable by the Commissioners, to be paid to the Party entitled thereto, and the same shall be paid accordingly; and the Expence of taxing such Costs, and of obtaining the Order referring the same to be taxed, shall be borne by the Commissioners, unless on the Taxation One Sixth Part of the Costs be disallowed, in which Case the Expence shall be borne by the Party from whom the Lands shall have been purchased.

Purchase Money payable to Parties under Disability amounting to 200*l.* to be deposited in the Bank of England.

LXXII. And for the Purpose of providing for the Deposit and Application of the Purchase Money or Compensation to be paid in respect of any such Lands which may belong to Parties under Disability, be it enacted, That if any such Purchase Money or Compensation shall be payable in respect of any such Lands, or any Interest therein, which any Corporation, Tenant for Life, or for any other partial or qualified Interest, Married Woman seised in her own Right or entitled to Dower, Guardian, Committee of Lunatic or Idiot, Trustee, Executor, or Administrator, or Person under any Disability, shall be entitled to, and shall under the Powers of this Act be enabled to convey or dispose of, the same shall, if it amount to or exceed the Sum of Two hundred Pounds, be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account there *ex parte* "The *Fleetwood* Improvement Commissioners," pursuant to the Method prescribed by an Act of the Twelfth Year of the Reign of His late Majesty King *George* the First, intituled

12 G. 1. c. 32. intituled *An Act for the better securing the Monies and Effects of the Suitors of the Court of Chancery, and to prevent the counterfeiting of* East India *Bonds and Indorsements thereon, as likewise Indorsements on* South Sea *Bonds*, and pursuant to the General Rules and Orders of the said Court, and without Fee or Reward, according to the Act of the Twelfth Year of the Reign of His late Majesty King 12 G. 2. c. 24. *George* the Second, intituled *An Act to empower the High Court of Chancery to lay out on proper Securities any Monies, not exceeding a Sum therein limited, out of the common and general Cash in the Bank of* England *belonging to the Suitors of the said Court, for the Ease of the said Suitors, by applying the Interest arising therefrom for answering the Charges of the Office of the Accountant General of the said Court;* and such Monies shall remain so deposited until the same be applied to some One or more of the following Purposes; (that is to say,)

Application of Monies deposited.

In the Purchase or Redemption of the Land Tax, or the Discharge of any Debt or Incumbrance affecting the Land in respect of which such Money shall have been paid, or affecting other Lands settled therewith to the same or the like Uses, Trusts, or Purposes; or

In the Purchase of other Lands, to be conveyed, limited, and settled upon the like Uses, Trusts, and Purposes, and in the same Manner, as the Lands in respect of which such Money shall have been paid stood settled; or

If such Monies shall be paid in respect of any Buildings taken under the Authority of this Act, in replacing such Buildings, or substituting others in their Stead, in such Manner as the Court of Chancery shall direct; or

In Payment to any Party becoming absolutely entitled to such Money.

Order for Application.

LXXIII. And be it enacted, That such Money may be so applied as aforesaid upon an Order of the Court of Chancery, made on the Petition of the Party who would have been entitled to the Rents and Profits of the Lands in respect of which such Money shall have been deposited; and until the Money can be so applied it may, upon the like Order, be invested by the said Accountant General in the Purchase of Three *per Centum* Consolidated or Three *per Centum* Reduced Bank Annuities, or in Government or Real Securities; and until such Annuities and Securities shall be ordered to be sold or converted into Money for the Purposes aforesaid, the Interest, Dividends, and annual Proceeds thereof shall from Time to Time be paid to the Party who would for the Time being have been entitled to the Rents and Profits of the Lands; and the Order for such Investment and Application of the Interests, Dividends, and annual Proceeds thereof may be made on the like Petition.

Sums from 20*l.* to 200*l.* to be deposited, or invested in Trustees.

LXXIV. And with respect to any such Purchase Money or Compensation which shall not amount to the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, be it enacted, That the same shall either be paid into the Bank of *England*, and applied in the Manner herein-before directed with respect to Sums amounting to or exceeding Two hundred Pounds, or the same may lawfully be paid

paid to Two Trustees, to be nominated by the Parties entitled to the Rents or Profits of the Lands in respect whereof the same shall be payable, such Nomination to be signified by Writing under the Hands of the Parties so entitled; and in case of the Coverture, Infancy, Lunacy, or other Incapacity of the Parties entitled to such Monies, such Nomination may lawfully be made by their respective Husbands, Guardians, Committees, or Trustees; but such last-mentioned Application of the Monies shall not be made unless the Commissioners approve thereof, and of the Trustees named for the Purpose, such Approval to be signified in Writing under the Hands of any Three of the Commissioners; and the Money so paid to such Trustees, and the Produce arising therefrom, shall be by such Trustees applied in the Manner herein-before directed with respect to Money paid into the Bank of *England*, but it shall not be necessary to obtain any Order of the Court for that Purpose.

Sums not exceeding 20*l.* to be paid to Parties.

LXXV. And with respect to any such Money which shall not exceed the Sum of Twenty Pounds, be it enacted, That the same shall be paid to the Parties who would for the Time being have been entitled to the Rents and Profits of the Lands in respect whereof the same shall be payable, for their own Use and Benefit; or in case of the Coverture, Infancy, Idiotcy, Lunacy, or other Incapacity of any such Parties, then such Money shall be paid, for their Use, to the respective Husbands, Guardians, Committees, or Trustees of such Persons.

Lands not wanted to be sold.

LXXVI. And for the Purpose of making Provision respecting the Sale of Lands acquired by the Commissioners under the Provisions of this Act, but which shall not be required for the Purposes thereof; be it enacted, That the Commissioners shall sell all such superfluous Lands in such Manner as they may deem most advantageous, and convey the same to the Purchasers thereof, by Deed under the Hands and Seals of Three at least of the Commissioners; and the Receipt of the Treasurer of the Commissioners shall be a sufficient Discharge to the Purchaser of any such Lands for the Purchase Money in such Receipt expressed to be received, and such Sales and Conveyances shall take place within Twenty Years after the passing of this Act.

Lands not so sold to vest in Owners of adjoining Lands.

LXXVII. And be it enacted, That if the Commissioners do not sell such superfluous Lands within the Period aforesaid, then such Lands remaining unsold at the Expiration of such Period shall thereupon vest in and become the Property of the Owners of the Lands adjoining thereto, in proportion to the Extent of their Lands respectively adjoining the same.

Lands to be offered to original or adjoining Owners.

LXXVIII. Provided always, and be it enacted, That before the Commissioners dispose of any such superfluous Lands, they shall first offer to sell the same to the Person then entitled to the Lands (if any) from which the same were originally severed, or if such Person refuse to purchase the same, or cannot be found, then the like Offer shall be made to the Person or to the several Persons whose Lands shall immediately adjoin the Lands so proposed to be sold, such Persons being capable of entering into a Contract for the Purchase of such Lands; and where more than One such Person shall be entitled to

such Right of Pre-emption, such Offer shall be made to such Persons in succession, one after another, in such Order as the Commissioners shall think fit.

Right of Pre-emption to be claimed within Sixty Days.

LXXIX. And be it enacted, That if such respective Persons be desirous of purchasing such Lands, then within Sixty Days after such Offer of Sale they shall signify their Desire in that Behalf to the Commissioners, or if they decline such Offer, or if for Sixty Days they neglect to signify their Desire to purchase such Lands, the Right of Pre-emption of every such Person so declining or neglecting, in respect of the Lands included in such Offer, shall cease, and thereupon a Declaration in Writing made before a Justice by some Person not interested in the Matter in question, stating that the Person or all the Persons entitled to the Right of Pre-emption were out of the Country, or could not be found, or were not capable of entering into a Contract for the Purchase of such Lands, or that such Offer was made, and was refused, or not accepted within Sixty Days from the Time of making the same, shall in all Courts whatsoever be sufficient Evidence of the Facts therein stated.

Difference as to Price to be settled by Valuation.

LXXX. And be it enacted, That if any Person entitled to such Pre-emption shall be desirous of purchasing any such Lands, and such Person and the Commissioners do not agree as to the Price thereof, then such Price shall be ascertained by Two Surveyors or their Umpire in like Manner as by this Act is directed with respect to the Value of any Lands to be purchased from any Party under Disability or Incapacity; and upon Payment or Tender to the Commissioners of the Purchase Money so agreed upon or determined, they shall convey such Lands to the Party so entitled to purchase the same; and every such Conveyance shall be effectual for vesting the Lands comprised therein in the Purchaser thereof for the Estate which shall have been so purchased by him, and the Money produced by the Sale of such Lands shall be applied by the Commissioners for the Purposes of this Act.

Effect of the Word "grant" in Conveyances.

LXXXI. And be it enacted, That in every Conveyance of Lands to be made by the Commissioners under this Act, the Word "grant" shall operate as express Covenants by the Commissioners, for themselves and their Successors, with the respective Grantees therein named, and the Successors, Heirs, Executors, Administrators, and Assigns of such Grantees, according to the Nature or Quality of such Grants, and of the Estate or Interest therein expressed to be thereby conveyed, as follows, except so far as the same shall be restrained or limited by express Words contained in any such Conveyance; (that is to say,)

A Covenant, that notwithstanding any Act or Default done by the Commissioners, they were at the Time of the Execution of such Conveyance seised or possessed of the Lands or Premises thereby granted for an indefeasible Estate of Inheritance in Fee Simple, free from all Incumbrances done or occasioned by them, or otherwise for such Estate or Interest as therein expressed to be thereby granted, free from Incumbrances done or occasioned by them:

A Cove-

A Covenant that the Grantee of such Lands, his Heirs, Successors, Executors, Administrators, and Assigns, (as the Case may be,) shall quietly enjoy the same against the Commissioners, and their Successors, and all other Persons claiming under them, and be indemnified and saved harmless by the Commissioners and their Successors from all Incumbrances created by the Commissioners:

A Covenant for further Assurance of such Lands at the Expence of such Grantee, his Heirs, Successors, Executors, Administrators, or Assigns, (as the Case may be,) by the Commissioners or their Successors, and all other Persons claiming under them:

And all such Grantees, and their several Successors, Heirs, Executors, Administrators, and Assigns respectively, according to their respective Quality or Nature, and the Estate or Interest in such Conveyance expressed to be conveyed, may in all Actions brought by them assign Breaches of Covenants as they might do if such Covenants were expressly inserted in such Conveyances.

Land Tax and Poor's Rate to be made good.

LXXXII. And for the Purpose of providing against Deficiencies in the Assessments for Land Tax or Poor's Rate occasioned by the making of the Improvements hereby authorized within the said Parish of *Thornton*, be it enacted, That if the Commissioners become possessed by virtue of this Act of any Lands charged with the Land Tax or liable to be assessed to the Poor's Rate, the Commissioners shall, from Time to Time, until the Improvements shall be completed and assessed to such Land Tax and Poor's Rate, be liable to make good the Deficiency in the several Assessments for Land Tax and Poor's Rate arising within such Parish by reason of such Lands having been taken or used for the Purposes of the Improvements, and such Deficiency shall be computed according to the Rental at which such Lands, with any Buildings thereon, were valued or rated at the Time of the passing of this Act; and on Demand of such Deficiency the Treasurer of the Commissioners shall pay all such Deficiencies to the Collector of the said Assessments respectively; nevertheless, if at any Time the Commissioners think fit to redeem such Land Tax, they may do so in accordance with the Powers in that Behalf given by the Acts for the Redemption of the Land Tax.

Limits of the Act.

LXXXIII. And be it enacted, That this Act shall be put in force for the Improvement of the Town of *Fleetwood* within the following Limits; (that is to say,) so much of the Township of *Thornton* in the Parish of *Poulton-le-Fylde* in the County Palatine of *Lancaster* as is bounded on the North by *Morecambe Bay*, and thence on the East by the River *Wyre*, so far as a Point of Land called "*Burn Naze*," and thence on the South by an imaginary Line drawn straight from *Burn Naze* aforesaid West to a Farmhouse called "*Carr House*," on the Sea-shore, and thence on the West by such Sea-shore to *Morecambe Bay* aforesaid, being the District legally assigned to *Saint Peter*'s Church, *Fleetwood*, a Plan of which District is deposited in the Registry of the Diocese of *Chester*.

LXXXIV. And

Streets, &c. vested in the Commissioners.

LXXXIV. And be it enacted, That from and after the Amount due to the said Sir *Peter Hesketh Fleetwood* shall have been ascertained and settled as herein-before mentioned, the Management of all the present and future Streets within the Limits of this Act, being public Highways, and the Pavement and other Materials of such Streets, and all Lamps, Lamp Irons, Lamp Posts, Cesspools, Grates, Drains, Sewers, Tunnels, Gutters, Erections or Buildings, Materials, Implements, and other Things provided by the Commissioners for the Purposes of this Act, and also the Dust, Ashes, and Filth to be collected from the said Streets, shall be the Property of and are hereby vested in the Commissioners; and the Commissioners shall have full Power to sell and dispose of, for the Purposes of this Act, any of the said Articles and Things as they shall think proper.

Future Streets may be declared Highways.

LXXXV. And be it enacted, That if any Street already made or hereafter to be made, not being a public Highway, shall at any Time hereafter be paved or put into good Order to the Satisfaction of the Commissioners, then on the Application of the Owner or Owners of the Soil of such Street, or of the greater Part in Value of such Owners, it shall be lawful for the Commissioners, by Writing under their Hands, to declare the same to be a public Highway, and after such Declaration the same shall be a public Highway, and shall be for ever repaired by the Commissioners.

Commissioners to cause Streets to be paved, &c.

LXXXVI. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to cause all or any of the Streets within the Limits of this Act, or any Part thereof, to be repaired, formed, and paved, and the Ground or Soil to be raised, lowered, and altered, in such Manner and with such Materials as they shall think proper, and to lay down or authorize to be laid down, and take up or remove, as they shall think proper, any Tramroad or Tramroads in, along, or across any of such Streets.

Penalty on Persons altering Pavements.

LXXXVII. And be it enacted, That if any Person shall take up or make any Alteration in the Pavement or Carriageway or Footway in any Street within the Limits of this Act, without the Consent in Writing of the Commissioners, except when it may be necessary for repairing any Vault or Drain under such Street, or other such Purpose, every Person so offending shall for every such Offence forfeit a Sum not exceeding Five Pounds; and in case the Person so taking up or altering such Pavement or Carriageway or Footway shall not, within Ten Days after Notice in Writing by the Surveyor to the Commissioners, cause the same to be reinstated as nearly as may be, the Commissioners shall cause the same to be done, and the Charges thereof shall be paid by the Person who shall have taken up or altered such Pavement or Carriageway or Footway.

Owner or Occupier to pave Footways if required.

LXXXVIII. And be it enacted, That the Owner or Occupier of any House or Building abutting upon any Street within the Limits of this Act shall, if required by the Commissioners, have or form with Stones or such Materials as the Commissioners shall prescribe, upon the Sides of such Street, for the whole Length of such House or Building and the Premises occupied therewith, a Causeway or Foot-

way for the Use of Foot Passengers, to the Depth not exceeding Nine Feet.

Commissioners may pave Footways.

LXXXIX. And be it enacted, That it shall be lawful for the Commissioners to pave or make, with such Materials as they shall think fit, any Causeways or Footways for the Use of Foot Passengers in or on the Sides of any Street within the Limits of this Act.

Footways to be kept in repair by the Commissioners.

XC. And be it enacted, That all Causeways or Footways within the Limits of this Act, whether made by the Commissioners or otherwise, which the Commissioners shall deem necessary to be kept up, shall be kept in repair by the Commissioners.

Commissioners may place Fences to Footways.

XCI. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to place such Fences and Posts on the Side of any Footways or Carriageways within the Limits of this Act as may protect such Footways from any Carriage or Animals going on the same, and also to place any Posts in any Carriageways so as to make the Crossings thereof less dangerous for Foot Passengers, and also from Time to Time to repair any such Fences or Posts, or to remove the same, or any other Obstructions to any Carriageway or Footway within the Limits of this Act, as they shall think fit.

Power to take Materials for Pavements from waste Lands without Payment, or from private Lands, making Compensation.

XCII. And be it enacted, That it shall be lawful for the Commissioners, or any Surveyor or any Person to be employed by them, under an Order for that Purpose, to search for, dig, and carry away any Stones, Gravel, Shingle, or other Materials fit for paving and covering the Pavements, and pitching or repairing any Streets within the Limits of this Act, or for any Purposes of this Act, in and from any Waste or Common Land or Beach within the Limits of this Act, without paying for the same, they the Commissioners or other Persons filling up or levelling the Pits; and also to search for, dig, and carry away any such Materials in and from the Lands of any Person where the same may be had and found within the Limits of this Act, such Lands not being a Yard, Garden, Orchard, Park, Wood, Coppice, Nursery, or inclosed Ground planted with any Avenue of Trees for Ornament, they the Commissioners or other Persons filling up the Pits and levelling the Grounds from which such Materials shall be taken, and paying the respective Owners and Occupiers of such Lands reasonable Compensation for the cutting, digging, taking, and carrying away such Materials, and for carrying the same over any inclosed Lands.

Commissioners not to carry away Materials from Lands but by Order of a Justice on Ten Days Notice.

XCIII. Provided always, and be it enacted, That it shall not be lawful for the Commissioners, or any Person acting under their Authority, to search for, dig, or carry away any Materials or Shingle for the Purposes aforesaid out of or from any inclosed Lands, Rabbit Warren, or Beach lying to the West or South of *Rossall Point* within the Limits of this Act, and as far as regards any other inclosed Lands, Rabbit Warren, or Beach within the Limits of this Act, not until Ten clear Days Notice in Writing shall have been given to the Owner and Occupier of such inclosed Lands or Rabbit Warren, or the Owner of such Beach, to appear before a Justice to show

show Cause why such Materials shall not be taken from such Lands, Rabbit Warren, or Beach; and in case such Owner or Occupier shall not attend pursuant to such Notice, or shall not show sufficient Cause why such Materials should not be taken from such Lands, Rabbit Warren, or Beach, it shall be lawful for such Justice to authorize such Person as the Commissioners shall appoint to dig and carry away such Materials at such Times as to such Justice shall seem fit.

Power to purchase or hire Land for depositing Materials.

XCIV. And be it enacted, That it shall be lawful for the Commissioners to purchase or rent any Land, Building, or Premises for procuring or depositing Stone, Gravel, or other Materials for the several Purposes of this Act from any Person willing to sell or let the same.

No Turnpike Toll to be collected.

XCV. And be it enacted, That it shall not be lawful for the Trustees of any Turnpike Road to collect any Toll, or repair or expend any Money on any Road within the Limits of this Act.

Commissioners may be indicted for Want of Repairs of Highways.

XCVI. And be it enacted, That the Commissioners shall be liable to be indicted at Common Law for the Want of the sufficient Repair of any public Highway within the Limits of this Act, in the same Manner as the Inhabitants of the Township of *Thornton* were before the passing of this Act.

Inhabitants rated under the Act to be free from Highway Rates.

XCVII. And be it enacted, That every Inhabitant who shall be assessed to the Rates made under this Act for any Lands within the Limits of this Act shall be released from all Rates and Assessment or Statute Duty for the Repairs of the Highway within the Township of *Thornton* which are beyond the Limits of this Act in respect of such Lands.

Power to construct Common Sewers.

XCVIII. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to cause such Common Sewers, Drains, Vaults, Culverts, Watercourses, Wells, and Pumps as they may think necessary to be constructed in or under any Street within the Limits of this Act, and also to cause any of the Common Sewers, Drains, Vaults, Culverts, and Watercourses, public Wells or Pumps, which now are or hereafter shall be within the same, to be altered, repaired, cleansed, and completed as to them shall seem necessary, and to carry and continue the same in, to, and through any Lands within the Limits of this Act.

Compensation to be made for Injury by Sewers, &c.

XCIX. And be it enacted, That if any Person interested in any such Lands shall be injured by any such Sewer, Drain, Vault, Culvert, Watercourse, Well, or Pump being carried into or through his Lands, the Commissioners shall pay to such Person a reasonable Compensation for the Damage or Injury sustained by him.

Communication of private Drains with Common Sewers.

C. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to empower any Person to carry any private Drain into any Common Sewer, Drain, Vault, Culvert, or Watercourse already made, or which shall be made by virtue of this Act, according to such Plan as the Commissioners shall direct; but if any Person shall

carry any such private Drain into any Common Sewer, Drain, Vault, Culvert, or Watercourse without the previous Consent of or in any other Manner than shall be directed by the Commissioners, he shall for every such Offence forfeit a Sum not exceeding Five Pounds.

Occupiers to repair private Drains.

CI. And be it enacted, That the Occupier of any House or Land to which any private Drain which now does or hereafter shall issue into any of the said public Sewers, Drains, Vaults, Culverts, or Watercourses shall repair and cleanse the same when required by and according to the Direction of the Commissioners.

Houses to be numbered, and Streets named.

CII. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to cause the Houses and Buildings in the Streets within the Limits of this Act to be numbered, and to cause to be affixed or painted in a conspicuous Part of some House, Building, or Place at or near each End, Corner, or Entrance of every such Street, the Name by which such Street is to be known; and if any Person shall destroy, pull down, or deface any such Number or Name, or shall put up any Number or Name different to the Number or Name put by the Commissioners, he shall forfeit a Sum not exceeding Forty Shillings for every such Offence: Provided always, that nothing herein contained shall empower the said Commissioners to change any Name or Number by which any Street within the Limits of this Act is now known or described.

Future Projections to be removed on Notice.

CIII. And be it enacted, That if the Commissioners shall consider any Porch, Shed, projecting Window, Step, Cellar, Cellar Door or Window, Sign, Sign Post, Sign Iron, Show Board, Window Shutter, Wall, Gate, or Fence, or any other Obstruction or Projection hereafter to be placed against or in front of any House or Building, to be an Annoyance in consequence of the same projecting into, endangering, or rendering less commodious the Passage along any Street within the Limits of this Act, it shall be lawful for them to give Notice in Writing to the Owner or Occupier of such House or Building to remove such Obstruction or Projection, or to alter the same in such Manner as the Commissioners shall think fit; and such Owner or Occupier shall within Seven Days after the Service of such Notice upon him remove such Obstruction or Projection, or alter the same in such Manner as shall have been directed by the Commissioners.

Existing Projections to be removed, and Compensation made.

CIV. And with regard to all Obstructions or Projections of a like Kind as those before mentioned, which have been erected or placed against or in front of any House in any Street or public Place before the passing of this Act, be it enacted, That it shall be lawful for the Commissioners, if they shall consider any such Obstruction or Projection to be an Annoyance in consequence of the same projecting into, endangering, or rendering less commodious the Passage along any Street within the Limits of this Act, to cause the same to be removed or altered, as they shall think fit: Provided always, that the Commissioners shall give Notice in Writing of such intended Removal or Alteration to the Owner and Occupier against or in front of whose House or Building such Obstruction or Projection shall be, Seven Days before such Alteration or Removal shall be commenced, and shall make

make reasonable Compensation to every Person who shall incur any Loss or Damage by such Removal or Alteration.

Doors in future to be made to open inwards.

CV. And be it enacted, That all Doors, Gates, and Bars, not being underground Doors, hereafter to be erected within the Limits of this Act, leading to any House, Building, Yard, or Land, and which shall open upon or towards any public Street, shall be constructed so as to open into or towards such House, Building, Yard, or Land, and if any such Door, Gate, or Bar shall be constructed so as to open in any other Manner it shall be lawful for the Commissioners or their Surveyor to alter the same, and the Expences of such Alteration shall be paid to the Commissioners by the Person who shall have caused such Door, Gate, or Bar to be so constructed, and such Person shall, in addition, be liable to a Penalty not exceeding Forty Shillings.

Doors opening outwards to be altered by Commissioners.

CVI. And be it enacted, That if any such Door, Gate, or Bar already erected shall have been so constructed as to open outwards towards or upon any public Street, it shall be lawful for the Commissioners to alter the same, so that no Part thereof opening, or when open, shall project over any public Way.

Ruinous or dangerous Houses to be taken down or secured.

CVII. And whereas it may happen that some of the Houses or Buildings within the Limits of this Act are sometimes in so ruinous a Condition that Passengers passing by may be in danger of their Lives or some bodily Harm from the falling thereof, or of Bricks, Stones, or Timber therefrom; be it therefore enacted, That on any Information, signed by Four or more Householders living within the Limits of this Act, that any such House or Building is in a ruinous or dangerous Condition, it shall be lawful for any Two Justices to cause the same to be surveyed by Two Surveyors, and if such Surveyors shall present that such House or Building is in a ruinous or dangerous Condition, the Commissioners shall, on Notice of any such Presentment being given, and a Copy thereof being laid before them, cause, with all convenient Speed, a sufficient Fence to be put up to guard such House or Building from the Street, and shall also cause Notice in Writing to be given to the Owner thereof, if he can be found within the said Limits, and if not shall cause such Notice in Writing to be left at or fixed upon the said Premises, to repair or take down such House or Building, as the Case shall require, within the Space of Twenty Days then next ensuing; and if such Owner shall not repair or take down the same within the Time so limited, the Commissioners shall with all convenient Speed cause all or so much of such House or Building as shall be in a ruinous Condition, or dangerous to Passengers, to be taken down and secured in such Manner as shall from Time to Time be thought requisite; and all the Charges of putting up every such Fence, and of taking down or securing such ruinous House or Building, shall from Time to Time be paid by the Owner of such House or Building.

The Expence to be levied on the Owner.

CVIII. And be it enacted, That if such Owner can be found within the Limits of this Act, and he shall, on Demand of the Charges aforesaid, neglect or refuse to pay the same, then such Charges may

may be levied by Distress, and any Justice may issue his Warrant accordingly.

In default of the Owner, any subsequent Occupier to be liable.

CIX. And be it enacted, That if such Owner cannot be found within the Limits of this Act, or sufficient Distress of his Goods and Chattels cannot be met with wherefrom such Charges may be levied, then the Person who shall at any Time thereafter occupy any such House or Building, or the Ground whereon the same stood, as Tenant to such Owner, is hereby required to pay the same, and in default of Payment, on Demand, by the Commissioners, the same may be levied by Distress, and any Justice may issue his Warrant accordingly; and the Owner shall allow every such Occupier all Charges which he shall so pay, or which shall be levied by Distress from him, out of the Rent from Time to Time becoming due to him, as if the same had been actually paid to him as Part of such Rent: Provided always, that no Occupier shall be liable to pay more Money in respect of such Charges as aforesaid than what he could lawfully deduct from the Rent due to such Owner at the Time of Demand made upon him for such Charges, in case he shall pay the same, or any Part thereof, on Demand, or at the Time of the issuing the Warrant of Distress, in case such Charges, or any Part thereof, shall be levied by Distress.

Occupier not to pay more than he can deduct from his Rent.

Commissioners may sell the old Materials of such Houses.

CX. And be it enacted, That in case any such House or Building as aforesaid, or any Part of the same, shall be pulled down by virtue of the Powers aforesaid, it shall be lawful for the Commissioners to sell the Materials thereof, or so much of the same as shall be pulled down, and to apply the Proceeds of such Sale in Payment of the Charges incurred in respect of such House or Building, and the Commissioners shall restore any Overplus arising from such Sale to the Owner of such House or Building, on Demand; nevertheless the Commissioners, although they shall sell such Materials for the Purposes aforesaid, shall have the same Remedies for compelling the Payment of so much of the said Charges as may remain due after the Application of the Proceeds of such Sale as are herein-before given to them for compelling the Payment of the whole of the said Charges.

Where Houses are taken down; Commissioners may take Land to improve the Street.

CXI. And be it enacted, That where any House or Building in or near any Street within the Limits of this Act shall be burnt or pulled down, or shall be intended to be rebuilt, and the Commissioners shall be desirous of widening such Street, or of making any Alteration in the Line of the House or Building, it shall be lawful for them to purchase any Part of the Site of such House or Building, or of the Land occupied therewith, in the same Manner as they are authorized to purchase any Land under the Powers of this Act; and all Powers and Provisions herein contained for the Purchase of the Land, and for ascertaining the Value thereof, and any Damage sustained by the Persons interested therein, and for the Payment and Investment of the Purchase Monies, and for the Payment of the Expences attending the Purchase of any such Land by the Commissioners, shall be applicable to any such House or Building and the Land occupied therewith.

Projecting Houses when taken down to be set back.

CXII. And be it enacted, That when any House or Building, any Part of which now projects beyond the regular Line of the Street, or beyond the Front of the House or Building on either Side thereof, in any Street within the Limits of this Act, shall be taken down to be rebuilt or altered, the same shall be set back to the Line of the Street, or the Line of the adjoining House or Building, in such Manner as the Commissioners shall direct for the Improvement of such Street; and when the next House or Building shall not adjoin the House or Building to be so taken down, but shall be separated therefrom, then the same shall be set back to the Line of such Street: Provided always, that the Commissioners shall make full Compensation to any such Owner for any Loss or Damage he may sustain in consequence of his House being set back according to the Provisions herein contained.

Houses built contrary to the Act to be taken down.

CXIII. And be it enacted, That it shall be lawful for the Commissioners to cause any House or Building which shall be rebuilt or erected contrary to the Provisions of this Act to be taken down or regulated according to the Provisions of this Act; and the Expences of such Alteration shall be repaid to the Commissioners by the Owner of the House or Building so altered or rebuilt.

Houses may be set forward.

CXIV. And be it enacted, That it shall be lawful for the Commissioners to allow any Building to be advanced for the Purpose of improving the Line of the Street or Place in which such Building may be situate, or any Building adjacent thereto.

Waterspouts to be affixed.

CXV. And be it enacted, That the Owner or Occupier of every House or Building in or adjoining any Street within the Limits of this Act shall, within Seven Days next after Service of any Order of the Commissioners for that Purpose, put up and for ever afterwards keep in good Condition, a Shute or Trough of the whole Length of such House or Building, with a Pipe or Trunk to be fixed to the Front or Side of such Building from the Roof to the Ground, to carry off the Water from the Roof thereof, in such Manner that the Water from such House shall not fall upon the Persons passing near the same.

Underground Drains to be formed.

CXVI. And be it enacted, That the Owner or Occupier of any House or Building in any Street within the Limits of this Act shall cause the Water to be conveyed from such House or Building, either by Drains or Tunnels below the Surface of the Pavement or Flagging of the Footpath, or by means of Iron Drain Gutters to be fixed in the Flagging or Pavement; and for that Purpose it shall be lawful for any such Owner or Occupier to take up so much of the Pavement or Flagging of any Street as may be requisite, and to lay down the said Drains or Tunnels, or fix the said Iron Drain Gutters, under the Direction of the Commissioners or their Surveyor; and all Damage which may thereby be occasioned to the Pavement or Flagging of the Footpath or Carriageway shall be made good at the Expence of such Owner or Occupier.

CXVII. And

Vaults and Drains to be substantially made.

CXVII. And be it enacted, That all Vaults and Drains hereafter to be made under any Street within the Limits of this Act shall be substantially made, and so as not to interfere with any Drains or Sewers under the Control of the Commissioners, without their Consent; and if any Arch, Vault, or Drain shall be made contrary to the Provisions of this Act it shall be lawful for the Commissioners to fill up the same, and to recover the Expences incurred thereby from the Person making such Vault or Drain.

Vaults and Drains to be kept in repair.

CXVIII. And be it enacted, That all Vaults or Drains under any Street within the Limits of this Act shall be kept in substantial Repair to the Satisfaction of the Commissioners; and in case any such Vault or Drain shall at any Time not be in such substantial Repair, it shall be lawful for the Commissioners to put the same into substantial Repair, and to recover the Expences incurred thereby from the Occupier thereof; and such Occupier shall forfeit a Sum not exceeding Twenty Shillings for every Day such Vault or Drain shall continue out of substantial Repair, after Notice shall have been given him by the Commissioners to repair the same, and a reasonable Time for completing such Repair shall have elapsed since the Service of such Notice.

Coverings for Cellar Doors to be made.

CXIX. And be it enacted, That when any Opening is now or shall hereafter be made in the Paving or Soil of any Pavement or Footpath within the Limits of this Act, as an Entrance into any Vault or Cellar, a Door or Covering shall be made by the Occupier of such Vault or Cellar, of Iron, or such other Material and in such Manner as the Commissioners shall direct; and such Door or Covering shall from Time to Time be kept in good Repair by the Occupier of such Vault or Cellar; and if the Occupier of any such Vault or Cellar shall not, within a reasonable Time, make such Door or Covering, or shall make any such Door or Covering contrary to the Directions of the Commissioners, or shall not keep the same, when made, in good Repair, he shall forfeit for every such Offence a Sum not exceeding Five Pounds.

Houses not to be thatched.

CXX. And be it enacted, That no House or Building hereafter to be built in or near any Street within the Limits of this Act shall be thatched, wholly or in part; and in case any such House or Building shall be so thatched, the Owner thereof shall forfeit the Sum of Forty Shillings for every Week during which the same or any Part thereof shall continue to be thatched.

Hoards to be set up during Repairs.

CXXI. And be it enacted, That every Person who shall build or take down any House or other Building whatever within the Limits of this Act, or cause the same to be so done, or who shall alter or repair the outward or external Part of any House or other such Building, or cause the same to be so done, shall, where any Street or Footway shall be obstructed or rendered inconvenient by means of such Work, cause to be erected before commencing the same sufficient Hoards or Fences, in order to guard every such House or Building from the Street in which the same may be situate, together with a convenient Platform and Handrail, if there shall be sufficient

Space

Space for the same, to serve as a Footway for Passengers outside of such Hoard or Fence, and shall continue such Hoard or Fence, with such Platform and Handrail as aforesaid, standing and in good Condition during such Time as may be necessary for the public Safety or Convenience, and shall in all Cases in which the same shall be necessary to prevent Accidents light or cause the same to be sufficiently lighted during the Night; and if any such Person shall refuse or neglect to erect any such Fence or Hoard, or Platform, with such Handrail as aforesaid, or to continue the same respectively standing and in good Condition during the Time aforesaid, or shall not whilst the said Hoard or Fence is standing keep the same sufficiently lighted in the Night, or shall not remove the same when directed by the Commissioners within a reasonable Time afterwards, then every Person so offending shall for every Offence forfeit a Sum not exceeding Five Pounds.

Penalty for not lighting Places where Deposits of Building Materials are placed or Excavations made.

CXXII. And be it enacted, That when any Building Materials, Rubbish, or other Things shall be laid, or any Hole or Excavation shall be made, in any of the Streets within the Limits of this Act, the Person causing such Materials or other Things to be so laid, or the said Hole or Excavation to be made, shall, at his own Expence, cause a sufficient Light to be fixed in a proper Place upon or near the same, and continue such Light every Night from Sun-setting to Sun-rising, during the Time such Materials, Hole, or Excavation shall remain; and such Person shall, at his own Expence, cause such Materials or other Things, and such Hole or Excavation, to be sufficiently fenced and inclosed until such Materials or other Things shall be removed, or the Hole or Excavation filled up or otherwise made secure; and in case such Person shall refuse or neglect so to light, fence, or inclose such Materials or other Things, or such Hole or Excavation, every Person so offending shall for every Offence forfeit a Sum not exceeding Five Pounds.

Penalty for continuing Deposits of Building Materials or Excavations an unreasonable Time.

CXXIII. Provided always, and be it enacted, That in no Case shall any such Building Materials or other Things, or such Hole or Excavation, be permitted to remain for an unnecessary Time, under a Penalty not exceeding Five Pounds, to be paid for every such Offence by the Person causing such Materials or other Things to be laid, or such Hole or Excavation to be made; and in any such Case Proof of the Necessity of a Continuance thereof respectively shall be upon the Person so causing such Materials or other Things to be laid, or causing such Hole or Excavation to be made.

Dangerous Places to be repaired or inclosed.

CXXIV. And be it enacted, That if any Building or Excavation, or any Land or Place contiguous to any Street within the Limits of this Act, shall for Want of sufficient Repair, Protection, or Inclosure be dangerous to the Passengers along such Street, it shall be lawful for the Commissioners to cause the same to be repaired, protected, or inclosed, so as to prevent any Danger therefrom; and the Charges of such Repair, Protection, or Inclosure shall be repaid to the Commissioners by the Owner of the Premises so repaired, protected, or inclosed.

CXXV. And

Commissioners may close Streets during Repairs.

CXXV. And be it enacted, That it shall be lawful for the Commissioners, during such Time as any Street within the Limits of this Act is making or repairing, or during the making of any Sewer or Drain by the Commissioners or under their Authority, to close such Street, or any Part of the same, by such Ways or Means as they shall think fit.

In default of the Party liable, the Commissioners to execute Works and recover Expences.

CXXVI. And whereas many Works, Acts, and Things are required by this Act to be done by the Owners and Occupiers of Houses, Buildings, or Land, and other Persons, for the Improvement of the Streets, Sewers, and Drains within the Limits of this Act, and for other Purposes herein-before mentioned; and it is necessary to provide for the Execution of all such Works, Acts, or Things in case the same shall not be done by the Persons required to do the same; be it enacted, That wherever any such Work, Act, or Thing shall not be done by the Owner or Occupier, or other Person required to do the same by the Provisions of this Act, in the Manner or at the Time prescribed by this Act, or by any Notice given by the Commissioners for that Purpose in pursuance of this Act, or, if no Time shall be prescribed, within a reasonable Time, it shall be lawful for the Commissioners to cause such Work, Act, or Thing to be done, and the Expences which shall be incurred by the Commissioners in respect of such Work, Act, or Thing shall be repaid to them by the Owner, Occupier, or other Person by whom the same ought to have been done.

Occupiers to recover against Owners in certain Cases.

CXXVII. And be it enacted, That in all Cases where any such Work, Act, or Thing is required by this Act to be done by the Owner or Occupier of any House, Building, or Land, (without designating by which of the said Parties the same ought to be done,) and the Occupier of such House, Building, or Land shall be the Tenant of the same, at a Rent amounting to or exceeding Three Fourths of the net annual Value thereof, the Expences which shall be incurred by or recovered from the Occupier in respect of such Work, Act, or Thing shall be repaid to such Occupier by the Owner of the House, Building, or Land, and the Owner shall allow such Occupier the Amount of all such Expences out of the Rent from Time to Time becoming due to him, as if the same had been actually paid to him as Part of such Rent.

Adjustment between Owners and Occupiers.

CXXVIII. And be it enacted, That in all Cases, except as herein-before mentioned, where any Work, Act, or Thing is required by this Act to be done by the Owner or Occupier of any House, Building, or Land, (without designating as aforesaid,) the Expences which shall be incurred by or be recovered from any such Owner or Occupier in respect of such Work, Act, or Thing shall be divided between the Owner and Occupier in the Proportion of the Value of their respective Interests in such House, Building, or Land; and in estimating the Value of such Interests, the Owner shall be deemed to be entitled to such House, Building, or Land in Fee Simple, subject only to the Term or Interest of the Occupier therein; and if any such Owner or Occupier shall voluntarily or by Compulsion pay more than his Share of the Expences, estimated as aforesaid, of

any such Work, Act, or Thing, the Excess shall be repaid to him by the Occupier or Owner, as the Case may be; and if the same be not so paid, on Demand, or if the Amount of the same shall be disputed, such Excess shall be ascertained and recovered in the same Manner as any Damages, for the ascertaining and Recovery of which no special Provision is contained in this Act, are directed to be ascertained and recovered; and if such Excess shall be payable by the Owner, he shall allow the same, or so much thereof as shall not be repaid by him to the Occupier, out of the Rent from Time to Time due or becoming due to him, as if the same had been actually paid to him as Part of such Rent.

Streets to be cleansed and watered.

CXXIX. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to cause all or any of the Streets within the Limits of this Act to be cleansed and watered, and the Dirt, Ashes, and Rubbish, except any such as shall be reserved by the Occupiers for their own Use, to be removed from any House or Premises within the Limits of this Act, at such Time and in such Manner as they shall appoint.

Occupiers allowed to use their own Ashes, &c.

CXXX. Provided always, and be it enacted, That it shall be lawful for any Occupier of any House or Premises within the Limits of this Act to keep and remove any such Dirt, Ashes, or Rubbish as shall be made on his own Premises, and shall be reserved for Manure, so as the same be kept within the Yard or Garden attached to and lying at the Back of such House or Premises, and be not a Nuisance to the Inhabitants residing near such Premises.

Duties of the Street Scavengers to be performed under Penalties.

CXXXI. And be it enacted, That the Persons employed by or contracting from Time to Time with the Commissioners for cleansing and watering the Streets within the Limits of this Act, or any of them, or for removing the Dirt, Ashes, and Rubbish from any Houses or Premises therein, shall be called the Scavengers; and such Scavengers, or their Servants, shall on such Days, and at such Hours, and in such Manner as the Commissioners shall from Time to Time appoint, sufficiently water the said Streets, or such of them as they shall respectively contract or be employed to water, and shall collect together all Dirt, Ashes, and Rubbish from all such Streets and Houses and Premises which they shall contract or be employed to collect Dirt, Ashes, and Rubbish from within the Limits of this Act, except such Dirt, Ashes, and Rubbish as shall be kept by the Occupiers of such Houses and Premises for their own Use, under the Provisions herein contained, and shall carry away the Dirt, Ashes, and Rubbish so collected to such Place as shall be appointed by the Commissioners for the depositing of the same; and if any such Scavenger fail to water any Street which he shall contract or be employed to water at the Time or in the Manner appointed by the Commissioners, or to remove any Dirt, Ashes, or Rubbish which he shall contract or be employed to remove at the Time or in the Manner prescribed by the Commissioners for that Purpose, or shall deposit any of such Dirt, Ashes, or Rubbish in any other Place than as shall be appointed by the Commissioners for that Purpose, he shall for every such Offence forfeit a Sum not exceeding Five Pounds.

CXXXII. And

Penalty on Occupiers obstructing Scavengers.

CXXXII. And be it enacted, That every Occupier of a House or other Building within the Limits of this Act shall forfeit any Sum not exceeding Forty Shillings for every Time he shall prevent any Scavenger, or his Servants, from removing any Dirt, Ashes, or Rubbish which such Scavenger is hereby authorized to remove from his House or Premises.

Penalty on other Persons than Scavengers removing Dirt.

CXXXIII. And be it enacted, That if any Person, other than the Scavenger for the Time being or some Person employed by him, shall collect or carry away any Dirt, Ashes, or Filfth from any Street within the Limits of this Act, or from any House or Building therein, except as aforesaid, he shall forfeit for every such Offence a Sum not exceeding Forty Shillings.

Occupiers to cause Footways to be swept.

CXXXIV. And be it enacted, That the respective Occupiers of Buildings, Yards, and Lands within or adjoining the Streets within the Limits of this Act shall once in every Day (*Sundays* excepted), before Ten of the Clock in the Forenoon of each Day, cause to be swept and cleansed the Footways and Pavements in front or at the Side of their respective Buildings, Yards, and Lands, and shall also cause the Dirt, Dust, and Soil therefrom to be left on the Road clear of the Water Channel; and every such Occupier making default herein shall for every such Offence forfeit a Sum not exceeding Five Shillings: Provided always, that for the Purpose aforesaid the Owner of any House let out into divided Apartments shall be deemed the Occupier.

Commissioners may compound for sweeping Footways;

CXXXV. And be it enacted, That it shall be lawful for the Commissioners to compound, for such Time as they think fit, with any Person liable to sweep or clean any Footway under the Provisions of this Act, for sweeping and cleaning the same in the Manner by this Act directed.

may cause Footways to be swept;

CXXXVI. And be it enacted, That it shall be lawful for the Commissioners to cause any Footway within the Limits of this Act to be swept or cleansed in such Manner and at such Times as they shall think fit.

and may order Nuisances to be abated.

CXXXVII. And be it enacted, That if any Foundry, Candle-house, Melting-house, Melting-place, or Soap-house hereafter to be erected or made, or any Slaughter-house, Boiling-house for Offal, Hogsty, unclosed or uncovered Yard or Place for the Deposit or sifting of Lime, Necessary House, Dunghill, Manure Heap, or other offensive Building, Place, or Matter, in or near any Street within the Limits of this Act, shall be a Nuisance to any Inhabitant, it shall be lawful for the Commissioners, upon Complaint made by any Inhabitant, to inquire into the Matter of such Complaint; and if the Commissioners shall consider such Building, Place, or Matter of which such Complaint shall be made to be a Nuisance, it shall be lawful for them, by Notice in Writing, to order the Person by or on whose Behalf such Nuisance is carried on, kept, or made to discontinue or remedy the same.

CXXXVIII. And

Penalty for Disobedience of Commissioners Order.

CXXXVIII. And be it enacted, That if such Nuisance as aforesaid shall not be discontinued or remedied within Five Days after the Service of such Notice, the Person by or on whose Behalf such Nuisance is carried on, kept, or made shall be liable to a Penalty not exceeding Five Pounds for every Day during which such Nuisance shall be continued or unremedied after the Expiration of Five Days from the Service of the said Notice: Provided always, that when any Person who shall think himself aggrieved by any Order of the Commissioners shall, according to the Provisions contained in this Act, appeal against such Order, such Person shall not be liable to discontinue or remedy the Nuisance mentioned therein, or to pay any Penalty, until after the Expiration of Five Days after the Determination of such Appeal and the Confirmation of the Order of the Commissioners, unless such Appeal shall cease to be prosecuted.

Penalty for suffering Dogs to go at large after Notice.

CXXXIX. And be it enacted, That if any Person shall, after public Notice given by any Justice directing Dogs to be confined on account of Suspicion of Canine Madness, suffer any Dog to be at large within the Limits of this Act during the Time specified in such Notice, every Person so offending shall for every Offence forfeit a Sum not exceeding Five Pounds.

Dogs suspected to be mad may be destroyed.

CXL. And be it enacted, That it shall be lawful for any Constable or other Officer appointed by virtue of this Act to destroy any Dog or other Animal within the Limits of this Act reasonably suspected to be in a rabid State, or to have been bitten by any Dog or Animal reasonably suspected to be in a rabid State.

Penalty for suffering mad Dogs to be at large.

CXLI. And be it enacted, That the Owner of any such Dog or Animal who shall permit the same to go at large within the Limits of this Act, after having Information or reasonable Ground for believing it to be in a rabid State, or to have been bitten by any Dog or other Animal in a rabid State, shall be liable to a Penalty not exceeding Five Pounds.

Power to impound stray Cattle.

CXLII. And be it enacted, That if any Horse, Cattle, or other Animal shall at any Time be found at large in any of the Streets within the Limits of this Act, without any Person therewith claiming the same, it shall be lawful for any Constable or Officer of Police, or for any of the Inhabitants or Persons residing within the Limits of this Act, to seize and impound any such Horse, Cattle, or Animal in the common Pound of *Fleetwood*, or in such other Place as the Commissioners shall appoint for that Purpose, and to detain the same therein until the Owner thereof shall for each Animal so impounded pay a Sum of Money not exceeding Ten Shillings to the Commissioners, and also the Sum of One Shilling to the Person impounding the same, besides the reasonable Expences of impounding and keeping the same.

Power to sell stray Cattle for Penalty and Expences.

CXLIII. And be it enacted, That if the said Sums and Expences shall not be paid within Three Days after such impounding, it shall be lawful for the Pound Keeper, or such other Person as shall be appointed by

by the Commissioners, to sell or cause to be sold any such Animal, but previous to such Sale Seven Days Notice thereof shall be given to or left at the Dwelling House or Place of Abode of the Owner of such Animal, if the Owner thereof shall be known, or if not, then Notice of such intended Sale shall be given by Advertisement, to be inserted Seven Days before such Sale in some Newspaper published or circulated within the Limits of this Act; and the Money arising from such Sale, after deducting the said Sums and the Expences aforesaid, and such other Expences as may attend the keeping and Sale of any such Animal so impounded, shall be paid to the Commissioners, to be by them paid to the Person whose Property the Animal so sold shall appear to have been, and which Money the Commissioners are hereby required to pay, on Demand.

Persons guilty of Pound-breach or Rescue of Distress to be committed for Three Months.

CXLIV. And be it enacted, That in case any Person shall release or attempt to release from the Pound or Place where the same shall be impounded any Horse, Cattle, or Animal which shall be seized, for the Purpose of being impounded, under the Authority of this Act, or shall pull down, damage, or destroy the same Pound or Place, or any Part thereof, or any Lock or Bolt belonging thereto, or with which the same shall be fastened, or shall rescue or release, or attempt to rescue or release, any Distress or Levy which shall be made under the Authority of this Act, until such Horse, Cattle, or Animal seized or impounded, or such Distress or Levy so made, shall be discharged by due Course of Law, every Person so offending shall, upon Conviction thereof before any One Justice, be committed by him to the Common Gaol or House of Correction of *Preston*, there to remain without Bail for any Time not exceeding Three Months.

Power to provide a Pound.

CXLV. And be it enacted, That it shall be lawful for the Commissioners to purchase a Piece of Land within the Limits of this Act for the Purpose of a Pound from any Person willing to sell the same, and to erect a Pound thereon, or to purchase the present Pound and Piece of Land on which it stands; and such Pound, when made or purchased, shall be kept in repair by the Commissioners, and appropriated by them for ever as a Pound, for the Use of the Inhabitants within the Limits of this Act.

Penalty for conveying offensive Matter at improper Times.

CXLVI. And be it enacted, That every Person who, within the Limits of this Act, shall empty or begin to empty any Privy between the Hours of Six in the Morning and Twelve at Night, or remove along any Thoroughfare any Night-soil, Soap Lees, Ammoniacal Liquor, or other noisome or offensive Matter, except Horse and Cow Dung, between the Hours of Six in the Morning and Eight in the Evening, or who shall at any Time use for any such Purpose any Cart or Carriage not having a proper Covering, or who shall wilfully or carelessly slop or spill any such offensive Matter in the Removal thereof, or who shall not carefully sweep and clean every Place in which any such offensive Matter shall have been placed, slopped, or spilled, or shall put or spill any such offensive Matter in any Sewer, Sink, Drain, Grating, or Watercourse, shall forfeit any Sum not exceeding Forty Shillings; and in default of the Apprehension of

the actual Offender, the Owner of the Cart or Carriage employed for any such Purpose shall be deemed to be the Offender.

Penalty on Blacksmiths and others using Forges for not closing their Windows after Sunset.

CXLVII. And be it enacted, That if any Blacksmith, Whitesmith, Anchorsmith, Nailmaker, or other Person using a Forge, and having a Door, Window, or Aperture fronting or opening into or towards any Street within the Limits of this Act, shall not close such Door or fasten the Shutters or other Fastenings of such Windows, and close such Aperture every Evening within One Half Hour after Sunset, so as effectually to prevent the Light from shining through the Doorway, Window, or Aperture into or upon such Street, every Person so offending shall for every Offence forfeit a Sum not exceeding Twenty Shillings.

Penalty for setting Chimney on fire.

CXLVIII. And be it enacted, That if any Person shall wilfully set or cause to be set on fire any Chimney within the Limits of this Act he shall for every such Offence forfeit a Sum not exceeding Five Pounds; provided that nothing herein contained shall extend to any Case in which the Person so setting or causing to be set on fire any Chimney shall be liable to be indicted for Felony.

Penalty for having Chimney on fire.

CXLIX. And be it enacted, That if the Chimney of any Person shall catch or be on fire within the Limits of this Act, every Person (being the Party occupying or using such Chimney) shall, so often as the same shall occur, forfeit a Sum not exceeding Ten Shillings: Provided always, that such Forfeiture shall not be incurred if such Person shall prove to the Satisfaction of a Justice that such Fire was in no ways owing to Omission, Neglect, Carelessness, or Fault of himself or Servant.

Penalty of 40*s.* for certain Offences in the Streets.

CL. And be it enacted, That every Person shall be liable to a Penalty of not more than Forty Shillings who in any Street within the Limits of this Act shall commit any of the following Offences; (that is to say,)

Every Person who shall, to the Annoyance of the Inhabitants or Passengers, expose for Show, Hire, or Sale, except in a Market lawfully appointed for that Purpose, or feed or fodder any Horse or other Animal; or show any Caravan or Carriage containing any Animal, or any other Show or public Entertainment; or shoe, bleed, or farry any Horse or Animal (except in Cases of Accident); or clean, dress, exercise, train, or break, or turn loose any Horse or Animal; or clean, make, or repair any Part of any Cart or Carriage, except in Cases of Accident, where Repair on the Spot is necessary:

Every Person who shall suffer to be at large any unmuzzled ferocious Dog, or set on or urge any Dog or other Animal to attack, worry, or put in fear any Person, Horse, or other Animal:

Every Person who by Negligence or Ill-usage in driving Cattle shall cause any Mischief to be done by such Cattle, or who shall in anywise misbehave himself in the driving, Care, or Management of such Cattle; and also every Person not being hired or employed to drive such Cattle who shall wantonly and unlawfully pelt, drive, or hunt any such Cattle:

Every Person who shall slaughter any Cattle or dress any Cattle, or any Part thereof, except in the Case of any overdriven Cattle, or which may have met with any Accident, and which it may be impossible to get to any Slaughter-house, and which the public Safety or other Circumstances may require to be killed on the Spot:

Every Person, having the Care of any Waggon, Cart, or Carriage, who shall ride on any Part thereof, or on the Shafts, or on any Horse or other Animal drawing the same, without having Reins and holding the same, or who shall be at such a Distance from such Cart, Waggon, or Carriage as not to have the complete Control over every Horse or other Animal drawing the same, or shall not keep the Waggon, Cart, or Carriage to the Left or near Side, except in case of actual Necessity or some sufficient Reason for Deviation, or shall wilfully prevent any Person or Carriage from passing him or any Carriage under his Care:

Every Person who shall drive any Horse or other Animal drawing any Waggon, Cart, or other such Carriage at any faster Rate than a common Walk:

Every Person who shall ride or drive furiously, or so as to endanger the Life or Limb of any Person, or to the common Danger of the Passengers in any Thoroughfare:

Every Person who shall cause any public Carriage, Sledge, Truck, or Barrow, with or without Horses, to stand longer than may be necessary for loading or unloading, or for taking up or setting down Passengers, except Hackney Carriages standing for Hire in any Place appointed for that Purpose by the Commissioners; and every Person who by means of any Cart, Carriage, Sledge, Truck, or Barrow, or any Horse or other Animal, shall wilfully interrupt any public Crossing, or wilfully cause any Obstruction in any Thoroughfare:

Every Person who shall draw any Timber, Stone, or other weighty Article, without the same being placed upon or suspended from a wheeled Carriage proper for that Purpose:

Every Person who shall cause any Tree or Timber to be drawn in or upon any Timber Carriage, without having to guide and direct the hind Wheels of such Carriage a Person who shall not be under the Age of Eighteen Years, and who shall be of sufficient Strength to guide and direct the same by means of a Rope or Chain attached to the Steerer thereof:

Every Person who shall lead or ride any Horse or other Animal, or draw or drive any Cart or Carriage, Sledge, Truck, or Barrow, upon any Footway or Curbstone, or fasten any Horse or other Animal so that it may stand across or upon any Footway:

Every Person who shall place or leave any Furniture, Goods, Wares, or Merchandize, or any Cask, Tub, Basket, Pail, or Bucket, or place or use any Standing Place, Stool, Bench, Stall, or Showboard on any Footway, or shall place any Blind, Shade, Covering, or Awning over or along any such Footway, unless such Blind, Shade, Covering, or Awning shall be Eight Feet in Height at least in every Part thereof from the Surface of such Footway, and shall extend over the whole Breadth of such Footway:

Every

Every Person who shall place, hang up, or otherwise expose to Sale any Goods, Wares, Merchandize, Matter, or Thing whatsoever, so that the same shall project into or over any Footway, or beyond the Line of any House, Shop, or Building at which the same shall be so exposed, so as to obstruct or incommode the Passage of any Person over or along such Footway:

Every Person who shall roll or carry any Cask, Tub, Hoop, or Wheel, or any Ladder, Plank, Pole, Timber, or Log of Wood upon any Footway, except for the Purpose of loading or unloading any Cart or Carriage, or of crossing the Footway:

Every Person who shall suffer any Goods or Merchandize, or any Coal or Fuel intended for any House, to remain in any Street for a longer Period than shall be necessary for the housing or removing thereof:

Every Person who shall place any Line, Cord, or Pole across any Street, or hang or place any Clothes thereon, to the Danger or Obstruction of any Person:

Every Person who shall carry or convey, or cause to be carried or conveyed, the Carcase or any Part of the Carcase of any newly-slaughtered Cattle without a sufficient Cloth Covering to the same:

Every common Prostitute or Night Walker loitering or being in any Thoroughfare or public Place for the Purpose of Prostitution or Solicitation, to the Annoyance of the Inhabitants or Passengers:

Every Person who shall wilfully or indecently expose his Person in any Street or public Place:

Every Person who shall sell or distribute, or offer for Sale or Distribution, or exhibit to public View any profane, indecent, or obscene Book, Paper, Print, Drawing, Painting, or Representation, or sing any profane, indecent, or obscene Song or Ballad, or write or draw any indecent or obscene Word, Figure, or Representation, or use any profane, indecent, or obscene Language, to the Annoyance of the Inhabitants or Passengers:

Every Person who shall use any threatening, abusive, or insulting Words or Behaviour with Intent to provoke a Breach of the Peace, or whereby a Breach of the Peace may be occasioned:

Every Person who shall blow any Horn, or use any other noisy Instrument for the Purpose of calling Persons together, or of announcing any Show or Entertainment, or for the Purpose of hawking, selling, distributing, or collecting any Article whatsoever, or of obtaining Money or Alms:

Every Person who shall wantonly discharge any Firearm, or throw or discharge any Stone or other Missile, to the Damage or Danger of any Person, or make any Bonfire, or throw or set fire to any Firework:

Every Person who shall wilfully and wantonly disturb any Inhabitant by pulling or ringing any Door Bell, or knocking at any Door, without lawful Excuse, or who shall wilfully and unlawfully extinguish the Light of any Lamp:

Every Person who shall fly any Kite, or play at any Game, to the Annoyance of the Inhabitants or Passengers, or who shall make

or

or use any Slide upon Ice or Snow, to the common Danger of the Passengers:

Every Person who shall burn, dress, or cleanse any Cork, or cleanse, hoop, fire, wash, or scald any Cask or Tub, or hew, saw, bore, or cut any Timber or Stone, or slack, sift, or screen any Lime:

Every Person who shall throw or lay any Stones, Slates, Shells, Lime, Bricks, Timber, Iron, or other Materials, except Building Materials or the Rubbish thereby occasioned, according to the Provisions herein-before contained:

Every Person who shall beat or shake any Carpet, Rug, or Mat (except Door-mats before the Hour of Eight in the Morning).

Penalty of 40*s.* for certain other Offences.

CLI. And be it enacted, That every Person shall be liable to a Penalty of not more than Forty Shillings who, within the Limits of this Act, shall commit any of the following Offences; (that is to say,)

Every Person who shall fix or place any Flower Pot or Box in any upper Window, without sufficiently guarding the same against being blown or thrown down:

Every Person who shall throw or cast from the Roof or any Part of any House or other Building any Slate, Brick, Part of any Brick, Wood, Rubbish, or other Material or Thing:

Every Person who, without the Consent of the Owner or Occupier, shall affix any Posting Bill or other Paper upon any Building, Wall, Fence, or Paling, or write upon, soil, deface, or mark any such Building, Wall, Fence, or Paling with Chalk or Paint, or in any other Way whatsoever, or wilfully break, destroy, or damage any Part of any such Building, Wall, Fence, or Paling, or any Fixture or Appendage thereunto, or any Tree, Shrub, or Seat in any public Walk, Park, or Garden:

Every Person who shall expose any thing for Sale in any Park or public Garden, unless with the Consent of the Owner of such Park or Garden, or other Person authorized to give such Consent:

Every Person who, to the Danger of Passengers in any Thoroughfare, shall leave open any Vault or Cellar, or the Entrance from any Thoroughfare to any Cellar or Room under Ground, without a sufficient Fence or Hand-rail, or leave defective the Door, Window, or other Covering of any Vault or Cellar, or who shall not sufficiently fence any Area, Pit, or Sewer left open in or adjoining to any Thoroughfare, or who shall leave such open Area, Pit, or Sewer without a sufficient Light after Sunset, to warn and prevent Persons from falling thereinto:

Every Person who shall throw or lay any Dirt, Litter, or Ashes, or any Carrion, Fish, Offal, or Rubbish, on any Street, or throw or cause any such Thing to fall into any Sewer, Pipe, or Drain, or into any Well, Stream, or Watercourse, Pond, or Reservoir for Water, or cause any offensive Matter to run from any Manufactory, Brewery, Slaughter-house, Butcher's Shop, or Dunghill, into any Street or other uncovered Place, whether or not surrounded by a Wall or Fence; provided always, that it shall not be deemed an Offence to lay Sand or other Materials in any

Street in Time of Frost to prevent Accidents, or Litter or other Materials to prevent the freezing of Water in Pipes, or, in case of Sickness, to prevent Noise, if the Party laying any such Things shall cause them to be removed as soon as the Occasion for them shall cease:

Every Person who shall keep any Pigsty to the Front of any Street, not being shut out from such Street by a sufficient Wall or Fence, or who shall keep any Swine in or near any Street, or in any Dwelling, so as to be a common Nuisance:

Every Person who shall, within the Distance of One hundred Yards from any Dwelling House, burn any Rags or any offensive Substance, so that the same shall be a common Nuisance:

Every Person who shall place or keep any offensive Matter in any inclosed or open Ground, so as the same may become a Nuisance or Annoyance to any Inhabitant.

Power to Commissioners to light the Streets.

CLII. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to cause the several Streets within the Limits of this Act, or such of them as they shall think proper, to be lighted with Gas, Oil, or otherwise, at such Times as they shall think fit, and to provide such Lamps, Lamp Posts, Lamp Irons, Pipes, and other Works as may be necessary for that Purpose.

Commissioners may contract for lighting the Streets.

CLIII. And be it enacted, That it shall be lawful for the Commissioners to contract for any Period, not exceeding Three Years at any one Time, with the Owners of any Gas Works for the Supply of such Gas as the Commissioners may think necessary for lighting such Streets.

For ascertaining Price to be paid for Gas in case of Dispute.

CLIV. And be it enacted, That if the Commissioners and the Owners of any Gas Works shall not agree as to the Price to be paid for such Supply, then such Price shall be ascertained by Two Persons, one of whom shall be appointed by the Commissioners, and the other by the other Party; or in case they shall not agree about the same, then by such Third Party as shall have been nominated for that Purpose by such Two Persons before they shall have entered upon the Matter of such Reference.

Commissioners may manufacture Gas in case Parties refuse to supply.

CLV. And be it enacted, That if such Owners shall refuse to agree with the Commissioners for such Supply of Gas, or shall refuse to appoint a Referee in manner aforesaid, or in case such Referees shall not agree in the Appointment of their Umpire, or (such Referees having been appointed) shall refuse to supply such Gas at the Price fixed by such Referees or their Umpire as aforesaid, then it shall be lawful for the Commissioners to manufacture Gas, and to provide Gasometers and all Apparatus and Machinery necessary for the Purpose, and to purchase or rent any Land, not exceeding Two Acres, which may be necessary for the Establishment of such Manufacture.

Power to break up Streets and lay down Pipes, &c.

CLVI. And for the Purpose of enabling the Commissioners, or any Person or Company with whom the Commissioners may contract, to light the said Streets, or any of them, be it enacted, That it shall be lawful for the Commissioners, and any Company or Persons with whom

the Commissioners may contract for lighting the said Streets, or any of them, under the Control and Direction of the Commissioners, to break up the Soil or Pavement of any Street within the Limits of this Act, and to lay and fix therein such Pipes, Lamp Posts, and other Works as they or he may deem necessary for lighting the same, and also to lay and place against any Houses, Buildings, and Inclosures such Pipes, Lamp Posts, Lamp Irons and Lamps, and other Works as they may deem necessary for the Purposes aforesaid: Provided always, that the Commissioners or other Persons as aforesaid shall not lay or continue any Lamp, Lamp Post, Lamp Iron, Pipe, or other Work against or through any private Building, Inclosure, or Land, except with the Consent of the Owner and Occupier thereof.

Service Pipes to be kept fully charged.

CLVII. And be it enacted, That every Branch or Service Pipe which shall be used for lighting with Gas the said Streets shall be kept fully charged with Gas, and the Stopcocks shall be so turned as not to impede any such Branch or Service Pipe being filled with Gas during the Time the same shall be lighted.

Power to Commissioners to supply Individuals with Gas.

CLVIII. And be it enacted, That it shall be lawful for the Commissioners, if they shall manufacture Gas for lighting the Streets within the Limits of this Act, to supply any Inhabitant within the said Limits with Gas, on such Terms and Conditions as shall be agreed upon between the Commissioners and such Inhabitant; and for the Purpose of supplying any such Inhabitant with Gas the Commissioners shall have the same Powers of breaking up the Soil and Pavement of any Street, and laying and fixing any Pipes and other Work therein, as are hereby granted to the Commissioners for the Purpose of lighting any Street within the Limits of this Act.

Penalty on Persons supplying Gas for corrupting Water within the Limits of the Act.

CLIX. And be it enacted, That if any Person making or supplying any Gas within the Limits of this Act shall at any Time cause or suffer to be conveyed or to flow into any Stream, Reservoir, Aqueduct, Pond, or Place for Water within the Limits of this Act, or into any Drain, Sewer, or Ditch communicating therewith, any Washing, Substance, or Thing which shall be produced in making or supplying Gas, or shall do any Act to the Water contained in any such Stream, Reservoir, Aqueduct, Pond, or Place for Water, whereby the Water therein shall be fouled or corrupted, then such Person shall forfeit for every such Offence the Sum of Two hundred Pounds.

Penalty to be sued for in Superior Courts within Twelve Months.

CLX. And be it enacted, That the said Penalty of Two hundred Pounds shall be recovered, with full Costs of Suit, in any of the Superior Courts, by Action of Debt or on the Case, by the Person into whose Water such Washing, Substance, or Thing shall be conveyed or shall flow, or whose Water shall be fouled or corrupted by any such Act as aforesaid: Provided always, that the said Penalty shall not be recoverable unless the same be sued for within Twelve Months after the Offence in respect of which such Penalty shall have been incurred shall have ceased.

Daily Penalty during the Con-

CLXI. And be it enacted, That, in addition to the said Penalty of Two hundred Pounds, and whether such Penalty shall have been recovered

tinuance of the Offence.

recovered or not, the Person making or supplying the Gas as aforesaid shall forfeit the Sum of Twenty Pounds (to be recovered in the like Manner) for each Day such Washing, Substance, or Thing shall be conveyed or shall flow as aforesaid, or the Act by which such Water as aforesaid shall be fouled or corrupted shall continue after the Expiration of Twenty-four Hours from the Time at which Notice of the Offence shall have been served on such Person by the Person into whose Water such Washing, Substance, or Thing shall be conveyed or shall flow, or whose Water shall be fouled or corrupted thereby, and such Penalty shall be paid to such last-mentioned Person.

Daily Penalty during Escape of Gas after Notice.

CLXII. And be it enacted, That whenever any Gas shall escape from any Pipe which shall be laid down or set up by any Person making or supplying any Gas within the Limits of this Act, such Person shall, immediately after receiving Notice in Writing of any such Escape of Gas, prevent such Gas from escaping; and in case such Person shall not within Twenty-four Hours next after Service of such Notice effectually prevent the Gas from escaping, and wholly remove the Cause of Complaint, then he shall for every such Offence forfeit the Sum of Five Pounds for each Day after the Expiration of Twenty-four Hours from the Service of such Notice during which the Gas shall be suffered to escape.

Position of Gas Pipes with reference to Water Pipes.

CLXIII. And be it enacted, That every Pipe for the Conveyance of Gas within the Limits of this Act shall be laid at the greatest practicable Distance, and, if the Width of the Carriageway will admit thereof, at the Distance of Four 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 within the Limits of this Act, except where it shall be necessary to lay the Gas Pipe across any Water Pipe, in which Case such Gas Pipe shall be laid above the Water Pipe at the greatest practicable Distance therefrom, and shall form therewith a Right Angle, and shall be at least Nine Feet in Length, and be so laid down that no Joint of any Gas Pipe shall be nearer to any Part of the Water Pipe than Four Feet.

Manner of laying the Gas Pipes.

CLXIV. And be it enacted, That in laying down any such Gas Pipe no Two of such Gas Pipes shall be joined together previous to their being laid in the Trench, but each Pipe shall be laid as near as may be in its Place in the Trench, and the jointing with the other Pipes to be added thereto shall be made after the Pipes shall be so laid in the Trench, with proper Materials; and every such Pipe, and all Pipes connected or communicating therewith, and all the Screws, Joints, Inlets, Apertures, or Openings therein respectively, shall be made and kept Air-tight, so that in every respect the Gas shall be prevented from escaping therefrom.

Penalty for laying Gas Pipes contrary to the Act.

CLXV. And be it enacted, That if any Gas Pipe shall be laid down, formed, or jointed contrary to any of the Provisions herein contained, or if the Gas shall escape from any such Pipe, the Person to whom such Gas Pipe shall belong shall forfeit for every such Offence the Sum of Ten Pounds, and after Conviction for any such Offence

Offence shall forfeit the Sum of Five Pounds for every Day such Offence shall continue after the Conviction.

Penalty on Persons supplying Gas if any Water is contaminated.

CLXVI. And be it enacted, That whenever any Water within the Limits of this Act shall be contaminated by the Gas of any Person making or supplying or using (in case the User shall have caused such Contamination) Gas within the Limits of this Act, such Person shall forfeit for every such Offence the Sum of Twenty Pounds to the Person whose Water shall be so contaminated or affected.

Daily Penalty during the Continuance of the Contamination after Notice.

CLXVII. And be it enacted, That if the Person so making or supplying Gas shall not within Twenty-four Hours next after Notice in Writing of any Water being contaminated or affected, served on him by the Person whose Water shall be so contaminated or affected, prevent the Gas from contaminating or affecting such Water, such Person shall, over and above the before-mentioned Penalty of Twenty Pounds, forfeit for every such Offence to the Person whose Water shall be contaminated or affected the Sum of Ten Pounds for each Day during which the said Water shall remain contaminated or affected after the Expiration of Twenty-four Hours from the Service of such Notice.

Power to examine Gas Pipes to ascertain Cause of Contamination.

CLXVIII. And whereas it may become a Question upon any such Complaint as aforesaid whether the said Water be contaminated or affected by the Gas of any Person making or supplying Gas within the Limits of this Act; be it therefore enacted, That it shall be lawful for the Person to whom the Water supposed to be contaminated or affected by Gas may belong to dig and examine the Pipes, Conduits, and Apparatus of the Person making or supplying Gas, for the Purpose of ascertaining whether the said Water has been contaminated or affected by the Gas of such Person.

The Expences to abide the Result of the Examination.

CLXIX. And be it enacted, That if upon such Examination it shall appear that such Water has been contaminated or affected by any Gas belonging to such Person, the Expences of the digging, Examination, and Repair of the Street or Place which shall be disturbed in any such Examination shall be paid by the Person making or supplying Gas; but if upon such Examination it shall appear that the Water has not been contaminated or affected by the Gas of such Person, then the Person causing such Examination to be made shall pay all the Expences of Examination and Repair, and also make good to the said Person any Injury which may be occasioned to the Works of the said Person by such Examination.

The Amount of the Expences to be ascertained and recovered as other Damages.

CLXX. And be it enacted, That the Amount of the Expences of every such Examination and Repair, and of any Injury done to the Person making or supplying Gas, shall, in case of any Dispute about the same, together with the Costs of ascertaining and recovering the same, be ascertained and recovered in the same Manner as any Damages for the ascertaining and Recovery of which no special Provision is made by this Act are hereby directed to be ascertained and recovered.

Persons supplying Gas to be liable to Indictment for Nuisance.

CLXXI. Provided always, and be it enacted, That nothing in this Act contained shall protect any Person making or supplying Gas within the Limits of this Act from an Indictment for any Nuisance or any other legal Proceeding to which he may be liable in consequence of the making or supplying such Gas.

Fire Engines and Firemen may be provided by the Commissioners.

CLXXII. And be it enacted, That it shall be lawful for the Commissioners to purchase or provide such Engines for extinguishing Fire, and such Water Buckets, Pipes, and other Apparatus for such Engines, and such Fire Escapes and other Implements for Safety or Use in case of Fire, and to purchase, keep, or hire such Horses for drawing such Engines as they shall think fit, and to build, provide, or hire Places for keeping such Engines and other Apparatus, and to employ a proper Number of Persons to act as Firemen, and to allow them such Salaries and to make such Rules for their Regulation as they shall think proper, and to give such Firemen and other Persons such Rewards for their Exertions in Cases of Fire as they shall think fit.

Power to provide Market Places.

CLXXIII. And be it enacted, That it shall be lawful for the said Sir *Peter Hesketh Fleetwood*, his Heirs and Assigns, to continue and for ever after maintain and improve the present Market Place, and to build or provide within the Limits of this Act, and for ever after to maintain and improve, as they shall think fit, One or more additional Market Place or Market Places for the Sale of Cattle, Animals, and Provisions, and all other marketable Commodities, together with all Stalls, Standings, and other Conveniences and suitable Approaches for all Persons resorting thereto.

Slaughter-houses.

CLXXIV. And be it enacted, That it shall be lawful for the said Sir *Peter Hesketh Fleetwood*, his Heirs and Assigns, to set apart any Buildings for or to erect such Slaughter-houses as he or they shall from Time to Time think sufficient for the slaughtering of Cattle, Beasts, and Swine for the Supply of *Fleetwood* and its Neighbourhood, and for ever afterwards to maintain and improve the same, as he or they shall think fit; provided that nothing in this Act contained shall protect the said Sir *Peter Hesketh Fleetwood*, his Heirs or Assigns, from an Indictment for any Nuisance, or from any other legal Proceeding in respect of any such Slaughter-house.

Owners thereof to be liable for Nuisances.

Weighing and Measuring Houses.

CLXXV. And be it enacted, That it shall be lawful for the said Sir *Peter Hesketh Fleetwood*, his Heirs and Assigns, to erect or otherwise to provide a public Weighing House or Place in or near the said Market Place or Market Places, for weighing or measuring any Meat, Provisions, or other Articles which shall be sold by Weight or Measure in the said Market, and to maintain and improve the same as he or they shall think fit.

Standard Weights and Measures to be kept.

CLXXVI. And be it enacted, That the said Sir *Peter Hesketh Fleetwood*, his Heirs and Assigns, shall keep in every such Weighing House or Place proper Weights, Scales, and Measures, according to the Standard Weights and Measures in the Exchequer at *Westminster*, for weighing or measuring all such Provisions or Articles as aforesaid,

and shall appoint a proper Person to attend the same at all Times during which the Markets shall be holden.

Places for weighing Carts and Carriages.

CLXXVII. And be it enacted, That it shall be lawful for the said Sir *Peter Hesketh Fleetwood*, his Heirs and Assigns, from Time to Time to provide proper Buildings or Places in such convenient Situation within the Limits of this Act as he or they shall think proper, for weighing Waggons, Carts, or Carriages laden with Goods, and to maintain the same, and to provide proper Machines for such Purpose, and to appoint a Person for the weighing of such Carts or Carriages.

No new Market to be opened until reasonable Accommodation provided.

CLXXVIII. And be it enacted, That no additional Market Place under this Act shall be opened for public Use until the Justices assembled at some General Quarter Sessions of the Peace for the County Palatine of *Lancaster* shall have reported that reasonable Accommodation has been provided for public Use in such Market Place.

Certificate thereof.

CLXXIX. And be it enacted, That a Certificate under the Hand of any Chairman of the Quarter Sessions of the Peace for the County Palatine of *Lancaster* at which such Report shall be made shall be conclusive Evidence of the same, and such Chairman shall sign such Certificate at the Request of the said Sir *Peter Hesketh Fleetwood*, his Heirs and Assigns.

Notice of opening.

CLXXX. And be it enacted, That before any of the said additional Market Places shall be opened for public Use the said Sir *Peter Hesketh Fleetwood*, his Heirs or Assigns, shall give Ten Days Notice of the Time at which the same will be opened, and every such Notice shall be given by the Publication thereof in some Newspaper published and circulating within the County Palatine of *Lancaster*, and by printed Handbills or Advertisements posted on the Gates of the present Market Place, and circulated within the Limits of this Act.

Sale elsewhere than in the Markets prohibited.

CLXXXI. And be it enacted, That no Person shall hawk, sell, or expose to Sale in any Place within the Limits of this Act, except in the present Market or in such additional Market Place, or his own Dwelling House or Shop, any Provisions or other Goods or Commodities mentioned in the Schedule (E.) to this Act; and any Person who shall, after the opening of such Market, hawk, sell, or expose to Sale any of the Articles aforesaid in any Place within the Limits of this Act, except in the Markets of the said Sir *Peter Hesketh Fleetwood*, his Heirs and Assigns, or his own Dwelling House or Shop, shall for every Offence be liable to a Penalty not exceeding Forty Shillings.

When sufficient Slaughter-houses provided, Notice to be given.

CLXXXII. And be it enacted, That after sufficient Slaughter-houses for the Accommodation of the District within the Limits of this Act shall have been provided by the said Sir *Peter Hesketh Fleetwood*, his Heirs and Assigns, and the same shall be ready for public Use, the said Sir *Peter Hesketh Fleetwood*, his Heirs or Assigns,

Assigns, shall give Notice that such Slaughter-houses are ready for public Use; and every such Notice shall be published in some Newspaper published and circulating within the Limits of this Act, and also by printed Handbills posted on and circulated within the Limits of this Act.

Penalty for slaughtering elsewhere after Notice.

CLXXXIII. And be it enacted, That after the Expiration of Fourteen Days from the Publication and posting of such Notice in manner aforesaid, no Person shall slaughter or dress any Cattle, Beast, Sheep, or Swine for Sale in any Place within the Limits of this Act other than the said Slaughter-houses; and if any Person shall, after such Time as aforesaid, and so long as the said Sir *Peter Hesketh Fleetwood*, his Heirs or Assigns, shall provide sufficient Slaughter-houses for the Accommodation of the District within the Limits of this Act, slaughter or dress for Sale any such Animal as aforesaid in any Place within the Limits of this Act other than One of such Slaughter-houses, he shall be liable to a Penalty not exceeding Five Pounds for every such Offence.

Justices to decide whether Slaughter-houses are sufficient.

CLXXXIV. And be it enacted, That if any Question shall arise as to whether a sufficient Number of Slaughter-houses had been or continued to be provided by the said Sir *Peter Hesketh Fleetwood*, his Heirs and Assigns, such Question shall be determined bythe Justices before whom any such Penalty as lastaforesaid shall be sued for.

Tolls to be taken for the Market.

CLXXXV. And be it enacted, That it shall be lawful for the said Sir *Peter Hesketh Fleetwood*, his Heirs and Assigns, from Time to Time to demand and take from any Person occupying or using any Stall, Shed, or Stand in such Market Place, or bringing therein any Cattle, Animal, Provisions, Articles, or Things specified in the Schedule marked (E.) to this Act annexed, such Stallage, Rents, and Tolls as the said Sir *Peter Hesketh Fleetwood*, his Heirs and Assigns, or his or their Lessee, shall from Time to Time appoint, not exceeding the several Stallages, Rents, and Tolls specified in the said Schedule.

Tolls for the Slaughter-houses.

CLXXXVI. And be it enacted, That after such Slaughter-houses as aforesaid shall be opened for public Use it shall be lawful for the said Sir *Peter Hesketh Fleetwood*, his Heirs and Assigns, to demand and take from any Person slaughtering Cattle, Sheep, Beasts, and Swine within any such Slaughter-house, such Tolls in respect thereof as they may think proper, not exceeding the several Tolls or Sums of Money specified in the Schedule marked (E.) to this Act annexed.

Tolls for weighing and measuring.

CLXXXVII. And be it enacted, That it shall be lawful for the Person for the Time being appointed to attend the Weighing Houses or Places for weighing or measuring any Articles sold in the said Market by Weight or Measure from Time to Time to demand and take such Tolls as the said Sir *Peter Hesketh Fleetwood*, his Heirs and Assigns, may appoint, not exceeding the several Tolls specified in that Behalf in the Schedule marked (E.) to this Act annexed.

CLXXXVIII. And

Tolls for weighing Carts.

CLXXXVIII. And be it enacted, That it shall be lawful for the Person for the Time being appointed to attend the Machines for weighing Waggons, Carts, or Carriages to demand and receive from the Person requiring the same to be weighed such Tolls as the said Sir *Peter Hesketh Fleetwood*, his Heirs and Assigns, may appoint, not exceeding the Tolls specified in respect of the same in the Schedule marked (E.) annexed to this Act; and such Tolls shall be paid before any Waggon, Cart, or Carriage in respect of which the same are payable shall be weighed.

Tolls to belong to Sir P. H. Fleetwood and his Heirs.

CLXXXIX. And be it enacted, That all the Tolls which are by this Act authorized to be levied as Tolls of the said Market, for Slaughter-houses, weighing, measuring, and weighing Carts, shall belong to the said Sir *Peter Hesketh Fleetwood*, his Heirs and Assigns for ever.

List of Tolls to be set up.

CXC. And be it enacted, That the said Sir *Peter Hesketh Fleetwood*, his Heirs and Assigns, or his or their Lessee, shall from Time to Time cause to be painted on Boards, in large and legible Characters, and affixed and continued in some conspicuous Place in every such Market Place, continued or made under the Provisions of this Act, a List of the several Stallages, Rents, and Tolls which shall from Time to Time be payable in respect of the said Markets; and no Stallage, Rent, or Toll shall be payable in respect of any Market during such Time as such List shall not continue to be affixed thereon, or for any Matter or Thing not specified in the said List: Provided always, that if such List shall be destroyed, injured, or obliterated, the Stallages, Rents, and Tolls shall continue to be payable during such Time as may be reasonably required for the Restoration or Reparation of such List, in the same Manner as if such List had continued affixed or in the State required by this Act.

Tolls may be levied by Distress.

CXCI. And be it enacted, That the said several Stallages or Rents and Tolls shall be paid from Time to Time, on Demand, to the said Sir *Peter Hesketh Fleetwood*, his Heirs or Assigns, or his or their Lessee or Collector, or other Person authorized by him or them to take the same; and if any Person liable to the Payment of any Stallage, Rent, or Tolls shall not pay the same when demanded, or shall evade the Payment thereof, it shall be lawful for the said Sir *Peter Hesketh Fleetwood*, his Heirs and Assigns, or his or their Lessee or Collector, or the Person authorized to take the same, to levy the same by Distress of all or any of the Provisions or other Goods in respect of which such Stallage, Rent, or Toll was payable, or of any other Provisions or Goods belonging to such Person, or under his Charge in the Market, and to sell the said Provisions or Goods forthwith, and out of the Proceeds of such Sale to pay the Stallages, Rents, or Tolls so due, rendering the Overplus, on Demand, after deducting the Expences of such Sale, to the Person whose Goods shall have been so distrained.

Disputes to be settled by a Justice.

CXCII. And be it enacted, That in case any Dispute shall arise concerning any such Stallage, Rent, or Toll, such Dispute shall be determined

determined by a Justice, and such Justice shall summon the Parties to appear before him, and hear and determine the Matter of every such Complaint upon Oath, and make such Order therein and award such Costs to either Party as to him shall seem proper; and in default of Payment, on Demand, of the Money which shall be so awarded, and of the Costs, the same shall be forthwith levied by Distress, and such Justice shall issue his Warrant accordingly.

Penalty for obstructing Collector or Market Keeper.

CXCIII. And be it enacted, That if any Person shall assault or obstruct any Collector of the said Tolls, Rents, or Stallage, or other Person authorized to receive the same, or any of them, or any Person employed to superintend the said Market Places or any of them, or to keep Order therein, whilst in the Exercise of his Duty, every Person offending in any of such Cases shall forfeit for every such Offence a Sum not exceeding Forty Shillings.

Commissioners may dismiss or suspend Superintendent of Market.

CXCIV. Provided always, and be it enacted, That it shall be lawful for the said Commissioners, after a Special Meeting held and Resolution duly passed for the Purpose, by Notice in Writing under the Hand of their Clerk, to dismiss or suspend for Misbehaviour or Neglect of Duty any Superintendent or Person employed to superintend the said Market Places or any of them; and no Person so suspended or dismissed shall be reappointed by the said Sir *Peter Hesketh Fleetwood*, his Heirs or Assigns, except with the Consent of the said Commissioners in Meeting duly assembled.

Penalty for refusing to weigh Articles sold in the Market.

CXCV. And be it enacted, That every Person selling any Meat or other Articles or Things in any of the said Market Places by Weight or Measure shall weigh or measure the same by the Weights, Measures, or Scales to be provided in pursuance of this Act, upon being required so to do by the Buyer of the same; and if any Seller of any such Meat, Articles, or Things shall refuse or neglect to weigh or measure the same in manner aforesaid when so required, he shall be liable to any Penalty not exceeding the Sum of Forty Shillings.

Waggons to be weighed at the Machines.

CXCVI. And be it enacted, That the Driver of every Waggon, Cart, or other Carriage loaded with any Goods brought within the Limits of this Act to be sold therein, shall, at the Request of the Buyer or Seller of any such Goods, or the Person on whose Behalf the same shall be consigned, or their respective Agents, take such Waggon, Cart, or Carriage, with or without the Loading thereof, to be weighed at One of the Machines so to be erected and fixed as aforesaid, if any such there shall be; and if any such Waggon, Cart, or Carriage shall for the Purposes aforesaid be required to go a greater Distance from the regular Course of the Road by which it would be otherwise necessary to pass in conveying the Goods laden in the same than Half a Mile, including the going to and returning from any such Machine, the Owner of such Waggon, Cart, or Carriage shall be paid Two-pence for every Horse which shall be used in drawing the same, and a like Sum for every additional Half Mile that any such Waggon, Cart, or Carriage shall be taken out of the regular Road for the Purpose aforesaid; and all such Charges

shall be paid by the Person requiring the same to be weighed as aforesaid, before the Driver of such Waggon, Cart, or Carriage shall be obliged to go out of his Way for the Purpose of having the same weighed.

Penalty for refusing to weigh Waggons, &c.

CXCVII. And be it enacted, That if the Person having the Care of any such Waggon, Cart, or Carriage shall not, upon being so requested as aforesaid, and being paid such Charges as aforesaid, if demanded, take the same to such Weighing Machine as is hereinbefore so directed, or shall refuse or neglect to assist in the weighing of the same, he shall forfeit to the Person requiring such Waggon, Cart, or Carriage to be weighed any Sum of Money by way of Penalty not exceeding Twenty Shillings, and the Party entitled to such Penalty shall be deemed a competent Witness for the Proof of such Offence.

Penalties on Drivers committing Frauds in weighing Waggons, &c.

CXCVIII. And be it enacted, That every Owner or Driver of any such Waggon, Cart, or Carriage weighed at any Weighing Machine to be provided in pursuance of this Act who shall commit any of the following Offences shall be liable to a Penalty not exceeding Five Pounds for each Offence; that is to say,

Every Owner or Driver who shall at or before the Time of weighing any such Waggon, Cart, or Carriage place or knowingly have any Matter or Thing in or about the same other than the proper Loading thereof:

Every such Owner or Driver who shall alter any Ticket denoting the Weight of any such Waggon, Cart, or Carriage, or of the Loading of the same:

Every such Owner or Driver who shall make or use, or be privy to the making or using, any false or fraudulent Ticket respecting the Weight of any such Waggon, Cart, or Carriage, or the Loading thereof:

Every such Owner or Driver who, after the weighing of any such Waggon, Cart, or Carriage, with the Loading of the same, shall remove any Part of such Loading, and afterwards dispose of or attempt to dispose of the Residue of such Loading, as being the full Loading denoted by such Ticket:

Every Owner or Driver of any such Waggon, Cart, or Carriage who shall, after the same and the Loading thereof have been so weighed, change the Wheels thereof, or place thereon lighter Wheels, or make any Alteration, or do any other Act to such Waggon, Cart, or Carriage before the same shall be brought back to the Machine to be again weighed without the Loading thereof:

Every such Owner or Driver who, when any such Waggon, Cart, or Carriage shall have been weighed, with the Loading thereof, at any such Machine as aforesaid, shall not bring back the same without Alteration to be again weighed at the same Machine:

Every such Owner or Driver who shall be guilty of any other fraudulent Contrivance touching the Weight of any such Waggon, Cart, or other Carriage, or of the Loading thereof.

CXCIX. And

Penalty on Purchaser committing Fraud in weighing.

CXCIX. And be it enacted, That if the Purchaser of any Goods or Merchandize conveyed in any Waggon, Cart, or Carriage within the Limits of this Act shall, after such Waggon, Cart, or Carriage, with the Loading thereof, shall have been weighed at any Machine within the Limits of this Act, provided in pursuance of this Act, and before the same shall be brought back to be re-weighed without the Loading thereof, change the Wheels thereof, and put on heavier Wheels, or make any Alteration in such Waggon, Cart, or Carriage, whereby the same may become heavier, every Person so offending shall forfeit for every such Offence a Sum not exceeding Five Pounds.

Penalties for Frauds committed by the Machine Keeper.

CC. And be it enacted, That the Person for the Time being appointed to keep any such Weighing Machine shall forfeit any Sum not exceeding Five Pounds in any of the following Cases; (that is to say,)

If he shall wilfully neglect, on Application, duly to weigh any Waggon, Cart, or Carriage, with or without Loading, as the Case may be, that shall come to the Machine kept by him to be weighed:

If he shall not fairly weigh every such Waggon, Cart, or Carriage, with or without Loading, as the Case may be:

If he shall not deliver to the Purchaser of any such Loading, or any Person interested therein, on Application, a Ticket or Account containing the true Weight of such Loading:

If he shall give to the Driver of any such Waggon, Cart, or Carriage a false Ticket or Account of the Weight of such Waggon, Cart, or Carriage, or the Loading thereof:

If he shall weigh any Waggon, Cart, or Carriage, knowing that any thing had been added to the Loading thereof, so as to increase the Weight of the same, or that the Wheels thereof had been changed between the Time of the same being weighed with its Loading, and the Time of its coming back to be again weighed without its Loading, and shall not give immediate Notice thereof to the Person interested therein:

If he shall knowingly assist in or connive at any Fraud to be committed or attempted concerning the weighing of any such Waggon, Cart, or Carriage, or the Loading thereof, or shall make or connive at making any false Representation of the Weight of the same respectively,

Penalty on other Parties committing Fraud as to weighing.

CCI. And be it enacted, That if any Person shall knowingly act or assist in the committing of any Fraud respecting the weighing or Weight of any such Waggon, Cart, or Carriage, or the Loading thereof, which shall be weighed or brought to be weighed at any such Machine, or which shall be alleged to have been weighed at any such Machine, he shall for every such Offence forfeit any Sum not exceeding Five Pounds.

Power to assign Lease of Standings.

CCII. And be it enacted, That it shall be lawful for the Lessee of any such Stall, Standing Place, or other Convenience, his Executors, Administrators, and Assigns, with Consent of the said Sir *Peter Hesketh*

Hesketh Fleetwood, his Heirs or Assigns, to assign the same for the Residue of his Term.

Market Days.

CCIII. And be it enacted, That the said Sir *Peter Hesketh Fleetwood*, his Heirs and Assigns, shall hold such Markets on such Day or Days in every Week, and between such Hours of the Day, as the said Commissioners shall from Time to Time order and direct.

Regulation of Markets.

CCIV. And be it enacted, That for the better Regulation of the said Markets it shall be lawful for the said Sir *Peter Hesketh Fleetwood*, his Heirs and Assigns, from Time to Time to make such Bye Laws as he or they shall think fit, for all or any of the following Purposes; (that is to say,)

For directing the Manner of occupying and using the said Market Places, Slaughter-houses, and Weighing Machines, and regulating the Conduct of the Persons resorting thereto:

For providing for the lighting and cleansing of the Market Places:

For regulating the Conduct of the Officers and Servants of the said Sir *Peter Hesketh Fleetwood*, his Heirs and Assigns, and providing for the due Management of the Affairs of the said Sir *Peter Hesketh Fleetwood*, his Heirs aad Assigns:

For regulating the Carriers in the Markets, and fixing the Rates for carrying all Articles carried therefrom:

For regulating the Use of Weights and Measures in the Markets according to the legal Standard, and providing for the Sale of all Provisions and other Things therein by such Weights and Measures, and for preventing the Use of false or defective Weights and Measures:

For preventing unwholesome Provisions being sold or exposed for Sale in the Markets:

For preventing Horses and Carriages travelling or going through the Market Places or remaining there, or other Nuisances or Obstructions therein, or in the Approaches to the same:

And it shall be lawful for the said Sir *Peter Hesketh Fleetwood*, his Heirs and Assigns, from Time to Time as he or they shall think fit, to repeal, alter, or amend any such Bye Laws, provided such Bye Laws be not repugnant to the Laws of *England*, and be reduced into Writing, and be signed by the said Sir *Peter Hesketh Fleetwood*, his Heirs or Assigns.

Penalty for enforcing Bye Laws.

CCV. And be it enacted, That it shall be lawful for the said Sir *Peter Hesketh Fleetwood*, his Heirs or Assigns, by the Bye Laws so to be made by him or them, to impose such reasonable Penalties for enforcing the better Observance thereof as he or they shall think fit, not exceeding Five Pounds for any One Offence: Provided always, that such Bye Laws be so framed as to allow the Justices before whom any Penalty imposed thereby may be sought to be recovered to order the Whole or Part only of such Penalty to be paid.

Bye Laws to be confirmed.

CCVI. And be it enacted, That no Bye Law which shall be made by the Commissioners under the Authority of this Act (except such as

as may relate solely to the said Commissioners, or their Officers or Servants,) shall be valid or binding, unless the same shall be allowed by some Judge of One of the Superior Courts, or by the Justices assembled at some General or Quarter Sessions of the Peace of the County Palatine of *Lancaster*; and it shall be incumbent on such Justices, on the Request of the Commissioners, to examine into the Bye Laws which may be tendered to them for that Purpose, and to allow of or disallow the same as to them may seem meet: Provided always, that no such Bye Laws shall be confirmed unless Notice of the Intention to apply for a Confirmation of the same shall have been given in One or more Newspapers of the County of *Lancaster* One Month at least before the Hearing of such Application; and any Party aggrieved by any such Bye Law, on giving Notice of the Nature of the Objection to the Commissioners Ten Days before the hearing of such Application, may, by himself, his Attorney or Agent, be heard thereon, but not so as to allow more than One Party to be heard upon the same Matter of Objection.

A Copy of the proposed Bye Laws to be open for Inspection.

CCVII. Provided always, and be it enacted, That for One Month at least prior to any such Application for Confirmation of such Bye Laws a Copy of such proposed Bye Laws shall be kept at the principal Office of the Commissioners, and it shall be lawful for all Persons at all reasonable Times to inspect such Copy, without Fee or Reward, and to be furnished by the Commissioners with a Copy thereof, or of any Part thereof, on Payment of Sixpence for every One hundred Words so to be copied.

Penalty for pulling down Boards, &c. containing Bye Laws.

CCVIII. And be it enacted, That any Person who shall destroy, pull down, injure, or deface any Board in any such Market Places on which any Bye Law or Rule of the said Sir *Peter Hesketh Fleetwood*, his Heirs or Assigns, or any Stallage, Rent, or Toll to be taken in pursuance of this Act, shall be painted, shall forfeit a Sum not exceeding Five Pounds for every such Offence.

Penalty for having false Weights, &c.

CCIX. And be it enacted, That any Person who shall in any such Market Places use or have in his Possession any illegal or false Weight or Weights shall forfeit a Sum not exceeding Forty Shillings for every such Offence; and it shall be lawful for any Inspector of Weights and Measures to be appointed by the said Sir *Peter Hesketh Fleetwood*, his Heirs and Assigns, to seize and destroy such illegal Weights and Measures.

Penalty for exposing unwholesome Meat.

CCX. And be it enacted, That if any Person shall sell or expose or offer for Sale any unwholesome Meat or Provisions in any Market Place made in pursuance of this Act he shall forfeit any Sum not exceeding Five Pounds for every such Offence; and it shall be lawful for any Inspector of Provisions in such Market appointed by the said Sir *Peter Hesketh Fleetwood*, his Heirs or Assigns, to seize or destroy such unwholesome Meat or Provisions.

Penalty and Damages for Nuisances in

CCXI. And be it enacted, That any Person who shall spoil, deface, or injure any Part of any such Market Places, or the Buildings, Fences, Stalls,

Stalls, or Standings thereof, or shall in any such Market Places cause any Obstructions, or commit any Damage or Injury, shall forfeit for every such Offence any Sum not exceeding Five Pounds, and shall also pay such Sum of Money as the Justices before whom the Conviction for such Penalty shall take place shall think a reasonable Satisfaction for the Injury done by such Person. the Market Places.

CCXII. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to license such Number of Pleasure Boats, Hackney Coaches or Carriages, of any Kind or Description, whether drawn by Hand or in any other Manner, Bathing Machines, or Animals, to ply for Hire within the Limits of this Act, as they shall think fit. Pleasure Boats, Hackney Coaches, &c. to be licensed.

CCXIII. And be it enacted, That every Licence so to be granted shall be signed by Three or more of the Commissioners, and shall express the Number of the Pleasure Boat, Hackney Coach or Carriage, Fly, Sedan Chair, Bathing Machine, Horse, Ass, or Mule, and shall not include more than One Pleasure Boat, Carriage, Fly, Sedan Chair, Bathing Machine, Horse, Ass, or Mule so licensed, and shall be in force for One Year only from the Day of the Date of such Licence, or until the next general licensing Meeting, in case any such general licensing Day shall be appointed by the Commissioners, as they are hereby authorized to do. Licence to be in force for One Year.

CCXIV. And be it enacted, That every Licence shall be made out by the Clerk of the Commissioners, and duly entered in a Book to be provided by him for that Purpose, with the Christian and Surname and Place of Residence of the Person whose Pleasure Boat, Coach or Carriage, Fly, Sedan Chair, Bathing Machine, Horse, Ass, or Mule shall be licensed, and the Number of the Licence; and in such Book shall be contained Columns or Places for Entries to be made of every Offence committed by any Owner, Driver, or Person attending such Pleasure Boat, Coach or Carriage, Bathing Machine, or Animal. Licences to be registered.

CCXV. And be it enacted, That for every such Licence there shall be paid to the Clerk of the Commissioners the following Sums; (that is to say,) for each Licence for a Hackney Coach, Fly, or other Carriage, or Sedan Chair, the Sum of Five Shillings; for each Licence for an Animal, the Sum of Two Shillings and Sixpence; and for each Licence for a Pleasure Boat or Bathing Machine, the Sum of Two Shillings and Sixpence. Fee on Licence.

CCXVI. And be it enacted, That every Owner of such Pleasure Boat, Carriage, Bathing Machine, or Animal shall affix and keep affixed such Figure or Number as shall be respectively appointed by the said Commissioners, on such conspicuous Part of such Pleasure Boat, Coach, Fly, Carriage, Chair, Bathing Machine, Saddle Horse, Ass, or Mule as shall be appointed by the said Commissioners, and shall for every Refusal or Neglect so to do forfeit any Sum not exceeding Forty Shillings. Number of Licence to be affixed on Boat, &c.

CCXVII. And

Licences to be suspended or revoked for Misconduct.

CCXVII. And be it enacted, That any such Licence may, for the Misconduct of the Owner or Driver or Person attending such Pleasure Boat, Carriage, or Animal, be suspended or revoked by the Commissioners, as they shall deem right.

Penalty for plying without a Licence.

CCXVIII. And be it enacted, That if the Owner of or Person attending any Pleasure Boat, or the Driver of any Carriage, or the Carrier of any Sedan Chair, or any Person attending any Bathing Machine, or Animal, shall be found standing or plying for Hire, or using any such Pleasure Boat, Carriage, Sedan Chair, Bathing Machine, or Animal, within any Part of the Limits of this Act, without a Licence from the Commissioners, the Owner or Driver of such Carriage, and the Owner or the Carrier of such Sedan Chair, or the Owner of or Person attending such Pleasure Boat or Animal, or the Owner or the Person attending such Bathing Machine, so offending, shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Penalty for refusing to pay the Fare.

CCXIX. And be it enacted, That if any Person shall refuse to pay, on Demand, to any licensed Boatman, Hackney Coachman, Flyman, Sedan Chairman, or Person attending such Bathing Machine, Horse, Ass, or Mule, the regular Fare due to him for the Hire or Service thereof respectively, he shall be liable to a Penalty not exceeding Forty Shillings.

Penalty for damaging any Boat, Carriage, &c.

CCXX. And be it enacted, That if any Person shall wilfully cut, break, or injure any such Pleasure Boat or Carriage, or the Harness of any Animal, or any such licensed Chair or Bathing Machine, such Person shall for every such Offence be liable to a Penalty not exceeding Five Pounds, and shall also pay to the Owner of such Pleasure Boat or Carriage, Sedan Chair, Bathing Machine, or Harness, reasonable Satisfaction for the Damage sustained by the same; and such Satisfaction shall be ascertained by the Justices before whom the Conviction of the Penalty takes place, and shall be recovered by the same Means as the Penalty.

Bye Laws for regulating Pleasure Boats, Hackney Coaches, &c.

CCXXI. And be it enacted, That for better regulating the Pleasure Boats, Hackney Coaches, Flies, or other Carriages, Sedan Chairs, Horses, Asses, or Mules to be so licensed as aforesaid, it shall be lawful for the Commissioners from Time to Time to make such Bye Laws as they shall think fit, and for all or any of the following Purposes; (that is to say,)

For regulating and ordering all Boats let to Hire, or used by or for any Person going out to Sea for the Purpose of sailing or rowing for Pleasure, and the Persons attending the same, and to ascertain and fix the Number of Passengers, and what Rates and Prices shall be paid by such Passengers and received by the Watermen or Sailors conducting or rowing any such Boat, and for punishing the Misconduct or Misbehaviour of any such Watermen or Sailors:

For regulating the Conduct of the Owners and Drivers of Hackney Coaches, Flies, or other Carriages, Horses, Asses, and Mules, and

and Carriers of Sedan Chairs respectively in their several Employments:

For regulating the Hours within which they may exercise their Calling:

For regulating the Numbers of such Hackney Coaches, Flies, or other Carriages, Sedan Chairs, Horses, Asses, and Mules:

For regulating the Number of Persons to be carried by such Coaches, Flies, or other Carriages, and Sedan Chairs, and what Number of Horses or other Animals are to draw the same:

For fixing and altering the Stands of such Coaches, Flies, or other Carriages, Sedan Chairs, Horses, Asses, and Mules, and the Distance to which such Hackney Coachmen, Chairmen, or Persons attending such Carriages, Flies, Sedan Chairs, Horses, Asses, and Mules shall be obliged to drive, ride, or go, not exceeding Five Miles from *St. Peter*'s Church in the said Town:

For fixing the Rates or Fares to be paid for such Hackney Coaches, Flies, or other Carriages, Sedan Chairs, Horses, Asses, and Mules:

For punishing the Misconduct of Hackney Coachmen, Chairmen, and Persons attending such Carriages, Flies, Sedan Chairs, Horses, Asses, and Mules, whether in the way of Imposition, by demanding or receiving more than the regular Fare, or otherwise:

And the Commissioners may from Time to Time, as they shall think fit, repeal any Bye Laws, and make others in their Stead, provided such Bye Laws be not repugnant to the Laws of *England* or the Provisions of this Act, and be signed by Three of the Commissioners, and be printed and published as herein-after mentioned.

Forenforcing Bye Laws.

CCXXII. And be it enacted, That it shall be lawful for the Commissioners, by the Bye Laws so to be made by them, to impose such reasonable Penalties for enforcing the better Observance thereof as they shall think fit, not exceeding Five Pounds for any One Offence: Provided always, that such Bye Laws shall be so framed as to allow the Justices before whom any Penalty imposed thereby may be sought to be recovered to order the Whole or any Part of such Penalty to be recovered.

Such Bye Laws to be confirmed.

CCXXIII. And be it enacted, That no such Bye Laws (except such as may relate solely to the Officers or Servants of the Commissioners) shall come into operation until the same shall be allowed by the Court of Quarter Sessions of the County Palatine of *Lancaster*; and it shall be incumbent on the said Court, on the Request of the Commissioners, to examine into the Bye Laws which may be tendered to them for that Purpose, and to allow of or disallow the same, as to them shall seem meet: Provided always, that no such Bye Laws shall be confirmed, unless Notice of the Intention to apply for a Confirmation of the same shall have been given in One or more Newspapers of the County of *Lancaster* One Month at least before the hearing of such Application; and any Party aggrieved by such Bye Law, on giving Notice of the Nature of his Objection to the Commissioners Ten Days before the hearing of such Application, may, by

by himself, his Attorney or Agent, be heard thereon, but not so as to allow more than One Party to be heard upon the same Matter of Objection.

A Copy of the proposed Bye Laws to be open for Inspection.

CCXXIV. Provided always, and be it enacted, That for One Month at least prior to any such Application for Confirmation of such Bye Laws a Copy of such proposed Bye Laws shall be kept at the principal Office of the Commissioners; and it shall be lawful for all Persons, at all reasonable Times, to inspect such Copy, without Fee or Reward, and to be furnished by the Commissioners with a Copy thereof, or of any Part thereof, on Payment of Sixpence for every One hundred Words so to be copied.

Publication of Bye Laws.

CCXXV. And be it enacted, That a Copy of every such Bye Law shall be painted on Boards and affixed in the Office of the Clerk of the Commissioners; and such Boards shall be renewed from Time to Time, and shall be open to Inspection without Fee or Reward; and in case the said Clerk shall not permit the same to be inspected at all reasonable Times, he shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Bye Laws to be binding on all Parties.

CCXXVI. And be it enacted, That such Bye Laws, when so confirmed, published, and affixed, shall be binding upon and be observed by all Parties, and shall be sufficient to justify all Persons acting under the same.

Proof of making Publication of Bye Laws.

CCXXVII. And be it enacted, That the Production of a written or printed Copy of the Bye Laws, authenticated by the Signature of the Chairman of the Court which shall have approved of the same, shall be Evidence of the Existence and due making of such Bye Laws in all Cases of Prosecution under the same, without adducing Proof of such Signature; and with respect to the Proof of the Publication of any such Bye Laws, it shall be sufficient to prove that a painted Board, containing a Copy thereof, was affixed and continued in manner by this Act directed, and in case of its afterwards being displaced or damaged, that such Board was replaced or restored as soon as conveniently might be, unless Proof be adduced by the Party complained against that such painted Board did not contain a Copy of such Bye Laws, or was not duly affixed or generally continued as directed by this Act.

Penalty for damaging Boards used for Publication of such Bye Laws.

CCXXVIII. And be it enacted, That if any Person shall pull down or destroy, damage or deface any Board fixed in any Office in pursuance of this Act, for the Publication of the Bye Laws of the Commissioners, he shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds; and every Person doing any such Damage shall also be liable to pay for or make good all Damage done and the Expences occasioned thereby.

Excepting Bathing Machines from Operation of Bye Laws.

CCXXIX. Provided always, and be it enacted, That nothing herein contained shall extend or be construed to extend so as to give the said Commissioners any Power or Authority to make any Rules, Orders, or Regulations concerning any Bathing Machines

to be used within the Limits of this Act, unless requested so to do by the Owner or Proprietor, Owners or Proprietors for the Time being of the greater Number of such Bathing Machines, or so as to hinder or prevent the said Sir *Peter Hesketh Fleetwood*, his Heirs or Assigns, from exercising all or any Rights or Privileges which he or they could or might have exercised relating to such Bathing Machines if this Act had not been passed.

Power to regulate Bathing Machines.

CCXXX. And whereas the said Sir *Peter Hesketh Fleetwood* hath incurred considerable Expences in erecting certain Baths in the said Town, and in providing Bathing Machines and Attendants for the Accommodation of the Inhabitants of the said Town; be it therefore enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, from Time to Time, upon the Request in Writing of the Owner or Proprietor, Owners or Proprietors for the Time being, of the greater Number of the Bathing Machines which may from Time to Time be permitted to ply for Hire within the Limits of this Act, to make, ordain, constitute, and appoint such Rules, Orders, and Regulations as shall be deemed necessary or expedient by the said Commissioners for better regulating and ordering all Bathing Machines to be used within the said Town, or on the Beach or Shores in front thereof within the Limits of this Act, and how and in what Manner the Owners, Attendants, and Drivers thereof respectively shall conduct and demean themselves in their several Employments, and within what Hours and Times they may follow and exercise their Calling, and also in what Manner and Order such Bathing Machines shall be furnished, kept, and numbered, and also for fixing and altering the Stands of the same from Time to Time, and punishing the Misconduct of Persons attending such Bathing Machines, or any Imposition by demanding and receiving more than the regular Fare, or otherwise, and for fixing and defining what Prices or Fares shall be allowed, paid, or received by such Owners of or Persons attending such Bathing Machines, and also for the Regulation of Persons bathing in the Sea within the Limits of this Act; such Rules, Orders, and Regulations not being repugnant to the Laws of that Part of the United Kingdom called *England*, or to this Act; and the said Commissioners may from Time to Time, as they shall think fit, upon the Request in Writing of the said Owner or Proprietor, Owners or Proprietors for the Time being, of the greater Number of such Bathing Machines, for that Purpose, repeal, alter, or amend such Rules, Orders, and Regulations, or any of them, and may ascertain and impose any reasonable pecuniary Penalties and Forfeitures upon Persons breaking or avoiding the same or any of them; provided that no such Penalty shall exceed the Sum of Five Pounds for any Offence.

To prevent bathing in the Sea within certain Limits except from Machines.

CCXXXI. And be it enacted, That if any Person shall undress on the Sea Beach, or shall bathe in the Sea, except from a Bathing Machine, at any Place on the Sea Coast or Shore of the River *Wyre* in the said County Palatine of *Lancaster* within the Limits of this Act, except where approved of by the said Commissioners, he shall for every such Offence forfeit any Sum not exceeding Five Pounds.

CCXXXII. And

Appointment of Constables.

CCXXXII. And be it enacted, That the Commissioners shall from Time to Time appoint and employ such Number of Constables and other Officers as they shall judge necessary for the proper Protection of the Inhabitants and Property within the Limits of this Act, and shall allow them such Salaries or Wages as they think proper; and it shall be lawful for the Commissioners from Time to Time to remove any such Constables and Officers as they shall think fit.

Power to Commissioners to provide Offices, Watch-houses, &c.

CCXXXIII. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to purchase or rent from any Person any Buildings or Land, and to convert such Buildings into, or to build on such Land, Offices, Watch-houses, Lock-up Houses, and other Places necessary for the Purposes of this Act, with all proper Conveniences thereto, and to repair the same from Time to Time, and to furnish and fit up the same, and to employ proper Persons to take care thereof.

Constables to be sworn in.

CCXXXIV. And be it enacted, That it shall be lawful for any Justice to swear in as Constables any Person so appointed and employed, and the Constables and Officers so sworn in shall have, not only within the Limits of this Act, but within One Mile thereof, the like Powers, and shall be subject to the like Penalties and Forfeitures, as any Constables have or are subject to by the Law of *England*.

Power to Two Justices to dismiss Constables.

CCXXXV. And be it enacted, That it shall be lawful for any Two Justices to dismiss or suspend for Neglect of Duty any Constable or Officer appointed under this Act; and no Person so suspended or dismissed shall be re-appointed, except with the Consent of Two Justices; and when any Person shall be so dismissed or suspended all Powers vested in him as a Constable shall cease or be suspended.

Regulations of the Commissioners to be observed under a Penalty.

CCXXXVI. And be it enacted, That it shall be lawful for the Commissioners to make such Rules and Orders as they shall think fit for regulating the Conduct of the said Constables and Officers; and if any such Constable or other Officer shall not faithfully observe and perform such Rules and Orders he shall forfeit for every such Offence any Sum not exceeding Forty Shillings, and, if the Commissioners shall think proper, shall also be immediately discharged from his Office or Employment.

Duties of Constables.

CCXXXVII. And be it enacted, That such Constables and Officers shall keep Watch and Ward within the Limits of this Act, and shall use their utmost Endeavours to prevent any Mischief by Fire, and all Felonies, Misdemeanors, and Breaches of the Peace; and it shall be lawful for them to arrest, and detain in some convenient Place of Security within the Limits of this Act, to be provided by the Commissioners for that Purpose, all Felons, and all loose, idle, and disorderly Persons, whom they shall find disturbing the public Peace, and whom they shall have good Reason to suspect of having committed or being about to commit any Felony, Misdemeanor, or Breach of the Peace, and all Persons whom they shall find between

between Sunset and the Hour of Eight in the Morning loitering in any Street, and not giving a satisfactory Account of themselves; and the Persons so arrested shall be taken as soon as conveniently may be before some Justice, to be examined and dealt with according to Law: Provided always, that no Person so arrested shall be detained in Custody by any Constable or other Officer longer than Forty Hours.

Penalty for Neglect of Duty.

CCXXXVIII. And be it enacted, That every such Constable or other Officer as aforesaid who shall be guilty of any Neglect or Violation of his Duty as a Constable shall be liable to a Penalty of not less than Five Pounds, or, in the Discretion of the Justice before whom he may be convicted, may lawfully be imprisoned, with or without hard Labour, for any Time not exceeding One Month.

Power to Constables to take Recognizances.

CCXXXIX. And be it enacted, That whenever any Person charged with any Offence not amounting to a Felony, and of which he shall be liable to be summarily convicted before a Justice, shall be without the Warrant of a Justice in the Custody of any Officer of the Commissioners, who shall have been sworn in as a Constable as aforesaid, it shall be lawful for such Officer, if he shall deem it prudent so to do, but in such Cases only in which the Offender cannot be conveniently taken before a Justice, to take the Recognizance of such Person, with or without Sureties, conditioned as herein-after mentioned.

Form of Recognizance.

CCXL. And be it enacted, That every Recognizance so taken shall be taken without Fee or Reward, and shall be conditioned for the Appearance of the Person thereby bound before a Justice at a certain Day, not later than Seven Days from the Date of such Recognizance, and the Time and Place of such Appearance shall be specified in the Recognizance.

Recognizance to be registered and returned to the Justice.

CCXLI. And be it enacted, That the Officer taking any such Recognizance shall enter in a Book to be kept for that Purpose the Name, Residence, and Occupation of the Party and his Sureties, if any, entering into such Recognizance, together with the Condition thereof, and the Sum thereby acknowledged, and shall return every such Recognizance to the Justice at the Time and Place when and where the Party is bound to appear, and every such Recognizance shall have the like Force and Effect as if the same had been taken before a Justice.

Rewards to Constables.

CCXLII. And be it enacted, That it shall be lawful for the Commissioners to allow to any such Constable or Officer such Gratuities and Rewards for apprehending Felons and other Offenders as to them shall seem proper, and to defray the Expence of prosecuting any Felons or Offenders, and of defending any such Constable or Officer in the Execution of his Duty, and to give such Rewards or Compensation to any such Constable or Officer as may be disabled in the Execution of his Duty or worn out by Length of Service, as the Commissioners shall think reasonable.

Penalty on Persons assaulting Constables.

CCXLIII. And be it enacted, That every Person who shall assault or resist any such Constable or Officer in the Execution of his Duty, or who shall aid or incite any Person so to assault or resist, shall for every such Offence be liable to a Penalty not exceeding Five Pounds, or, in the Discretion of the Justice before whom he is convicted, may be imprisoned for any Term not exceeding One Month.

Penalty on Victuallers harbouring Constables during the Hours of Duty.

CCXLIV. And be it enacted, That if any Victualler or Keeper of any Public House, or Person licensed to sell Beer, Ale, Porter, Cider, or Perry, within the Limits of this Act, shall knowingly harbour or entertain or suffer to remain in his Public House or Place wherein he shall carry on his Business any Watchman or Officer, during any Part of the Time appointed for his being on Duty (unless such Watchman or Officer shall be there for the Purpose of quelling any Disturbance or restoring Order or Peace in such House), such Victualler, Public House Keeper, or licensed Person so offending shall, on Conviction, forfeit for every such Offence a Sum not exceeding Twenty Shillings, together with the Costs of the Conviction.

Penalty on Coffee-shop Keepers harbouring disorderly Persons.

CCXLV. And be it enacted, That every Person having or keeping a House, Shop, Room, Cellar, or Vault within the Limits of this Act wherein ready-made Tea or Coffee, or Refreshments or Provisions of any Kind, shall be drunk, used, or consumed, (whether the same shall be kept or retailed therein, or bought or procured elsewhere,) who shall knowingly permit or suffer common Prostitutes, reputed Thieves, or drunken or idle and disorderly Persons, to assemble at and continue in his House, Shop, Room, Cellar, or Vault, or to play at any Game with Cards or Dice therein, shall for every such Offence be liable to a Penalty not exceeding Ten Pounds.

The Houses of convicted Coffee-shop Keepers to be open to Police at all Times.

CCXLVI. And be it enacted, That it shall be lawful for all Constables and Officers of Police appointed under this Act at all Times to enter into any House, Shop, Room, Cellar, or Vault within the Limits of this Act, where ready-made Tea or Coffee, or Refreshments or Provisions of any Kind, shall be so drunk, used, or consumed as aforesaid, the Owner or Keeper of which House, Shop, Room, Cellar, or Vault shall, within Twelve Months previous to such Entry, have been convicted of knowingly permitting or suffering common Prostitutes, reputed Thieves, or drunken or idle and disorderly Persons to assemble at the same and continue therein, or to play therein at any Game with Cards or Dice; and if any Person having or keeping any such House, Shop, Room, Cellar, or Vault, or any Servant or other Person in his Employ or by his Direction, shall in such Case refuse to admit, or shall not on Application admit, such Constable or Officer into such House, Shop, Room, Cellar, or Vault, or upon such Premises, every Person so offending shall for every such Offence forfeit a Sum not exceeding Forty Shillings.

Power to erect a Town Hall, Sessions House, &c.

CCXLVII. And be it enacted, That it shall be lawful for the Commissioners to erect on any Land to be purchased by them a Town Hall and Sessions House and Buildings for public Offices for the following Purposes; (that is to say,) for holding Meetings of the Magistrates

Magistrates and of the Commissioners, and transacting their Business in the Execution of this Act, and also such public Meetings as the Commissioners shall direct or allow to be held therein, also for the Residence and Stations of Constables and other Officers under this Act, also for a Prison and other Conveniences, and to maintain and repair the same.

Offices may be furnished, &c.

CCXLVIII. And be it enacted, That it shall be lawful for the Commissioners to furnish and fit up such Town Hall, Sessions House, Buildings, and Offices, and to employ proper Persons to take care thereof.

Buildings may be rented.

CCXLIX. And be it enacted, That it shall be lawful for the Commissioners to hire or take on Lease any Buildings or Lands within the Limits of this Act for any of the Purposes thereof from any Person willing to let the same, and to convert or use such Buildings for any such Purposes.

Power to levy Rates.

CCL. And in order to raise Money for carrying the several Purposes of this Act into execution, be it enacted, That it shall be lawful for the Commissioners once in every Year after the passing of this Act, to be computed from the Time when the Amount due to the said Sir *Peter Hesketh Fleetwood* shall have been ascertained and settled as herein-before mentioned, or oftener if they shall think it necessary, to make One or more equal Rate or Rates, Assessment or Assessments, to be signed by the Commissioners, upon the Occupiers of all Houses, Shops, Workshops, Warehouses, Foundries, Furnaces, Mills, Factories, Breweries, Coach-houses, Stables, Offices, Cellars, Vaults, Buildings, Docks, Ship Yards, Timber Yards, Coal Yards, Coal Wharfs, and other Yards and Wharfs, Railways, Land covered with Water, Canals and Towing Paths, Brick Fields, Tan Yards, Orchards, Gardens, Building Ground, Lands, Tenements, and Hereditaments within the Limits of this Act, (save and except *Saint Peter*'s Church, or any other Place or Places duly licensed or legally authorized for public Worship, or dedicated to the Use of charitable Tuition, already or hereafter to be erected within the Limits of this Act, according to the annual Value of the same,) so as such Rates or Assessments do not exceed in any One Year the Sum of Two Shillings and Sixpence in the Pound on such annual Value, except as is herein-after provided: Provided always, that all Lands used as Arable, Meadow, or Pasture Grounds only, or as Woodlands or Plantations, shall be rated or assessed in the Proportion of One Third only of the Sums to be rated or assessed on the other Properties to be charged in each such Rate or Assessment.

Notice of Rate to be given.

CCLI. And be it enacted, That no Rate to be made under the Authority of this Act shall be valid unless Notice of the Intention of making such Rate, and of the Time at which the same is intended to be made, and of the Place where a Statement of the proposed Rate shall be deposited for Inspection shall be given by the Commissioners by Advertisement Twice in some Newspaper printed or circulated within the Limits of this Act immediately previous to such Rate being made, or as nearly so as may be.

CCLII. And

Rate to be open to Inspection of Rate-payers.

CCLII. And be it enacted, That immediately after any Rate shall be made the same shall be open to the Inspection of any Person rated in such Rate at all seasonable Times, and any such Persons may take Copies or Extracts from such Rate without paying any thing for the same; and if the Person having the Custody of such Rate shall refuse to or shall not permit any Person so rated as aforesaid to take Copies or Extracts from such Rate he shall forfeit for every such Offence any Sum not exceeding Five Pounds.

Annual Rate may be increased by Consent of a General Meeting of Rate-payers.

CCLIII. And be it enacted, That if it shall at any Time appear that the said Sum of Two Shillings and Sixpence in the Pound is not sufficient for the Purposes aforesaid, it shall be lawful for the Commissioners, with the Consent of the Majority of Rate-payers assembled at the annual Meeting for the Settlement of Accounts, to increase the Rates, so as the same do not in any One Year exceed the Sum of Three Shillings and Sixpence in the Pound on such annual Value as aforesaid: Provided always, that Notice of the Intention of the Commissioners to make any such Increase shall be given by them One Month previous to such annual Meeting, by Advertisement in some Newspaper printed or circulated within the Limits of this Act.

Rates to be vested in the Commissioners.

CCLIV. And be it enacted, That the several Rates made under this Act shall be vested in the Commissioners, and shall be payable at such Times as they shall direct to the Collectors to be appointed by them.

Tithes not to be rated.

CCLV. And be it enacted, That no Person shall be rated in pursuance of this Act on account of any Tithes or Composition in lieu of Tithes within the Limits of this Act.

Value of Property to be according to Poor Rate.

CCLVI. And be it enacted, That the annual Value of all Property rateable under this Act shall be ascertained according to the next preceding annual Assessment for the Relief of the Poor within the Limits of this Act, except in such Cases as are hereinafter mentioned.

Poor Rates to be open to Inspection by Commissioners.

CCLVII. And be it enacted, That it shall be lawful for the Commissioners, or for any Person by them authorized, from Time to Time to inspect the several Poor Rates for the Township of *Thornton*, and the Assessments by which the same are made, and to take Copies of or Extracts therefrom respectively; and if any Person having the Custody of such Rates or Assessments shall not suffer the Commissioners, or any Person authorized by them, to inspect the same, or take Copies thereof or Extracts therefrom, he shall forfeit a Sum not exceeding Forty Shillings for every such Offence.

If Poor Rate an unfair Criterion, a Valuation to be made.

CCLVIII. Provided always, and be it enacted, That if at any Time the Rate for the Relief of the Poor within the Limits of this Act shall, in the Judgment of the Commissioners, be an unfair Criterion by which the Rates or Assessments under this Act should be made, it shall be lawful for them to cause a Valuation to be made of all the rateable Property within the Limits of this Act, by some competent

Person, to be appointed by them for that Purpose, and the Rates or Assessments to be made by the Commissioners for the Purposes of this Act shall be made upon such Valuation.

Valuer to make a Declaration.

CCLIX. And be it enacted, That before any such Valuation shall be made the Person appointed to make such Valuation shall make and subscribe a solemn Declaration to make such Valuation fairly and impartially, according to the best of his Judgment, and an Entry or Minute shall be made in the Book of Proceedings of the Commissioners of the making and subscribing of such Declaration, and of the Date of making the same, and any Justice to whom Application may be made for that Purpose is hereby required to administer such Declaration.

Net annual Value.

CCLX. And be it enacted, That in every such Valuation the Property rateable under this Act shall be computed at its net annual Value.

Rate Books to be Evidence.

CCLXI. And be it enacted, That the Books of Rates of the Commissioners, and all Entries made therein in manner by this Act directed, shall be received as Evidence of the Rates imposed by virtue of this Act.

Rates may be amended.

CCLXII. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to amend any Rate made by virtue of this Act, by inserting therein the Name of any Person who ought to have been rated, or by striking out the Name of any Person who ought not to have been rated, or by raising or reducing the Sum at which any Person shall have been rated, if it shall appear to them that such Person has been under-rated or over-rated, or by making such other Amendments therein as will make such Rate conformable to this Act, and no such Amendment shall be held to avoid the Rate: Provided always, that every Person who shall be aggrieved by any such Alteration shall have the same Right of Appeal therefrom as he would have had if his Name had been originally inserted in such Rate and no such Alteration had been made; and every Person whose Rate shall be altered shall be entitled to Seven Days Notice of such Alteration before the Rate shall be payable by him.

Occupiers may be rated if they think fit.

CCLXIII. Provided always, and be it enacted, That it shall be lawful for the Occupiers of any rateable Property to demand to be assessed for the same, and to pay the Rates in respect thereof made under the Authority of this Act, and the Commissioners shall assess every such Occupier so long as he shall duly pay the said Rates.

Appeal to Petty Sessions on the Ground of Inequality of Rates, &c.

CCLXIV. And be it enacted, That if any Person shall think himself aggrieved by any Rate, on the ground of Inequality, Unfairness, or Incorrectness of the Valuation of any rateable Property included therein, he may appeal to the Justices acting in and for the Petty Sessions of *Poulton-en-le-Fylde*, or any Petty Sessions within the Limits of this Act, at any Special Sessions which may be holden for the Purpose of determining any Appeals against the Poor Rates, but no such Appeal shall be entertained unless Notice of the Objec-

tion in Writing shall have been given to the Party appealed against Seven Days at least before the Day appointed for such Special Session.

Determination of Petty Sessions to be final unless appealed from.

CCLXV. And be it enacted, That the Justices assembled at any Special Sessions for which any such Notice of Appeal shall have been given, or at any Adjournment thereof, shall hear and determine all such Appeals, and the Determination of such Justices shall be final unless the same be appealed from in manner herein-after mentioned: Provided always, that it shall not be lawful for the Justices in such Special Petty Sessions assembled to inquire into the Liability of any Property to be rated, but only into the true Value thereof, and the Fairness of the Amount at which the same may be rated, nor shall any Order of such Justices be of any Force pending an Appeal concerning the same Matter to the Court of General or Quarter Sessions, or in opposition to the Order of such Court upon any such Appeal.

Parties may appeal to Quarter Sessions against Rate, &c.

CCLXVI. And be it enacted, That if any Person shall think himself aggrieved by any Rate made under the Authority of this Act, or by any Matters included in or omitted from the same, or by any Determination of the Justices in Petty Sessions assembled, he may appeal to the next General or Quarter Sessions, but no such Appeal against the Rate, or any Matter contained in or omitted from the same, shall be entertained at such General or Quarter Sessions, unless reasonable Notice in Writing of such Appeal, stating the Nature and Ground thereof, be given to the Commissioners, but the same shall be adjourned to the next General Quarter Sessions; nor shall any Appeal against the Determination of the Justices in Petty Sessions assembled be entertained unless the Party appealing against such Determination shall, within Fourteen Days after the same shall have been made, give Notice in Writing of such Appeal, stating the Matter or Cause thereof, to the Party in whose Favour such Determination shall have been made, and within Five Days after such Notice shall enter into a Recognizance before some Justice, with sufficient Sureties, conditioned to try the same at the then next General or Quarter Sessions, and to abide the Order of such Court, and to pay such Costs as shall be awarded at such General or Quarter Sessions on any Adjournment thereof.

Court of Quarter Sessions to make such Order as they think reasonable.

CCLXVII. And be it enacted, That at the General or Quarter Sessions for which any such Notice of Appeal shall be given the Court shall proceed to hear and determine the Appeal in a summary Way, ecxept when the Court are hereby directed to adjourn the same, and except when the Court shall think fit to adjourn the Appeal to the following Sessions, which they are hereby authorized to do, and in all such Cases the Court shall hear and determine the Appeal at such last-mentioned Sessions.

On Appeal, Quarter Sessions and Petty Sessions to have

CCLXVIII. And be it enacted, That the Court of Quarter Sessions and the Justices in Petty Sessions assembled respectively shall, in any Appeal against any Rate made under the Authority of this Act, have the same Powers of amending or quashing such Rates as

are by Law vested in them respectively for amending or quashing the Rates for the Relief of the Poor within their several Jurisdictions upon Appeals against such Rates, and shall likewise have respectively, in any Appeal against any Rate made under the Authority of this Act, the same Powers of awarding Costs to be paid by or to any of the Parties to an Appeal, and of recovering such Costs, as are now vested in them respectively for awarding and recovering Costs in an Appeal against any Rate for the Relief of the Poor within their several Jurisdictions.

same Power of amending and quashing Rates and of awarding Costs as in Appeals against Poor Rates.

CCLXIX. And be it enacted, That no Person, although liable to the Payment of Money towards the Rates authorized to be raised under this Act, shall by reason thereof be deemed to be an incompetent Witness in any Proceeding before a Court of Justice under this Act, or be disabled to act as a Justice in the Execution of the same.

Liability to Rates not to disqualify Witnesses or Justices.

CCLXX. And be it enacted, That if any Person rated under the Authority of this Act shall not pay any of the said Rates due from him for the Space of Fourteen Days after Demand thereof in Writing by the Commissioners or their Collector, it shall be lawful for the Commissioners to recover the same by Action of Debt in any of Her Majesty's Courts of Record at *Westminster*, or any Justice shall, on the Application of the Commissioners or their Collector, summon any such Person to appear before him, at a Time to be mentioned in the Summons, to show Cause why the Rates due from him should not be paid; and in case no sufficient Cause for the Nonpayment of such Rate shall be shown accordingly, the same shall be levied by Distress, and such Justice shall issue his Warrant accordingly.

Rates to be recovered by Action or by Distress.

CCLXXI. And be it enacted, That the Warrant of Distress for the Nonpayment of any Rate may include one Person or several Persons, and may be to the Effect mentioned in Schedule (F.) to this Act annexed.

Form of Warrant of Distress.

CCLXXII. And be it enacted, That in all Cases where a Distress is hereby authorized to be made, every Constable authorized by the Warrant to levy any Sum mentioned therein shall, upon being required by a Collector of the Rates, aid in making a Distress or Sale pursuant to such Warrant, and every Constable who shall refuse to do so shall be liable to a Penalty not exceeding Five Pounds.

Constables to assist in making Distress.

CCLXXIII. Provided always, and be it enacted, That it shall be lawful for the Commissioners, or any Two Justices in Petty Sessions assembled, to reduce or remit the Payment of any Rate on account of the Poverty or Sickness of any Person liable to the Payment of the Rate.

Power to Commissioners or Justices to remit Rate.

CCLXXIV. And be it enacted, That the Owners of all rateable Property within the Limits of this Act, the yearly Rent or Value whereof respectively shall not exceed Twenty Pounds, or which shall be let to Weekly or Monthly Tenants, or in separate Apartments, shall be

If Rent is less than 20*l.* per Annum, Owners to pay the Rates.

be rated to and pay the Rates by this Act directed to be made instead of the Occupiers thereof.

Not necessary to name the Owner where unknown.

CCLXXV. And be it enacted, That whenever the Name of any such Owner shall not be known to the Commissioners or to the Person making the Rates, it shall be sufficient to rate such Owner in the Rate Book of the Commissioners as the Owner of the Property to be rated, by the Designation of the "Owner," without stating his Name.

Receiver of Rents to be deemed the Owner.

CCLXXVI. And in order to prevent any Dispute touching the Word "Owner," for the Purposes of rating under the Authority of this Act, be it enacted, That the Person receiving the Rents of any rateable Property within the Limits of this Act from the Occupier thereof, on his own Account, or as Agent of any other Person, shall be deemed the "Owner" of the same for the Purposes of such rating.

Tenants under existing Leases to repay the Owner.

CCLXXVII. Provided always, and be it enacted, That when any Owner shall be rated in respect of any rateable Property which shall be in the Occupation of a Tenant under any Lease or Agreement made prior to the passing of this Act, such Tenant shall repay to the Owner all Sums which shall be paid by the Owner on account of any Rates made under this Act during the Continuance of such Lease, unless it shall have been agreed that the Owner shall pay all Rates in respect of such Property.

Owners to pay Rates in certain Cases.

CCLXXVIII. Provided always, and be it enacted, That in every Case in which any Rent, Reservation, or other Payment reserved or made payable by any Lease or Agreement which has been granted or entered into by the said Sir *Peter Hesketh Fleetwood* before the passing of this Act shall determine or cease to be payable, in consequence of the passing of this Act, or of any thing to be done in pursuance thereof, then and in every such Case the Rates by this Act directed to be made in respect of the Property comprised in such Lease or Agreement shall, in the Absence of any express Stipulation to the contrary, during the Continuance of such Lease or Agreement, be paid by the Person who would have been liable to pay such Rent, Reservation, or other Payment which shall so determine or cease to be payable in case the same had continued payable, and such Person shall be rated in respect thereof accordingly; and that no Person paying Rates or Assessments under this Act, for or in respect of the said Principal Sums of Money so expended and disbursed by the said Sir *Peter Hesketh Fleetwood*, as herein-before provided for, shall be held liable to any Sums of Money by way of Rates reserved or covenanted to be paid under or by virtue of any such Lease or Agreement.

In default of Payment by Owner for Six Months, Occupier to pay.

CCLXXIX. And be it enacted, That when the Owner or any other Person than the Occupier of any rateable Property shall have been rated in respect thereof, and the Rate shall have been unpaid for Six Months, it shall be lawful for the Commissioners or their Collector to recover the Amount of such Rate from the Occupier of such

such rateable Property, by the same Means as the same might have been recovered if such Occupier had been rated thereto: Provided always, that no Occupier shall be required to pay, nor shall his Goods and Chattels be distrained for, any further Sum than the Amount of Rent due from him at the Time when he shall have been required to pay, or of the issuing of the Warrant of Distress, unless he shall refuse to disclose the Amount of the Rent due from him, on Application being made to him for that Purpose.

Owner to repay the Occupier.

CCLXXX. And be it enacted, That if the Amount of any Rate which, under the Provisions herein-before contained, ought to be borne by the Owner of any rateable Property, or by any other Person than the Occupier thereof, shall be paid by the Occupier of such Property, or levied on his Goods and Chattels, the Owner or other Person who ought to have paid the same shall reimburse the Occupier; and it shall be lawful for such Occupier to deduct the Sums paid or levied, together with the Costs of the Distress, if any, paid by him, from the Rent due or to become due from him to such Owner or other Person.

Remedy against Persons quitting before Payment of Rates.

CCLXXXI. And be it enacted, That if any Person shall quit or be about to quit any rateable Property before he shall have paid the Rates then payable by him in respect thereof, and shall not pay the same to the Commissioners, or their Collector, on Demand, it shall be lawful for any Justice of the Peace having Jurisdiction where such Person may reside or his Goods be found, to summon such Person to appear before him, at a Time to be mentioned in the Summons, to show Cause why the Rates should not be paid; and if no sufficient Cause for the Nonpayment of such Rates be shown accordingly, the same shall be levied by Distress, and such Justice shall issue his Warrant accordingly.

Rates to be apportioned on Holder quitting.

CCLXXXII. And be it enacted, That when any Rate shall have been made for a particular Period, and the Owner or Occupier who shall be rated to such Rate shall cease to be the Owner or Occupier of the Property in respect whereof he shall be rated before the End of such Period, such Owner or Occupier shall be liable to pay a Portion only of the Rate payable for the whole of such Period, proportionate to the Time during which he continued to be Owner or Occupier; and if any Person shall become the Owner or Occupier of any Property so rated as aforesaid, during any Part of any Period for which any Rate shall have been made, such Person shall pay a Portion of such Rate proportioned to the Time during which he shall have held or occupied the Property so rated.

Persons entering on unoccupied Property to pay a Portion of the Rate.

CCLXXXIII. And be it enacted, That if any Property rateable under this Act shall have been unoccupied at the Time of making any Rate, and any Person shall occupy such Property during any Part of the Period for which such Rate shall have been made, it shall be lawful for the Commissioners to rate such Property, and the Person occupying the same during any Part of the Period aforesaid shall pay a Portion of the said Rate proportioned to the Time during which he shall occupy such Property.

Application of the Rates.

CCLXXXIV. And be it enacted, That the Money which shall arise from the said Rates, and all Money for the Supply of Gas, or other Money to be received by the Commissioners under this Act, shall be applied, in the first place, in the Payment thereout to the said Sir *Peter Hesketh Fleetwood* of the Interest of the Principal Sum so to be ascertained to be due to him as aforesaid (to or in which Principal Sum is to be added or included the Amount of his Costs, Charges, and Expences of applying for or incident to the obtaining and passing of this Act), and in the next place in Payment of the Interest of the Monies borrowed on Mortgage of the said Rates, and of the Annuities granted by virtue of this Act, and in the next place in repairing and keeping in repair the several Streets, Highways, and Roads within the Limits of this Act, and afterwards in defraying the Expences of paving, cleansing, watering, draining, lighting, and watching the said Streets, Highways, and Roads, and of improving the same, and carrying the several Purposes of this Act into execution, and in paying off the Principal Sums borrowed on the Credit of or charged on the Rates, in such Order as the Commissioners shall direct.

Limiting the Amount to be paid annually to Sir P. H. Fleetwood.

CCLXXXV. Provided always, and be it enacted, That no larger Amount or greater Proportion of the Monies which shall annually arise from the said Rates, or be received by the Commissioners under this Act, shall be paid to the said Sir *Peter Hesketh Fleetwood*, his Heirs, Executors, Administrators, or Assigns, within any One Year, for or in respect of such Interest Money as aforesaid, than such a Sum as would be equal to Five *per Cent.* on the Principal Sum that may be due to him, or more than One Fifth Part of the Rates or Assessments herein-before authorized to be made by the said Commissioners, if such Rates or Assessments were made and levied to the Extent of Two Shillings and Sixpence in the Pound on the annual Value of all Buildings, Lands, Tenements, Hereditaments, and Property within the Limits of this Act, in the Manner herein-before authorized or directed, in case such Fifth Part as aforesaid should not amount to such Five *per Cent.* on the said Principal Sum that may be due to the said Sir *Peter Hesketh Fleetwood* as aforesaid.

Damages to be ascertained with the Penalty.

CCLXXXVI. And be it enacted, That where any Damages or Charges are directed by this Act to be paid in addition to any Penalty for any Offence, the Amount of such Damages or Charges, in case of Nonpayment thereof, or of any Dispute concerning the same, shall be determined by the Justices before whom the Offender shall be convicted of such Offence, and shall be levied by Distress, and such Justices shall issue their Warrant accordingly.

Provision for Damages not otherwise provided for.

CCLXXXVII. And for the Purpose of providing for the Recovery of any Compensation for any Land, or for any Injury to any Land or other Property or Person, or for any Expences, Charges, or Damages which shall be payable under this Act, and for the Recovery of which no Method is herein provided, be it enacted, That in all such Cases the Amount of the Compensation, Charges, or Damages by this Act directed or authorized to be paid shall, in case of

of Nonpayment thereof, or of any Dispute about the same, be ascertained and determined by One or more Justices, and the same shall be levied by Distress.

For ascertaining Compensation.

CCLXXXVIII. And for the Purpose of ascertaining and determining any such Compensation, Expences, Charges, or Damages, be it enacted, That any Justice of the Peace may summon any Person liable to pay the same to appear before him at a Time mentioned in such Summons, and at such Time, either on the Appearance, or Default of the Party summoned to appear, to inquire into any such Compensation, Expences, Charges, or Damages, and to determine the same.

Recovery of Money from Commissioners.

CCLXXXIX. And with respect to any Money under the Provisions of this Act adjudged to be paid by the Commissioners, for which no other Mode of Proceeding is hereby prescribed, be it enacted, That if such Money be not paid by the Commissioners to the Party entitled to receive the same within Twenty-one Days after Demand thereof in Writing, stating the Order of the Justices for the Payment of such Money, the Amount shall be recovered by Distress of the Goods of the Commissioners, and if no sufficient Goods of the Commissioners can be found, by Distress of the Goods of the Treasurer of the Commissioners, but no such Distress shall issue against the Goods of such Treasurer, unless Seven Days previous Notice in Writing, stating the Amount so due, and demanding Payment thereof, shall have been given to such Treasurer, or left at his usual Place of Abode.

Reimbursement of the Treasurer.

CCXC. And be it enacted, That if such Treasurer pay any Money under any such Distress as aforesaid it shall be lawful for him to retain the Amount so paid by him, and all Costs and Expences occasioned thereby, out of any Money belonging to the Commissioners coming into his Custody or Control, or to sue the Commissioners for the same, in the same Manner as other Parties are by this Act enabled to sue the said Commissioners.

Publication of Penalties.

CCXCI. And for the Purpose of providing for the due Publication of all Penalties and Forfeitures exigible under this Act, or any Bye Law of the Commissioners affecting other Persons than themselves, their Officers or Servants, be it enacted, That from Time to Time the Commissioners shall publish the short Particulars of the several Offences for which any such Penalty is imposed by this Act, and of the Amount of every such Penalty, and shall cause such Particulars to be painted on a Board, or printed upon Paper and pasted thereon, and shall cause such Board to be hung up or affixed in the Office of the Clerk of the Commissioners, and, where any such Penalties are of local Application, shall cause such Boards to be affixed in some conspicuous Place in the immediate Neighbourhood to which such Penalties are applicable or have reference; and such Particulars shall be renewed as often as the same or any Part thereof is obliterated or destroyed; and no such Penalty shall be recoverable unless it shall have been published and kept published in the Manner herein-before required.

CCXCII. And

Defacing Boards.

CCXCII. And be it enacted, That if any Person pull down or break or deface any such Board put up or affixed as required by this Act for the Purpose of publishing any Penalty, or shall obliterate any of the Letters or Figures thereon, he shall forfeit for every such Offence a Sum not exceeding Five Pounds, and he shall also defray the Expences attending the Restoration of such Board; and such Expences shall be recoverable as any Penalty by this Act imposed may be recovered.

Penalties to be summarily recovered before One Justice or more.

CCXCIII. And for the Purpose of providing for the Recovery of Penalties or Forfeitures imposed by this Act, or by any Bye Law made in pursuance thereof, the Recovery of which is not otherwise provided for, be it enacted, That every such Penalty or Forfeiture may be recovered by summary Proceeding upon Complaint made before One or more Justices; and on the Complaint being made to any such Justice he shall issue a Summons requiring the Party complained against to appear on a Day and at a Time and Place to be named in such Summons, and every such Summons shall be served on the Party offending, either in Person or by leaving the same with some Inmate at his usual Place of Abode; and either upon the Appearance or upon the Default to appear of the Party offending it shall be lawful for any One or more Justices to proceed to the Hearing of the Complaint, and that although no Information in Writing or in Print shall have been exhibited before them; and upon Proof of the Offence, either by the Confession of the Party complained against, or upon the Oath of One credible Witness or more, it shall be lawful for any One or more Justices to convict the Offender, and upon such Conviction to adjudge the Offender to pay the Penalty or Forfeiture incurred, as well as such Costs attending the Conviction as such Justices shall think fit.

Penalties to be levied by Distress.

CCXCIV. And be it enacted, That if forthwith upon any such Adjudication as aforesaid the Amount of the Penalty or Forfeiture and of such Costs as aforesaid be not paid, the Amount of such Penalty and Costs, together with the Costs of the Distress, shall be levied by Distress, and any One or more Justices shall issue his or their Warrant of Distress accordingly.

Imprisonment in default of Distress.

CCXCV. And be it enacted, That it shall be lawful for the Justice or Justices to order any Offender so convicted as aforesaid to be detained and kept in safe Custody until Return can be conveniently made to the Warrant of Distress to be issued for levying such Penalty or Forfeiture and Costs, unless the Offender give sufficient Security, by way of Recognizance or otherwise, to the Satisfaction of the Justice or Justices, for his Appearance before him or them on the Day appointed for such Return, such Day not being more than Eight Days from the Time of taking such Security; but if before issuing such Warrant of Distress it shall appear to the Justice or Justices, by the Admission of the Offender or otherwise, that no sufficient Distress can be had whereon to levy such Penalty or Forfeiture and Costs, he or they may, if they think fit, refrain from issuing such Warrant of Distress; and in such Case, or if such Warrant shall have been issued, and upon the Return thereof such Insuf-

ficiency as aforesaid shall be made to appear to the Justice or Justices, then such Justice or Justices shall by Warrant cause such Offender to be committed to Gaol, there to remain without Bail for any Term not exceeding Three Months, unless such Penalty or Forfeiture and Costs be sooner paid and satisfied.

Application of Penalties.

CCXCVI. And with respect to the Application of any Penalties or Forfeitures recovered by virtue of this Act, the Application whereof is not herein otherwise provided for, be it enacted, That the Justice or Justices by whom any such Penalty or Forfeiture shall be imposed shall award one Half thereof to the Informer, and the other Half to the Commissioners, to be applied in aid of the Rates to be levied under this Act.

Penalties to be sued for within Six Months.

CCXCVII. And be it enacted, That no Person shall be liable to the Payment of any Penalty or Forfeiture imposed by virtue of this Act for any Offence herein-before made cognizable before a Justice, unless the Complaint respecting such Offence shall have been made before such Justice within Six Months next after the Commission of such Offence.

Penalty on Witnesses making Default.

CCXCVIII. And be it enacted, That it shall be lawful for any Justice to summon any Person to appear before him as a Witness in any Matter in which such Justice shall have Jurisdiction under the Provisions of this Act, at a Time and Place mentioned in such Summons, and to administer to him an Oath to testify the Truth in such Matter; and if any Person who shall be summoned as a Witness before a Justice touching any Offence committed against this Act, or any Matter in which such Justice shall have Jurisdiction by the Provisions of this Act, shall, without reasonable Excuse, refuse or neglect to appear at the Time and Place appointed for that Purpose, having been paid or tendered a reasonable Sum for his Expences, or if any Person appearing shall refuse to be examined upon Oath, or to give Evidence before such Justice, every such Person shall forfeit a Sum not exceeding Five Pounds for every such Offence.

Transient Offenders.

CCXCIX. And with respect to Offenders whose Names and Residences are not known, be it enacted, That any Officer of the Commissioners, and all Persons called by him to his Assistance, may seize and detain any Person who shall have committed any Offence against the Provisions of this Act, and whose Name and Residence shall be unknown to such Officer or Agent, and may convey him with all convenient Despatch before some Justice, without any Warrant or other Authority than this Act; and such Justice shall proceed with all convenient Despatch to the hearing and determining of the Complaint against such Offender.

Informalities.

CCC. And be it enacted, That the Justices before whom any Person shall be convicted of any Offence against this Act may cause the Conviction to be drawn up according to the Form in the Schedule (G.) to this Act annexed.

Distress how to be levied.

CCCI. And be it enacted, That no Proceeding in pursuance of this Act shall be quashed or vacated for Want of Form, nor shall the same be removed by Certiorari or otherwise into any of the Superior Courts.

Distress not unlawful for Want of Form.

CCCII. And be it enacted, That where in this Act any Sum of Money, whether in the Nature of Penalty or otherwise, is directed to be levied by Distress, such Sum of Money shall be levied by Distress and Sale of the Goods and Chattels of the Party liable to pay the same; and the Overplus arising from the Sale of such Goods and Chattels, after satisfying such Sum of Money, and the Expences of the Distress and Sale, shall be returned, on Demand, to the Party whose Goods shall have been distrained.

Form of Conviction.

CCCIII. And be it enacted, That no Distress levied by virtue of this Act shall be deemed unlawful, nor shall any Party making the same be deemed a Trespasser, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceeding relating thereto, nor shall such Party be deemed a Trespasser *ab initio* on account of any Irregularity afterwards committed by him, but all Persons aggrieved by such Defect or Irregularity may recover full Satisfaction for the special Damage in an Action upon the Case.

Parties may appeal to Quarter Sessions on giving Security.

CCCIV. And be it enacted, That if any Person shall think himself aggrieved by any Order, Determination, or Adjudication of any Justice, other than the Determination of any Justices in Petty Sessions assembled in an Appeal against any Rate made under the Authority of this Act, or of the Commissioners under the Provisions of this Act, he may appeal to the General Quarter Sessions; but no such Appeal shall be entertained unless it be made within Four Months next after the making of such Order, Determination, or Adjudication, nor unless Ten Days Notice in Writing of such Appeal, stating the Nature and Grounds thereof, be given to the Party against whom the Appeal shall be brought, nor unless the Appellant forthwith after such Notice enter into Recognizances, with Two sufficient Sureties, before a Justice, conditioned duly to prosecute such Appeal, and to abide the Order of the Court thereon.

Court to make such Order as they think reasonable.

CCCV. And be it enacted, That at the Quarter Sessions for which such Notice shall be given the Court shall proceed to hear and determine the Appeal in a summary Way, or they may, if they think fit, adjourn it to the following Sessions; and upon the hearing of such Appeal the Court may, if they think fit, mitigate any Penalty or Forfeiture, or they may confirm or quash the Order, Determination, or Adjudication, and order any Money paid by the Appellant or levied by Distress upon his Goods to be returned to him, and may also order such further Satisfaction to be made to the Party injured as they may judge reasonable; and they may make such Order concerning the Costs, both of the Order, Determination, or Adjudication, and of the Appeal, as they may think reasonable.

CCCVI. And

Saving the Rights of the Duchy of Lancaster.

CCCVI. And be it enacted, That nothing in this Act contained shall extend or be construed to extend to prejudice or derogate from the Estates, Rights, Interests, Privileges, or Authorities of the Queen's most Excellent Majesty, Her Heirs and Successors, whether in right of Her Crown or of Her Duchy or County Palatine of *Lancaster*.

Saving the Rights of Lords of Manors, &c.

CCCVII. And be it enacted, That nothing in this Act contained shall extend to prejudice, diminish, or derogate from the Estates, Rights, Interests, Privileges, or Authorities of any Bodies Politic or Corporate, Lords of Manors, or other Person or Persons whomsoever, his, her, or their Heirs, Successors, Executors, and Administrators, other than and except those expressly barred and regulated by this Act.

Saving the Rights of the Preston and Wyre Railway Harbour and Dock Company.

CCCVIII. And be it enacted, That nothing in this Act contained shall extend to prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities of the Company of Proprietors of "The *Preston and Wyre* Railway, Harbour, and Dock," but all such Rights, Privileges, Powers, and Authorities shall be saved and reserved to them in as full, ample, and beneficial a Manner, to all Intents and Purposes, as if this Act had not been passed.

Interpretation of Act.

CCCIX. And be it enacted, That in this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number:

Words importing the Masculine Gender only shall include Females:

The Word "Month" shall mean Calendar Month:

The Word "Person" shall include Corporation, whether Aggregate or Sole:

The Word "Oath" shall include Affirmation in case of Quakers, or other Declaration or Solemnity lawfully substituted for an Oath in case of any other Persons exempted by Law from the Necessity of taking an Oath:

The Word "Justice" shall mean any Justice of the Peace acting within the Limits of this Act:

The Words "General or Quarter Sessions" shall mean the General or Quarter Sessions of the Peace for the County Palatine of *Lancaster*:

The Word "Street" shall include any Square, Street, Court or Alley, Highway, Lane, Road, Thoroughfare, or public Passage or Place, within the Limits of this Act:

The Word "Lands" shall extend to Messuages, Lands, Tenements, and Hereditaments of any Tenure:

The Expression "the Commissioners" shall mean the Commissioners for the Time being acting by virtue of this Act.

Public Act.

CCCX. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

SCHE-

SCHEDULES referred to by the foregoing Act.

SCHEDULE (A.)

Form of Mortgage Deed.

BY virtue of an Act passed, *&c.*, intituled, *&c.*, we, Three of the Commissioners appointed by [*or* by virtue of] the said Act, in consideration of the Sum of paid to us by *A. B.* of for the Purposes of the said Act, do grant and assign unto the said *A. B.*, his Executors, Administrators, and Assigns, such Proportion of the Rates or Assessments arising by virtue of the said Act as the said Sum of doth or shall bear to the whole Sum which is or shall be borrowed upon the Credit of the said Rates or Assessments, to hold to the said *A. B.*, his Executors, Administrators, and Assigns, from this Day until the said Sum of with Interest at per Centum per Annum for the same, shall be fully paid and satisfied. In witness whereof we have hereunto set our Hands and Seals, this Day of One thousand eight hundred and .

SCHEDULE (B.)

Form of Grant of Annuity.

BY virtue of an Act passed, *&c.*, intituled, *&c.*, we, being of the Commissioners appointed by the said Act, in consideration of the Sum of paid by *A. B.*, do grant unto the said *A. B.* an Annuity or yearly Sum of to be issuing out of the Rates and Assessments arising by virtue of the said Act, to be paid to the said during the Term of his natural Life, [*or, as the Case may be*, to the said his Executors, Administrators, or Assigns, during the natural Life of *or* during the natural Lives of and and the Life of the Survivor,] upon the Day of and the Day of in every Year during his natural Life [*or, as the Case may be*, during the natural Life of the said *or* of the said and and the Survivor of them], 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, the Day of in the Year One thousand eight hundred and .

SCHEDULE (C.)

Form of Transfer of Mortgage or Grant of Annuity.

I *A. B.* of in consideration of the Sum of paid to me by *C. D.* of do hereby transfer to the said *C. D.*, his Executors, Administrators, and Assigns, a certain Mortgage, Number [*or* a certain Grant of Annuity, Number *as the Case may be*], made by the Commissioners for executing the [*Title of the Act*] to bearing Date the Day of for securing the Sum of and Interest, [*or* for granting an Annuity of *as the Case may be, or if such Transfer be by Indorsement*, the within Security], and all my Right, Estate, and Interest in and to the Money thereby secured [*or* the Annuity thereby granted], and in and to the Rates, Money, and Property thereby assigned. In witness whereof I have hereunto set my Hand and Seal, this Day of One thousand eight hundred and .

SCHEDULE (D.)

Form of Conveyance.

I of in consideration of the Sum of paid to me [*or, as the Case may be*, into the Bank of England, in the Name and with the Privity of the Accountant General of the Court of Chancery, ex parte the Fleetwood Improvement Commissioners [*or* to *A.B.* of and *C.D.* of Two Trustees appointed to receive the same], pursuant to an Act passed, *&c.*, intituled, *&c.*, by the said Commissioners, do hereby convey to the said Commissioners, their Successors and Assigns, all [*describing the Premises to be conveyed*], together with all Ways, Rights, and Appurtenances thereto belonging, and all such Estate, Right, Title, and Interest in and to the same as I am or shall become seised or possessed of, or am by the said Act empowered to convey, to hold the Premises to the said Commissioners, their Successors and Assigns for ever, according to the true Intent and Meaning of this Act. In witness whereof I have hereunto set my Hand and Seal, the Day of in the Year of our Lord One thousand eight hundred and .

SCHEDULE (E.)

Tolls payable.

For every covered and uncovered Shed, Stall, Bulk, Block, Trestle, Standing Place, or Station used by any Person for exposing to Sale Flesh Meat, Cheese, Bacon, pickled Pork, Fish, or any other live or dead Victuals, Fruit, Glass, Earthenware, or other Goods, Article, Commodity, or Thing whatsoever, (except as herein otherwise

wise specifically charged,) the following Tolls per Day shall be taken:

Not exceeding Six Feet by Five Feet, Sixpence:
Not exceeding Nine Feet by Five Feet, Nine-pence:
Not exceeding Twelve Feet by Five Feet, One Shilling; and for every Three Feet above for Stations, only One Penny Halfpenny in addition:
On uncovered Stalls, the same Excess of Tolls for an Increase of Width beyond Five Feet as in the Case of covered Stalls.

Carts.

For every Cart used by any Person for exposing or in which shall be exposed to Sale any Article, Commodity, or Thing, the following Tolls per Day:
If drawn by One Horse, Nine-pence; by Two Horses, One Shilling:
Waggons used for the like Purposes, One Shilling and Nine-pence per Day.

Butter.

For every Basket, Parcel, or Quantity of Butter, not exceeding Twelve Pounds Weight, One Penny per Day:
For each additional Six Pounds Weight, One Penny per Day.

Poultry and Pigs.

For Poultry, including Fowls, Chickens, and Ducks, Wild Fowls, Pigeons, and Rabbits; videlicet,
Not exceeding Three Couple, One Penny per Day:
For each additional Three Couple, One Penny per Day:
For every Turkey, Goose, Hog, or Pig, One Penny per Day.

Eggs.

For every Basket, Parcel, or Quantity of Eggs under One Dozen, One Halfpenny:
For each additional Dozen, One Halfpenny.

The Cattle Market.

For the Exposure to Sale of Horses or other Beasts, Cattle or Pigs, as follows; (that is to say,)
For every Horse, Mare, or Gelding, Four-pence:
For every Colt or Filly, Two-pence:
For every Mule or Ass, One Penny:
For every Bull, Ox, Cow, Heifer, or Steer, Two-pence:
For every Calf, One Penny:
For every Score of Sheep or Lambs, Ten-pence:
For every Score of Pigs, Ten-pence:
For every Score of Sucking Pigs, Two-pence:
And so in proportion for any greater or smaller Number; and One or more, not exceeding Five, to be paid for as a Quarter of a Score.

Weighing

Weighing and Measuring.

For weighing every Piece of Meat or Thing weighing not more than Twenty Pounds Avoirdupois, One Halfpenny :
For weighing every Piece of Meat or Thing weighing more than Twenty Pounds, and not exceeding One hundred Pounds, One Penny :
And so in proportion for any greater or smaller Quantity than One hundred Pounds Weight over and above One hundred Pounds Weight :

For measuring every Quantity of Goods and Things sold by Measure not exceeding One Bushel, One Halfpenny :
For measuring every Quantity more than a Bushel, and not exceeding Two Bushels, One Penny :
And for every Bushel beyond Two Bushels, One Halfpenny.

Slaughter-house.

For every Bull, Ox, Cow, Bullock, Steer, or Heifer, One Shilling :
For every Calf, Sixpence :
For every Sheep or Lamb, Three-pence :
For every Hog or Pig, Four-pence :
For any other Beast, One Shilling.

Weighing Machines.

For weighing any Cart, Waggon, or other Carriage, not exceeding One Ton, Three-pence :
And so in proportion for any greater or smaller Weight than One Ton.

General Tolls.

For every Basket, Hamper, Parcel, or Quantity of any other Goods, Commodity, Article, or Thing exposed or offered for Sale there, not before specifically charged or enumerated, or falling within any of the preceding Heads ; (that is to say,)
Not containing more than One Bushel, One Penny :
Every additional Half Bushel, One Halfpenny.

SCHEDULE (F.)

Form of Warrant of Distress.

} To one of the Collectors of the Rates under
to wit. } an Act passed, *&c.*, intituled, *&c.*, and to all Constables.

WHEREAS the under-mentioned Persons, now or late Owners or Occupiers of Premises within the have been duly rated in or are liable to the Payment of a Rate made on the Day of under the Authority of the said Act ; and there are now due from them respectively the several Sums of Money against their Names herein-after respectively set down, which

which they have not paid, as appeareth upon Oath to me, One of Her Majesty's Justices of the Peace for the ; and the said several Persons having been duly summoned to appear before me to answer the Premises, and not having shown sufficient Cause why such several Sums of Money should not be paid; These are therefore, in Her Majesty's Name, to require you or any of you forthwith to levy the said several Sums due as herein-before mentioned by Distress and Sale of the respective Goods and Chattels of the Persons aforesaid, rendering to them respectively the Overplus (if any), the reasonable Charges of such Summons, Warrant, Distress, and Sale being first deducted; and if no sufficient Distress can be had and taken, then that you certify the same to me, to the end that such further Proceedings may be had as the Law doth authorize and direct; and I do hereby strictly charge and command all and singular the Constables respectively to be aiding and assisting in all Things relating to the Premises. Given under my Hand and Seal, this Day of in the Year of our Lord One thousand eight hundred and .

	Sums due.
	£ s. d.
A. B. - - -	
C. D. - - -	

SCHEDULE (G.)

Form of Conviction.

to wit. }

Be it remembered, That on the Day of in the Year of our Lord *A. B.* is convicted before me, *C. D.*, one of Her Majesty's Justices of the Peace for the County of [*here describe the Offence generally, and the Time and Place when and where committed,*] contrary to the Fleetwood Improvement Act, One thousand eight hundred and forty-two. Given under my Hand and Seal, the Day and Year first above written.

C. D.

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