ANNO QUINQUAGESIMO QUARTO

# GEORGII III. REGIS.

## *Cap.* 109.

An Act for cleanſing, lighting, and otherwiſe improving certain Streets and Places within and near the Town and Borough of *Gateſhead*, in the County of *Durham*. [17th *June* 1814.]

WHEREAS ſeveral of the Streets, Lanes, Avenues, public Paſſages and Places, in the Pariſh of *Gateſhead*, in the County of *Durham*, are too narrow, and ſome of them (particularly the principal Street through which the great North Road leads) are rendered incommodious and inconvenient, and in many Parts dangerous to Paſſengers, by reaſon of the Irregularity, and want of proper and convenient Footpaths and Cauſeways, and by reaſon of various Nuiſances and Annoyances therein: And whereas it would tend greatly to the Accommodation, Safety, and Convenience, not only of the Inhabitants of the ſaid Pariſh, but of all Perſons reſorting to or travelling through the ſame, if the public Streets, Lanes, Avenues, public Paſſages and Places within the ſaid Pariſh were widened; proper, regular, and convenient Footpaths and Cauſeways made; and all Nuiſances and Annoyances removed and prevented; and if the ſame were cleanſed, lighted, watched, and otherwiſe improved; but which cannot be effected without the Aid and Authority of Parliament; May it therefore pleaſe Your Majeſty, that it may be enacted, and be it enacted by the King's Moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the

Commissioners appointed.

the Authority of the same, That *Adam Askew*, *John Abbot*, *William Andrews* (Chandler), *John Akenhead*, *Robert Akenhead*, *John Barras*, *George Barras*, *Thomas Bewick*, *Andrew Bell*, *William Birkinshaw*, *John Brockett*, *Anthony Boggen*, *Jonathan Brown*, *John Bell*, *Jonathan Collings*, *Joshua Carr*, *William Cail*, *Thomas Cleghorn*, *William Corbett*, *Richard Corbett*, *John Charlton*, *Robert Duke*, *Cuthbert Ellison*, *James Easton*, *John Errington*, *William Falla*, *Thomas Friend*, *Thomas Fenwick*, *Archibald Freeman*, *George Fothergill*, *Christopher Fairs*, *William Forbes*, *Thomas Fife*, *John Greene* the Elder, *John Greene* the Younger, *Joshua Greene*, *Robert Glover*, *William Gibbon* the Elder, *William Gibbon* the Younger, *Thomas Emerson*, Headlam, *Robert Shafto Hawks*, *John Hawks*, *Thomas Harvey*, *John Atkinsons Harrison*, *Michael Hall*, *William Hardy*, *James Hardy*, *David Haggie*, *William Hymers*, *Edward Jackson*, *Isaac Jobling*, *William Leavis*, *John Lister* the Elder, *John Macleod* the Younger, *William Methuen*, *William Marshall*, *John Miller*, *Robert Proctor*, *Joseph Price*, *John Rewcastle*, *John Roddam*, *Robert Rowley*, the Reverend *Hugh Salvin*, *Henry Smith*, *George Straker*, *Robert Spence*, *John Stobart*, *Henry Scott*, *Robert Spencer*, *Thomas Thompson* of Cotfield, *Richard Thompson*, *Robert Todd* Junior, *Philip Wilkinson*, *Joseph Willis*, *Ralph Wake*, *Ralph Wylam*, *Joseph Watson*, *George Wooler*, and *Taylor Winship*, together with the Rector of the Parish of *Gateshead* aforesaid for the Time being, and the Trustees of the Turnpike Road leading from the City of *Durham* to *Tyne Bridge*, in the said County of *Durham*, for the Time being, shall be and they are hereby appointed Commissioners for cleansing, lighting, watching, and otherwise improving all the Streets, Lanes, Avenues, and other public Passages and Places that now are or hereafter may be within the Precincts of the Parish of *Gateshead* aforesaid, which are hereby declared to be the Boundaries or Limits of this Act, and for putting this Act in execution.

The Limits of the Act described.

II. And whereas it may not be convenient or expedient for some Time after the passing of this Act to extend the Accommodation and Works hereby intended and authorized to be made and executed to certain Parts of the said Parish; and it is reasonable that such Parts of the said Parish should in the mean Time be exempt and discharged from the Rates and Assessments hereby authorized to be made; be it therefore enacted, that it shall be lawful for the said Commissioners from Time to Time and at any Time or Times, by any Order or Orders to be made for that Purpose, to declare any Part or Parts of the said Parish to be exempt and discharged from all or any of the Rates or Assessments to be made by virtue of this Act, for and during such Time or Times as shall be expressed in such Order or Orders; and such Part or Parts of the said Parish as shall be specified or described in any such Order and Declaration shall, for and during such Time or Times as therein mentioned, be accordingly exempt and discharged from all the Rates and Assessments to be made under or by virtue of this Act; and that during the Period of any such Exemption the said Commissioners shall not be obliged or compelable to apply or expend any Part of the said Rates or Assessments for any of the Purposes of this Act, within or upon the Part or Parts so declared exempt and discharged from such Rates and Assessments, provided that every such Order as aforesaid be made at a Meeting of the said Commissioners, of which Fourteen Days' previous Notice shall have been given as herein directed, and at which Nine Commissioners at least shall be

be preſent; and that a Copy of each ſuch Order, ſubſcribed with the Name of the Clerk to the ſaid Commiſſioners, be affixed on the outer Door of the principal Entrance of the Pariſh Church of *Gateſhead* aforeſaid, for the Space of Fourteen Days at leaſt after the making of ſuch Order reſpectively.

How new Commiſſioners are to be appointed.

III. And be it further enacted, That when any of the Commiſſioners hereinbefore particularly named, or hereafter to be elected, except the Rector of *Gateſhead* for the Time being, and the Truſtees of the Turnpike Road leading from the City of *Durham* to *Tyne Bridge* for the Time being, ſhall die or reſign, or ſhall for the Space of Twelve Calendar Months together refuſe or neglect to act, (ſuch Death, Reſignation, Refuſal, or Neglect being declared at a public Meeting of the ſaid Commiſſioners;) then and in any ſuch Caſe it ſhall be lawful for the ſurviving or remaining Commiſſioners, at a Meeting to be appointed for that Purpoſe, to elect ſome other Perſon to be a Commiſſioner in the Place of every Commiſſioner ſo dying, reſigning, refuſing or neglecting to act; and every Perſon ſo elected ſhall have the ſame Powers in the Execution of this Act as if he had been named a Commiſſioner in or by this Act; provided that Fourteen Days' Notice at the leaſt ſhall be given of every Meeting for electing new Commiſſioners, by affixing ſuch Notice, ſigned with the Name of the Clerk to the ſaid Commiſſioners, on the outer Door of the principal Entrance of the Pariſh Church of *Gateſhead* aforeſaid.

Notice of Meetings to elect new Commiſſioners.

Commiſſioner's Qualification.

IV. And be it further enacted, That no Perſon ſhall be capable of acting as a Commiſſioner in the Execution of this Act (except in adminiſtering the Oath or Affirmation hereinafter mentioned) unleſs he ſhall be in his own Right, or in Right of his Wife, in the actual Enjoyment of the Rents and Profits of a Freehold, Copyhold, or Leaſehold Eſtate of the clear yearly Value of Twenty-five Pounds above Reprizes, ſituate in the Pariſh of *Gateſhead* aforeſaid; or ſhall be an Inhabitant of the ſaid Pariſh of *Gateſhead*, and poſſeſſed of a Perſonal Eſtate to the Amount or Value of Seven hundred Pounds, nor until he ſhall have taken and ſubſcribed an Oath or Affirmation in the Form following: which Oath or Affirmation any One of the ſaid Commiſſioners is hereby empowered to adminiſter; (that is to ſay)

'I *A. B.* do ſwear, [*or, being a Quaker*, do ſolemnly affirm,] That I am in my own Right, [*or* in Right of my Wife,] in the actual Poſſeſſion [*or* Receipt] of the Rents and Profits of a Freehold, [Copyhold, *or* Leaſehold] Eſtate, ſituate within the Pariſh of *Gateſhead*, in the County of *Durham*, of the clear yearly Value of Twenty-five Pounds [*or* poſſeſſed of *or* entitled to a Perſonal Eſtate of the Value of Seven hundred Pounds;] and that I will truly and impartially, according to the beſt of my Skill and Judgment, execute and perform all and every the Powers and Authorities repoſed in me as a Commiſſioner, by virtue of an Act paſſed in the Fifty-fourth Year of the Reign of King *George* the Third, intituled [*here ſet forth the Title of this Act.*] So help me GOD.'

Penalty on Commiſſioners acting not being qualified.

And if any Perſon not being poſſeſſed of any ſuch Eſtate as aforeſaid (except as hereinbefore is excepted) ſhall act in the Execution of this Act, every ſuch Perſon ſhall for every ſuch Offence forfeit and pay the Sum of Fifty Pounds, together with full Coſts of Suit, to any Perſon or Perſons

Persons who shall sue for the same in any of His Majesty's Courts of Record at *Westminster*, or in the Court of Pleas at *Durham*; and every Person so sued shall prove that he was qualified as aforesaid at the Time of his acting as a Commissioner, or otherwise shall pay the said Penalty, without any other Proof or Evidence being given on the Part of the Plaintiff, than that such Person had acted as a Commissioner in the Execution of this Act; provided, nevertheless, that all Acts and Proceedings of any Person acting as a Commissioner in the Execution of this Act, though not duly qualified as aforesaid previous to his or their being convicted of the said Offence, shall, notwithstanding such Conviction, be as good, valid, and effectual as if such Person had been qualified according to the Directions of this Act.

Acts of Commissioners previous to Conviction valid.

V. Provided always, and be it further enacted, That no Person shall be capable of acting as a Commissioner under this Act who is a Victualler, or shall sell Ale, Wine, or any Spirituous Liquors by Retail, or during the Time he shall enjoy any Office of Profit, or be concerned directly or indirectly in any Contract made by virtue of this Act; and that after the first Appointment of a Treasurer, Clerk, and Surveyor, in pursuance of this Act, no Commissioner shall be capable of voting for the Removal or Appointment of any Treasurer, Clerk, or Surveyor to be appointed or employed by virtue of this Act, unless he shall have acted as a Commissioner at some Meeting of the said Commissioners within Twelve Calendar Months next before such Removal, or next before the particular Vacancy shall occur in the Office of Clerk, Treasurer, or Surveyor.

Commissioners incompetent to act in certain Cases.

VI. Provided also, and be it further enacted, That no Justice of the Peace shall be disqualified to act as such Justice in the Execution of this Act by reason of his being a Commissioner.

Commissioners who are Justices may act in both Capacities.

VII. And be it further enacted, That the said Commissioners shall and are hereby required to meet in the Vestry of the Parish Church of *Gateshead* aforesaid on the Twenty-first Day of *June* One thousand eight hundred and fourteen, or on some Day afterwards, as soon as conveniently may be after the passing of this Act, between the Hours of Ten and Four of the Clock, in order to put this Act in Execution; and shall and may then and from Time to Time afterwards adjourn themselves to meet at the Place aforesaid, or at any other convenient Place within the Limits of this Act, as they or the major Part of them present at such Meeting shall appoint; and if it shall happen that there shall not appear at any such Meeting of the said Commissioners a sufficient Number to act or to adjourn to another Day, (Three Commissioners being hereby declared competent to make such Adjournment,) or if they shall refuse or neglect to adjourn, then and in every such Case their Clerk, or any Three or more of the said Commissioners, shall and may call a Meeting at the Place where the last Meeting was to have been holden, by Notice in Writing to be affixed on the outer Door of the principal Entrance of the Parish Church of *Gateshead* aforesaid, at least Ten Days before the next Meeting; and that at all Meetings to be holden in pursuance of this Act the Commissioners shall defray their own Expences.

Commissioners' Meetings.

Meetings on Emergencies.

VIII. And be it further enacted, That if after any Adjournment of any Meeting of the ſaid Commiſſioners it ſhall be thought neceſſary that an earlier Day of Meeting ſhould be appointed than the Day appointed by ſuch Adjournment, then and in that Caſe the Clerk to the ſaid Commiſſioners, upon an Order in Writing ſigned by any Three or more of the ſaid Commiſſioners, mentioning the Time, Place, and Purpoſe of ſuch Meeting, ſhall forthwith give Notice in Manner aforeſaid, of the Time and Place mentioned in the Order of the ſaid Commiſſioners, (ſuch Time not being leſs than Two Days after ſuch Notice,) and ſuch earlier Meeting ſhall and may be held accordingly; and all the Proceedings of the Commiſſioners preſent at ſuch Meetings ſhall be as valid and effectual as they would have been in caſe ſuch Meetings had been held in purſuance of any Adjournment.

Regulations as to Commiſſioners' Proceedings.

IX. And be it further enacted, That all the Powers and Authorities by this Act granted to or veſted in the ſaid Commiſſioners ſhall and may from Time to Time be exerciſed at ſuch Meetings as aforeſaid where Five or more of the ſaid Commiſſioners ſhall be preſent and acting thereat; and that all Orders and Proceedings in the Execution of ſuch Powers and Authorities by the major Part of the Commiſſioners preſent and actually voting at any ſuch Meeting, ſhall be valid and effectual to all Intents and Purpoſes whatſoever (except in Caſes where it is hereby otherwiſe provided); and that no Act, Order, or Determination of the ſaid Commiſſioners at any ſuch Meeting ſhall be revoked or altered unleſs at a ſubſequent Meeting (of which at leaſt Ten Days' previous Notice ſhall be given as laſt aforeſaid) to be held for that ſpecial Purpoſe, at which Nine Commiſſioners ſhall be preſent, and a Majority of them ſhall concur in ſuch Revocation or Alteration.

Chairman to have the caſting Vote.

X. And be it further enacted, That at every Meeting of the ſaid Commiſſioners to be held in purſuance of this Act a Chairman ſhall and may be appointed by and out of the Commiſſioners preſent; and when and ſo often as it ſhall happen that there ſhall be an equal Number of Votes upon any one Queſtion (including the Vote of the ſaid Chairman) then and in ſuch Caſe it ſhall be lawful for the ſaid Chairman to give the caſting or deciſive Vote.

Proceedings of the Commiſſioners to be entered in a Book.

XI. And be it further enacted, That the Names of all the Commiſſioners who ſhall duly qualify in purſuance of this Act, and of ſuch Commiſſioners as ſhall be preſent at their reſpective Meetings, and all Acts, Orders, and Proceedings of the Commiſſioners, ſhall be entered in a Book or Books to be kept for that Purpoſe, and ſigned by the Chairman at each Meeting, or the Clerk to the ſaid Commiſſioners; and the Book or Books ſo ſigned ſhall be depoſited with the Clerk of the ſaid Commiſſioners, to be produced at all the Commiſſioners' Meetings; and all ſuch Acts, Orders, and Determinations ſo entered ſhall be deemed and taken to be Originals; and ſuch Book or Books ſhall and may be produced and read in Evidence.

A yearly Account to be ſtated by the Commiſſioners.

XII. And be it further enacted, That the ſaid Commiſſioners ſhall upon the Firſt *Tueſday* in *June* in every Year cauſe a fair and true Account to be made and drawn out in Writing of all the Monies received and paid in purſuance of this Act, and to whom, and for what Purpoſes, and at what Times the ſame have been paid, laid out, and expended; and

such Account, or a Copy or Duplicate thereof, signed by the said Commissioners, shall be deposited with and kept by their Clerk, who is hereby required to permit any Person charged with the Payment of any of the said Rates or Assessments to inspect the same at any seasonable Time, without paying any Thing for such Inspection.

Appointment of Officers.

XIII. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required, by Writing under their Hands, to elect, and appoint, and employ such Clerks, Treasurers, and Collectors of the Rates or Assessments to be levied and collected by virtue of this Act, and also such Surveyors and other Officers and Persons as they shall from Time to Time think proper; and any such Clerks, Treasurers, Collectors, Surveyors, and other Officers and Persons from Time to Time to remove and displace, as they shall think fit, and to choose and appoint others in the Room of such of them as shall be so removed and displaced, or shall die, or resign their Office, Seven Days' Notice being first given as aforesaid of such Removal, Death, or Resignation, and of the Time and Place of Meeting for filling up the Vacancy or Vacancies thereby occasioned; and the said Commissioners may and are hereby authorized and empowered, by and out of the Monies to be raised and received by virtue of this Act, to make and pay such Allowances to such Officers, and to all other Persons by the said Commissioners to be employed in the Execution of this Act, as they shall think reasonable; and the said Commissioners shall and are hereby required to take such Security from their Clerk, Treasurer, and other Officers, for the due Execution of their respective Offices, as the said Commissioners shall think proper; and all such Officers so to be appointed as aforesaid shall upon Demand of the said Commissioners duly account to them upon Oath for all Monies which shall come to their respective Hands, and touching the several Matters and Things to be committed to their Charge by virtue of this Act; and also shall, upon Demand of the said Commissioners, pay and deliver over to their Treasurer for the Time being, or whom they shall appoint, all the Monies appearing upon the Balance of such Accounts, together with the Vouchers in support of such Accounts, and also the Books, Papers, and Writings in their respective Custody or Power relating to the Proceedings to be had under this Act, and in default for the Space of Fourteen Days after such Demand made as aforesaid, it shall be lawful for the said Commissioners, and they are hereby authorized and empowered to commence and prosecute any Action or Actions against any Person making such Default, for the Recovery of the Monies that shall be in the Hand of such Person, with Costs of Suit; or if Complaint shall be made by the said Commissioners, or by such Person or Persons as shall be appointed by them for that Purpose, of any such Default as aforesaid, to any Justice of the Peace for the County or Place wherein the Party making such Default shall reside, such Justice is hereby authorized and required to cause the Person so making Default to be brought before him, and upon his appearing, or not appearing, to hear and determine the Matter in a summary Way; and if upon the Confession of the Party, or the Testimony of any credible Witness upon Oath, it shall appear to such Justice that any of the Monies which shall have been collected, raised, or received by virtue of this Act, shall be in the Hands of such Person, or shall have been misapplied or misappropri-

Officers to account.

ated by him or them, such Justice is hereby authorized and required to cause by Warrant such Monies to be levied by Distress and Sale of the Goods and Chattels of such Person or Persons offending as aforesaid; and if no such Goods and Chattels can be found sufficient to satisfy such Monies, and the Charges of distraining and selling the same, or in case of Refusal to account as aforesaid, or it shall appear to such Justice, by the Confession of the Party so offending, or by the Testimony of any credible Witness upon Oath, that any Books, Papers, or Writings relating to the Execution of this Act, shall be in the Custody or Power of any such Person, and he shall refuse to deliver up the same as aforesaid, in any of the said Cases such Justice shall commit every such Offender to the Gaol or House of Correction of the County or Place where such Offender shall reside or be, there to remain until he shall give a true and perfect Account and make Payment as aforesaid, or until he shall compound with the Commissioners in such Manner as they shall think fit, and until he shall deliver up such Books, Papers, and Writings as aforesaid, or give Satisfaction in respect thereof: Provided always, that no Person so committed shall be confined or detained in Prison by virtue of this Act for any longer Space of Time than Six Calendar Months.

Penalty on Officers taking extra Fees.

XIV. And be it further enacted, That if any Treasurer, Clerk, Collector, or other Officer or Person who shall be appointed and employed by the said Commissioners in the Execution of this Act, shall exact, demand, or wilfully take any Fee or Reward whatsoever, other than such Salaries and Reward as shall be appointed and allowed by such Commissioners, on account of any Thing ordered or directed by the Commissioners for putting this Act into Execution, or on any Account whatsoever relating to the Execution thereof, or shall any way be concerned or interested in any Bargain made or to be made by such Commissioners, or any of them, every Person so offending shall for ever be incapable of being employed under this Act, and shall forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same in any of His Majesty's Courts of Record at *Westminster*, or in the Court of Pleas at *Durham*, within Six Calendar Months next after the Offence committed, with Costs of Suit.

Commissioners shall sue and be sued.

XV. And be it further enacted, That the said Commissioners may and shall in all Cases sue or be sued in the Name of their Clerk; and that no Action which may be brought or commenced, or Indictment which may be prosecuted by or against the said Commissioners, or any of them, by virtue or on account of this Act, in the Name of their Clerk, shall abate or be discontinued by the Death or Removal of such Clerk, or by the Act of such Clerk, without the Consent of the said Commissioners; but the Clerk to the said Commissioners for the Time being shall always be deemed Plaintiff, Prosecutor, or Defendant in such Action or Indictment, as the Case may be, except in Cases herein otherwise provided: Provided always, that every such Clerk in whose Name any Action, Indictment, or Suit shall be commenced, preferred, prosecuted, or defended in pursuance of this Act, shall always be reimbursed and paid out of the Monies to be raised by virtue of this Act, all such Costs and Charges as by the Event of any such Proceedings he shall be

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put to or become chargeable with, by reason of his being made Plaintiff or Defendant therein.

Power to purchase Lands for the Purposes of the Act.

XVI. And be it further enacted, That for the Purpose of making the narrow Parts of the Streets, Lanes, and other public Passages within the District of this Act safe and commodious for Carriages and Passengers, and for opening proper Communications between the said Streets, Lanes, and other public Passages and Places, or any of them, and for altering, widening, and improving the present Communications between the said Streets, Lanes, and other public Passages and Places, or any of them, and for otherwise improving the Parish of *Gateshead* aforesaid, in Manner by this Act directed, it shall be lawful for the said Commissioners to treat and agree with all such Persons, and Bodies Politic or Corporate, Spiritual or Lay, respectively, as shall be or be deemed to be the Owner or Owners of or interested in Fee Simple, or for any less Estate, and whether in their own Right, or as Trustees, Committees, Guardians, Executors, Administrators, or otherwise, in any such Houses, Buildings, Erections, Lands, Tenements, or Hereditaments, within the Limits of this Act, as they the said Commissioners shall think right and proper to be taken or used for the Purposes of this Act, for the absolute Purchase thereof respectively, or for the Damage to be done thereto respectively in the Execution or for the Purposes of this Act, and to take down or alter all or any of such Houses, Buildings, Erections, Tenements, or Hereditaments to be so purchased, or any Part or Parts of the same respectively, and to appropriate all or any of the Ground or Sites thereof respectively, and also to appropriate all or any of the Lands to be so purchased for all or any of the Purposes aforesaid, as they the said Commissioners shall think fit.

Notice to be given previous to Purchases, &c.

XVII. Provided always, and be it further enacted, That no Houses, Buildings, or Grounds shall be purchased for the Purposes of this Act, unless in pursuance of an Order of the said Commissioners made at a Meeting for that Purpose; of which Meeting Ten Days' Notice shall be previously given in One of the Newspapers published at *Newcastle-upon-Tyne*; nor shall any Houses or other Buildings be pulled down, or Grounds thrown open in consequence of any Order for that Purpose, unless Three Months' Notice in Writing at the least shall be given to or left at the usual Place of Abode of the Owners and Occupiers thereof, or without the Consent of the Owners and Proprietors thereof.

Satisfaction to be made for Damages in taking down adjoining Houses.

XVIII. And be it further enacted, That in case any House or Building shall be damaged or injured by or in the taking down of any of the Houses or Buildings to be taken down for the Purposes aforesaid, the said Commissioners are hereby authorized and required, out of the Money to be raised by virtue of this Act, to make the Owners and Occupiers of such Houses and Buildings so damaged and injured, such Compensation and Satisfaction for such Damage as the said Commissioners shall in their Judgment think reasonable; and in case the Owners or Occupiers shall think the said Satisfaction not sufficient, then the same shall be settled by a Jury in the Manner hereinafter provided, for ascertaining the Value of Lands taken and used for the Purposes of this Act.

XIX. And

Power for Corporations to ſell Lands.

XIX. And be it further enacted, That it ſhall be lawful for all Bodies Politic or Corporate, and all other Perſons whomſoever, who are or who ſhall be ſeiſed or entitled in their own Right, or as Truſtees and Feoffees in Truſt, and to and for all Femes Covert, Guardians, and Committees for Lunatics or Idiots, Executors, and Adminiſtrators, and all Guardians whomſoever, not only on Behalf of themſelves, their Heirs and Succeſſors, but alſo for and on Behalf of their Ceſtui que Truſts, whether Infants, or Iſſue unborn, Lunatics, Idiots, Femes Covert, or other Perſons whomſoever, who are or ſhall be ſeiſed or poſſeſſed of or intereſted, in Fee Simple, or for any leſs Eſtate, in any Houſes, Buildings, Lands, Grounds, or Hereditaments, within the Limits of this Act, which the ſaid Commiſſioners ſhall deem requiſite to purchaſe for any of the Purpoſes of this Act, to contract for, ſell, and convey to the ſaid Commiſſioners, or to any Perſon or Perſons they ſhall appoint in Truſt for them, all ſuch Houſes, Buildings, Lands, and Hereditaments, or any of them, or any Part thereof; and that all ſuch Contracts, Agreements, Bargains, Sales, Aſſignments, Surrenders, and other Conveyances, which ſhall be ſo made as aforeſaid, ſhall be good and valid in the Law to all Intents and Purpoſes whatſoever, not only to convey the Eſtate, Term, and Intereſt of the Perſon or Perſons conveying, but alſo all the Right, Eſtate, Intereſt, Uſe, Property, Claim, and Demand whatſoever of their ſeveral and reſpective Ceſtui que Truſts, whether Infants, or Iſſue unborn, Lunatics, Idiots, Femes Covert, or other Perſons whomſoever, and all Perſons claiming or to claim by, from, or under them; any Statute, Law, or Uſage, to the contrary thereof in anywiſe notwithſtanding.

On refuſal to treat, Value to be ſettled by a Jury.

XX. And be it further enacted, That if any ſuch Bodies Politic or Corporate, or other Perſon or Perſons as aforeſaid, intereſted in ſuch Houſes, Buildings, Lands, or Hereditaments, upon due Notice to them given or left in Writing at the Place of Abode of ſuch Perſon or Perſons, or of the head Officer or Officers of ſuch Bodies Politic or Corporate, or at the Houſe of the Tenant or Tenants in Poſſeſſion of the Houſes, Buildings, Lands, or Hereditaments ſo to be taken down and converted into or made Parts of the ſaid Streets, Lanes, Public Ways, and Paſſages, ſhall, at the Expiration of One Calendar Month next after ſuch Notice given or left as aforeſaid, neglect or refuſe to treat, or ſhall not agree for the Sale of the Premiſes, or by reaſon of Abſence ſhall be prevented from treating; then and in every ſuch Caſe the ſaid Commiſſioners ſhall cauſe it to be inquired into and aſcertained, by and upon the Oath of a Jury of Twelve indifferent Men of the County of *Durham* (which Oath any Juſtice of the Peace for the County of *Durham* is hereby empowered to adminiſter) what Recompence or Satisfaction ſhall be made to ſuch Owner or Owners, Occupier or Occupiers, Proprietor or Proprietors, or other Perſons, for or on Account of the Hereditaments to be taken or uſed for the aforeſaid Purpoſes of this Act; and in order to aſcertain ſuch Recompence and Satisfaction, the ſaid Commiſſioners are hereby empowered and required from Time to Time, as often as Occaſion ſhall be, to ſummon and call before the ſaid Jury and examine upon Oath all and every Perſon and Perſons whomſoever who ſhall be thought neceſſary and proper to be examined as a Witneſs or Witneſſes touching or concerning the Premiſes (which Oath any Juſtice of the Peace for the ſaid

County of *Durham* is hereby required and empowered to administer); and the ſaid Commiſſioners ſhall alſo order and cauſe the ſaid Jury to view the ſaid Hereditaments (if they ſhall think proper), and uſe all other lawful Ways and Means the better to enable the ſaid Jury to adjudge and determine in the Premiſes; and after the ſaid Jury ſhall have ſo inquired of and aſcertained and ſettled ſuch Recompence and Satisfaction, the ſaid Commiſſioners ſhall thereupon order, adjudge, and determine the Sum or Sums of Money ſo aſcertained by the ſaid Jury, to be paid to or for the Uſe of the Owners or Proprietors of or Perſons intereſted in the ſaid Hereditaments accordingly; which ſaid Verdict, Judgment, Order, or Determination ſo had and made, ſhall be final and concluſive to all Intents and Purpoſes whatſoever, againſt all Parties and Perſons whomſoever claiming in Poſſeſſion, Reverſion, Remainder, Expectancy or otherwiſe, their Heirs and Succeſſors, as well abſent as preſent, Infants, Femes Covert, Idiots, Lunatics, *ceſtui que* Truſts, and Perſons under any Diſability whatſoever, Bodies Politic or Corporate, and all and every Perſon and Perſons whomſoever.

Directions for ſummoning the Jury.

XXI. And be it further enacted, That for the ſummoning and returning of ſuch Jury or Juries the ſaid Commiſſioners are hereby empowered, at any Meeting to be held for that Purpoſe, to iſſue their Warrant or Warrants to the Sheriff of the County of *Durham*, thereby requiring him to impannel, ſummon, and return an indifferent and diſintereſted Jury of Forty-eight Perſons, to appear before the ſaid Commiſſioners at ſuch Time and Place as in ſuch Warrant ſhall be appointed; and the ſaid Sheriff is hereby required to impannel, ſummon, and return Forty-eight ſuch Perſons as aforeſaid; and the Names of the Forty-eight ſo returned ſhall be written upon Pieces of Paper and put into a Box, and the firſt Twelve Perſons drawn of thoſe attending ſhall be Jurymen; and the ſaid Commiſſioners ſhall cauſe ſuch Jurymen to be ſworn before them, or before a Juſtice of the Peace for the ſaid County, (which Oath they and he reſpectively are and is hereby empowered to adminiſter,) and which Twelve Jurymen ſhall be the Jury for the Purpoſes aforeſaid; and for default of a ſufficient Number of Jurymen the Sheriff ſhall return other indifferent and diſintereſted Men of the Standers-by, or that can ſpeedily be procured to attend that Service, ſo as to compoſe the Number of Twelve; provided nevertheleſs, that the ſaid Commiſſioners, and alſo the Parties intereſted in the Houſes, Buildings, or Grounds ſo to be purchaſed, may have their lawful Challenges againſt any of the Jurymen when they come to be ſworn, but ſhall not challenge the Array of the Pannel; provided nevertheleſs, that if inſtead of forming the Jury to be drawn by Lot as aforeſaid, the Owners or Proprietors of the Hereditaments to be purchaſed for the Purpoſe of this Act, or any Perſon on their Behalf, ſhall elect and chooſe Six out of the Forty-eight Perſons to be returned by the Sheriff as aforeſaid, and the ſaid Commiſſioners ſhall elect and chooſe other Six out of the ſame Forty-eight Perſons, in ſuch Caſe the Twelve Perſons ſo to be elected as laſt mentioned ſhall be the Jury, and ſhall be ſworn for the Purpoſe and in Manner aforeſaid.

XXII. And

Penalty on Sheriff and Jury for Default.

XXII. And be it further enacted, That it ſhall and may be lawful for the ſaid Commiſſioners from Time to Time to impoſe any reaſonable Fine, not exceeding the Sum of Five Pounds for one Offence, on ſuch Sheriff making Default in the Premiſes, and on any of the Perſons who, after being duly ſummoned and returned ſhall not appear, or who ſhall refuſe to be ſworn on any ſuch Jury, or being ſworn thereon, ſhall refuſe to give or ſhall not join in giving a Verdict therein, or in any other Manner neglecting his Duty therein, contrary to the true Intent and meaning of this Act; and the ſaid Sheriff ſhall be allowed the Sum of Ten Shillings for impannelling and returning the ſaid Jury; and each Juryman ſhall be paid the Sum of Two Shillings and Sixpence for his Attendance each Day, in Manner hereinafter mentioned; and if any Perſon or Perſons, who being required to give Evidence before the ſaid Jury touching the Premiſes, ſhall after Payment or Tender of a reaſonable Sum for his Attendance, Coſts, Charges, and Expences, refuſe to be examined or to give Evidence accordingly, the ſaid Commiſſioners ſhall and may impoſe ſuch Fine or Fines, Penalty or Penalties, not exceeding the Sum of Five Pounds, on each Perſon ſo refuſing, as they ſhall think fit, to be levied, recovered, and applied in Manner hereinafter mentioned.

Expences of Juries how to be paid.

XXIII. And be it further enacted, That in caſe any Jury or Juries to be ſummoned and ſworn purſuant to the Authority of this Act ſhall give in and deliver a Verdict for more Money, as a Recompence or Satisfaction for the Right, Intereſt, or Property of any Perſon or Perſons in any Hereditaments, than ſhall have been agreed to be given, and ſhall have been offered by the ſaid Commiſſioners before the ſummoning and returning of the Jury and Witneſſes, the Coſts and Expences of ſummoning and returning the ſaid Jury, and attending the hearing and determining of the Matter in Queſtion, ſhall be borne and paid, by Order of the ſaid Commiſſioners, out of the Monies to be collected by virtue of this Act; but if any Jury or Juries to be ſummoned and ſworn as aforeſaid ſhall give in and deliver a Verdict for no more or for leſs Money than ſhall have been agreed to be given, and ſhall have been offered by the ſaid Commiſſioners before the ſummoning and returning of the ſaid Jury or Juries, as a Recompence or Satisfaction for any ſuch Right, Intereſt, or Property in the Premiſes, that then the Coſts and Expences hereinbefore mentioned ſhall be borne and paid by the Perſon or Perſons with whom the ſaid Commiſſioners ſhall have ſuch Controverſy or Diſpute, to be recovered by ſuch Ways and Means as are hereinafter mentioned for the Recovery of Penalties and Forfeitures; provided that in all Caſes where any Perſon or Perſons ſhall by reaſon of Abſence have been prevented from treating with the ſaid Commiſſioners, ſuch Coſts and Charges ſhall be borne and paid by ſuch Commiſſioners as aforeſaid.

Money agreed upon or aſſeſſed, how to be paid and tendered.

XXIV. And be it further enacted, That all and every ſuch Sum and Sums of Money, Conſideration, Recompence, or Satisfaction, to be agreed for, aſcertained, or aſſeſſed as aforeſaid, ſhall be paid out of the Monies to be raiſed by virtue of this Act, either into the Bank of *England* as hereinafter mentioned, or (as the Caſe may require) to the Parties or Perſons reſpectively entitled to ſuch Monies, or to their Agents; and that upon Payment thereof in Manner aforeſaid, or upon Tender

Tender thereof, and Refuſal to accept the ſame, then upon leaving ſuch Monies in the Hands of the Treaſurer to the ſaid Commiſſioners, for the Uſe of ſuch Parties or Perſons, and after Ten Days' Notice thereof given to ſuch Parties or Perſons, or their Agents, to receive the ſame, it ſhall be lawful for the ſaid Commiſſioners, their Surveyors, Workmen, or Agents, to enter upon ſuch Lands or Hereditaments, and to uſe and apply the ſame for any of the Purpoſes of this Act, in ſuch Manner as the ſaid Truſtees ſhall think fit; and from thenceforth all Parties and Perſons whomſoever ſhall be diveſted of all Right and Title to ſuch Lands and Hereditaments, and every Part thereof.

Application of Purchaſe Monies amounting to 200l.

XXV. And be it further enacted, That if any Money ſhall be agreed or awarded to be paid for any Lands or Hereditaments purchaſed, taken, or uſed by virtue of this Act, for the Purpoſes thereof, which ſhall be limited in ſtrict Settlement, or ſhall belong to any Body Politic, Corporate, or Collegiate, Feoffee in Truſt, Executor, or Adminiſtrator, Huſband, Guardian, or Committee, or other Truſtee, for or on Behalf of any Infant, Lunatic, Idiot, Femes Covert, or other Perſon under any other Diſability or Incapacity whatſoever, ſuch Money ſhall, in caſe the ſame ſhall be equal to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there *ex parte* the ſaid Commiſſioners, to the Intent that ſuch Money may be applied, under the Direction and with the Approbation of the ſaid Court, to be ſignified by an Order made upon a Petition, to be preferred in a ſummary Way by the Perſon or Perſons who would have been entitled to the Rents and Profits of the ſaid Lands or Hereditaments, in the Purchaſe or Redemption of the Land Tax, or towards the Diſcharge of any Debt or Debts, or other Incumbrances, or Part thereof, affecting the ſame Lands or Hereditaments, or affecting other Lands or Hereditaments, ſtanding ſettled therewith to the ſame or the like Uſes, Intents, or Purpoſes; and where ſuch Money ſhall not be ſo applied, then the ſame ſhall be laid out and inveſted, under the like Direction and Approbation of the ſaid Court, in the Purchaſe of other Lands or Hereditaments, which ſhall be conveyed and ſettled to, for, and upon ſuch and the like Uſes, Truſts, Intents, and Purpoſes, and in the ſame Manner as the Lands and Hereditaments which ſhall be purchaſed, taken, or uſed as aforeſaid, ſtood ſettled or limited, or ſuch of them as at the Time of making ſuch Conveyance or Settlement ſhall be exiſting undetermined and capable of taking Effect; and in the mean Time and until ſuch Purchaſe ſhall be made, the ſaid Money ſhall by Order of the Court of Chancery, upon Application thereto, be inveſted by the ſaid Accountant General in his Name, in the Purchaſe of Three Pounds *per Centum* Conſolidated Bank Annuities, or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time and until the ſaid Bank Annuities ſhall be ordered by the ſaid Court of Chancery to be ſold for the Purpoſes aforeſaid, the Dividends and Annual Produce of the ſaid Conſolidated or Reduced Bank Annuities ſhall from Time to Time be paid by order of the ſaid Court, to the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the ſaid

Lands or Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

Where the Purchase Money is less than £.200, and exceeds £.20.

XXVI. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under any Disability or Incapacity as aforesaid, shall be less than the Sum of Two Hundred Pounds, and shall exceed or be equal to the Sum of Twenty Pounds, then and in such Case the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner hereinbefore directed, or otherwise the same shall be paid at the like Option to Two Trustees, to be nominated by the Person or Persons making such Option, and approved by the said Commissioners, (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties,) in order that such Principal Money, and the Dividends arising therefrom, may be applied in Manner hereinbefore directed, so far as the Case may be applicable, without requiring or being required to obtain the Direction or Approbation of the said Court of Chancery; provided also, that where such Money so agreed or awarded to be paid as last-mentioned, shall be less than the Sum of Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments so purchased, taken or used for the Purposes of this Act, in such Manner as the said Commissioners shall direct; or in case of Infancy or Lunacy, then such Money shall be paid to his, her or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

Where the Purchase Money is less than £20.

Purchase Money to be paid into the Bank of England, in certain Cases.

XXVII. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be agreed, adjudged or awarded to be paid for the Purchase of any Lands or Hereditaments to be purchased by virtue of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises, to the Satisfaction of the said Commissioners; or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found; or if the Person or Persons entitled to such Lands or Hereditaments be not known or discovered, then and in every such Case it shall be lawful for the said Commissioners to order the said Sum or Sums of Money so agreed, adjudged, or awarded as aforesaid, to 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, to the Credit of the Parties interested in the said Lands or Hereditaments, (describing them) subject to the Order, Control, and Disposition of the said Court of Chancery; which said Court, on the

Application of any Perſon or Perſons making Claim to ſuch Sum or Sums of Money, or any Part thereof, by Motion or Petition, ſhall be and is hereby empowered, in a ſummary Way of Proceeding or otherwiſe, as to the ſame Court ſhall ſeem meet, to order the ſame to be laid out and inveſted in the Public Funds, and to order Diſtribution thereof, or Payment of the Dividends thereof, according to the reſpective Eſtate, Title, or Intereſt of the Perſon or Perſons making Claim thereunto, and to make ſuch other Orders in the Premiſes as to the ſaid Court ſhall ſeem juſt and reaſonable; and the Caſhier or Caſhiers of the Bank of *England* who ſhall receive ſuch Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for ſuch Sum or Sums of Money, mentioning and ſpecifying for what and for whoſe Uſe the ſame is or are received, to ſuch Perſon or Perſons as ſhall pay any ſuch Sum or Sums of Money into the Bank as aforeſaid.

Perſons in Poſſeſſion ſhall be deemed preſumptively entitled.

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

The Court of Chancery may order the Expences of Purchaſes to be paid by the Commiſſioners in certain Caſes.

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

Commiſſioners compellable to pur-

XXX. And be it further enacted, That where it ſhall be thought neceſſary for the Purpoſes of this Act, that a Part of any Houſe,

Building, or Ground ſhall be purchaſed for the Purpoſes of this Act, and the Owner or Proprietor, or Owners or Proprietors of any ſuch Houſe, Building, or Ground, ſhall be minded or deſirous to ſell and diſpoſe of the whole of ſuch Houſe, Building, or Ground, and of ſuch his, her, or their Mind or Deſire, ſhall give Notice in Writing to the ſaid Clerk or Treaſurer, then and in ſuch Caſe the ſaid Commiſſioners are hereby authorized and required to purchaſe the whole of ſuch Houſe, Building, and Ground, the Value thereof, in caſe of Difference, to be aſcertained in Manner aforeſaid.

Purchaſe the whole of any Houſe, if Part only wanted.

XXXI. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners to cauſe all and every the Houſes and other Buildings, Erections, Projections, and Encroachments, which ſhall at any Time be purchaſed under the Powers and for the Purpoſes of this Act, or any of them, or any Part of them, to be appropriated to the Purpoſes of this Act or otherwiſe, to be taken down, and to cauſe ſo much of the Sites thereof, and of any other Lands to be purchaſed under the Powers and for the Purpoſes of this Act, to be added to or laid into the Streets, Lanes, or other Public Paſſages or Places, or to be formed and made into any new Streets or Lanes or Public Paſſages or Places, for the Purpoſe of making Communications between any of the preſent Streets, Lanes or other Public Paſſages or Places, in ſuch Manner as the ſaid Commiſſioners ſhall judge proper; and the Land ſo added to or laid into the reſpective Streets, Lanes, or other Public Paſſages or Places reſpectively, ſhall for ever afterwards be deemed Part thereof, and the ſame, and alſo ſuch as ſhall be formed or made into any new Streets, Lanes, or other Public Paſſages or Places as aforeſaid, ſhall be uſed as common Public Highways: Provided always, and it ſhall and may be lawful to and for the ſaid Commiſſioners to ſell or otherwiſe diſpoſe of ſuch Part or Parts of any Houſes, Buildings, Lands, Tenements, or other Hereditaments purchaſed under the Authority of this Act, as may afterwards be found unneceſſary to be appropriated or uſed for the Purpoſes of this Act, to any Perſon or Perſons willing to purchaſe the ſame, and to convey and aſſure the ſame to the Purchaſer or Purchaſers, his, her, or their Heirs and Aſſigns, in Fee Simple or otherwiſe, as he, ſhe, or they ſhall direct or appoint; and that all Monies to be raiſed by any Sale or Sales as aforeſaid, ſhall be conſidered as Part of the General Fund applicable to the Purpoſes of this Act; but ſuch Purchaſer or Purchaſers ſhall not be liable to ſee to the Application thereof, or be anſwerable for the Miſapplication or Nonapplication thereof.

Lands purchaſed to be applied for the Purpoſes of this Act.

Land purchaſed and not wanted, may be reſold.

XXXII. Provided always, and be it further enacted, That the ſaid Commiſſioners, before they ſhall ſell and diſpoſe of any ſuch Lands, Tenements, or Hereditaments, ſhall firſt offer the ſame for Sale to the Perſon or Perſons reſpectively from whom they ſhall have purchaſed ſuch Lands, Tenements, or Hereditaments; and in caſe ſuch Perſon or Perſons ſhall not then and thereupon agree, or ſhall refuſe to repurchaſe the ſame, then and in every ſuch Caſe, upon an Affidavit made by ſome Perſon or Perſons not intereſted, ſtating that ſuch Offer was made by or on Behalf of the ſaid Commiſſioners, and that ſuch Offer was not then and thereupon agreed to, or was refuſed by the Perſon or Perſons to whom the ſame was ſo offered, and ſworn before a Maſter Extraor-

The firſt Offer to be made to former Owners.

Extraordinary in the High Court of Chancery, or One of His Majesty's Justices of the Peace, shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made and was not agreed to, or was refused by the Person or Persons to whom it was made, as the Case may be; but in case such Person or Persons shall be desirous of repurchasing the same, and he, she, or they and the said Commissioners shall differ or not agree with respect to the Price thereof, in such case the Price or Prices thereof shall be ascertained by a Jury in Manner hereinbefore directed with respect to the disputed Value of Lands to be purchased by the said Commissioners in pursuance of this Act, and the Expence of hearing and determining such Difference shall be borne and paid in like Manner as hereinbefore directed with respect to such Purchases made by the said Commissioners (*mutatis mutandis*); and it shall be lawful for the said Commissioners to plan, design, and lay out in what Manner the Front of any new House or Houses or Edifices to be erected upon any Piece or Pieces of Ground to be purchased by virtue of this Act shall be built or erected.

**Commissioners may direct how Houses, built on Lands purchased, shall be fronted.**

**Commissioners may alter Footpaths, &c.**

XXXIII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, where it shall be thought proper or necessary, to make and form Footpaths or Footways on the Sides of the Streets, Lanes, Avenues, Public Passages and Places, and from Time to Time, as often as they shall think fit, to cause, order, and direct all or any of the present or future Pavements of the Footpaths of the said Streets, Lanes, Avenues, Public Passages, and Places to be taken up, and the said Footpaths to be raised, lowered, altered, repaired, flagged, or paved, as to them shall seem fit; and also to make Common Sewers, Drains, or Watercourses in any of the Streets or Places within the Limits of this Act, for the Purpose of carrying or conveying from off the said Streets any Water, and to cleanse, alter, and amend the same, in such Manner as they shall from Time to Time think proper.

**Pavements, &c. not to be altered without the Consent of the Commissioners.**

XXXIV. And be it further enacted, That no Person or Persons shall at any Time hereafter make or cause to be made any Alteration in the Form of any of the Pavements or Footpaths within the Limits of this Act, or break, damage, or injure the same in any Manner, without first obtaining the Consent and Approbation of the said Commissioners, to be signified by Writing under the Hand of their Clerk or Treasurer for the Time being.

**Regulations as to Footpaths and Waste Land on the Sides thereof.**

XXXV. And be it further enacted, That the said Commissioners shall and they are hereby required, in making or forming new Footpaths, where the Breadth of the Streets, Lanes, Avenues, Public Passages and Places, and other Circumstances will admit thereof, to make or form such Footpaths immediately adjoining upon and next to the Carriageways of such Streets, Lanes, Avenues, Public Passages and Places; and that after such Footpaths shall be so made and formed, the Residue (if any) of the Causeways or Ground on the Sides of such Carriageways shall be appropriated and thereafter used and enjoyed in such Manner as the said Commissioners shall from Time to Time direct and appoint; and the same shall be subject to such Rules, Orders, and Regulations as the said Commissioners shall from Time to Time make

concerning

concerning the ſame, in order to beautify and render convenient and commodious the ſaid Streets, Lanes, Avenues, Public Paſſages and Places within the Limits of this Act; and every Perſon offending againſt ſuch Rules, Orders, and Regulations, ſhall be ſubject to ſuch Penalties and Forfeitures as are herein made payable for Offences reſpecting the Footpaths within the Limits of this Act.

For enforcing Repairs of Footpaths.

XXXVI. And be it further enacted, That if any Five Houſeholders within the Limits of this Act ſhall make Complaint in Writing under their Hands to the ſaid Commiſſioners, or their Clerk or Surveyor, of any Defect or Want of Reparation in any of the Footpaths which ſhall have been made, laid, repaired, or amended by virtue of this Act, then and in every ſuch Caſe the ſaid Commiſſioners ſhall forthwith cauſe the Footpaths ſo complained of to be inſpected; and if the ſame ſhall be found defective or in Want of Repair, and ſhall be ſo reported to them, then they ſhall forthwith cauſe the ſame to be repaired by the Perſon or Perſons contracting with them for repairing the ſaid Footpaths; and if the Contractor or Perſon to whom ſuch Order ſhall be given, ſhall not within Seven Days next after the Receipt thereof, repair the ſaid defective Footpaths, he ſhall forfeit and pay to the Perſons making Complaint as aforeſaid, the Sum of Forty Shillings for every Day the ſame ſhall remain unrepaired after the Expiration of the ſaid Seven Days.

For cleanſing the Footpaths.

XXXVII. And be it further enacted, That all Perſons inhabiting or reſiding within the Limits of this Act, or within ſuch Parts thereof as ſhall be directed by the ſaid Commiſſioners, ſhall and they are hereby required to cauſe the Footpaths before or on the Sides of their reſpective Houſes, Buildings, Walls, and other Fences, to be ſwept and cleanſed from Time to Time, and at all ſuch Times and in ſuch Manner as the ſaid Commiſſioners ſhall order, direct, and appoint; and ſhall and are hereby required to cauſe the Dirt and Soil ariſing from ſuch ſweeping and cleanſing to be immediately taken and carried away, or laid in the ſaid Streets, Lanes, Public Paſſages and Places near to the ſaid Footpaths, without obſtructing the Way or Road, until the ſame ſhall be taken away by the Perſon or Perſons liable to repair and cleanſe the ſaid Streets, Lanes, Public Paſſages and Places reſpectively; and every Perſon making Default herein, ſhall for every ſuch Default forfeit and pay any Sum not exceeding Five Shillings.

Penalty on damaging Footways, or cauſing Nuiſances in the Streets.

XXXVIII. And be it further enacted, That if any Perſon ſhall wilfully run, drive, carry or place on any of the Footpaths within the Limits of this Act, any Wheel, Sledge, Dray, Wheelbarrow, Handbarrow, Truck, or Carriage, or ſhall roll any Caſk, other than for the neceſſary loading or unloading thereof, upon or out of any Carriage, or empty the Contents thereof, or drag any Timber or Log of Wood along or upon, or wilfully ride, drive, or lead any Horſe or other Beaſt or Cattle, on any of the Footpaths aforeſaid, or wilfully, careleſsly, or negligently ſuffer any Horſe or other Beaſt or Cattle to go aſtray, be or remain upon any ſuch Footpaths, or wilfully or careleſsly break or damage any of the ſaid Footpaths, or ſhall kill, ſlaughter, ſinge, ſcald, dreſs or cut up any Beaſt, Swine, Calf, Sheep, Lamb, or other Cattle, or hoop, cleanſe, waſh or ſcald any Caſk, or hew or ſaw any Stone, Wood, or Timber, or bind, make, or repair the Wheel of any Carriage,

or ſhoe, bleed, dreſs or farry any Horſe or other Beaſt or Cattle, (except in Caſes of Accident,) or keep or ſuffer to wander or be at large any Swine in any of the ſaid Streets, Lanes, Avenues, Public Paſſages or Places; or if the Occupier of any Houſe, Cellar, or other Tenement within the Limits of this Act, ſhall ſuffer any Door or Hatchway leading into, or giving Light to any Kitchen, Cellar, or other Place, to be left open longer than ſhall be neceſſary for ſtoring or taking any Goods or other Articles therein or thereout, or ſhall ſet, place, or expoſe to Sale, or cauſe to be ſet, placed, or expoſed to Sale, any Goods, Wares, or Merchandiſe, whether on the Footways or Carriageways of any of the ſaid Streets, Lanes, or other Public Paſſages or Places, (except at the uſual and accuſtomed Places on Fair-days,) or hang up or expoſe to Sale any Goods, Wares, or Merchandiſe, or any other Thing, upon any Flap, Window, or otherwiſe, ſo as to obſtruct or incommode the Paſſage of any Footway or Carriageway, or otherwiſe, contrary to the Rules, Orders, and Regulations of the ſaid Commiſſioners; or ſhall beat any Carpet in any of the ſaid Streets, Lanes, Public Paſſages or Places, after Seven of the Clock in the Morning in Summer, or Eight of the Clock in the Morning in Winter, or ſhall make or aſſiſt in the making any Fire or Fires, commonly called Bonfires, or ſhall ſet fire to, or let off or throw any Squib, Serpent, Rocket, Cracker, or other Fire-work whatſoever therein; or if at any Time hereafter any Perſon or Perſons ſhall ſuffer any Waggon, Cart, Dray, or other Carriage, to ſtand or remain, except in Caſes of Accident, in any Public Street, Way, Lane, or other Paſſage or Place within the Limits of this Act, with or without Horſes or other Cattle, for any longer Time than ſhall be neceſſary for the loading or unloading thereof, and ſtanding as near to the Side of ſuch Street, Way, Lane, or other Paſſage or Place, as conveniently may be, or ſuffer any Coach, Poſt-chaiſe, or other Carriage, to ſtand or remain in any ſuch Public Street, Way, Lane, or other Paſſage or Place, with or without Horſes, for any longer Time than ſhall be neceſſary for the taking up or ſetting down of the Paſſengers, or waiting for the Perſon or Perſons belonging thereunto, or for loading or unloading their Baggage, and ſtanding as near to the Side of ſuch Street, Way, Lane, or other Paſſage or Place, as conveniently may be, or ſuffer the ſame or any Horſe to ſtand upon any of the Foot Pavements, or upon or ſo near to any of the Croſſings made for Foot Paſſengers as to obſtruct the ſame, and ſhall, when required by any Perſon, refuſe or neglect to remove the ſame, or ſuffer any Timber, Bricks, Stones, Slates, Aſhes (except in Time of Froſt,) Rubbiſh, Lime, Mortar, Dung, Duſt, Filth, Hay, Straw, Coal, Wood, Faggots, Furze, Fern, Hurdles, Boards, Blocks, Goods, Wares, Merchandiſe or other Things, to be laid or placed, and left to remain in any of the ſaid Streets, Lanes, or other Public Paſſages or Places during the Night, or for any longer Time during the Day than ſhall be neceſſary for removing and houſing the ſame, or ſhall permit or ſuffer any Blood to run or drain from any Slaughterhouſe into any of the ſaid Streets, Ways, Lanes, or other Public Paſſages or Places; or if any Perſon ſhall ſift, throw, caſt, or lay any Aſhes, (except in Time of Froſt only, and to prevent Accidents) or any Dirt, Duſt, Muck, Dung, Soil, Filth, Rubbiſh, Refuſe of Fiſh or Garden Stuff, Blood, Offal, Carrion, or any other Matter or Thing, in any of the ſaid Streets, Ways, Lanes, or Public Paſſages or Places, or ſhall ſift, ſcreen, or ſlack any Lime, (except within an Incloſure for that Purpoſe) or ſhew or expoſe any Stallion in any of the ſaid Streets, Ways, Lanes,

or Public Paſſages or Places, or ſhall permit or ſuffer any Bulldog, or Maſtiff, to go at large, not being muzzled, in any of the ſaid Streets, Lanes, or any other Public Paſſages or Places; then and in every ſuch Caſe as aforeſaid, every Perſon and Perſons ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds: Provided always, that all and every the Penalties hereinbefore inflicted for any Nuiſance, Annoyance, or Obſtruction, in or upon any of the ſaid Foot-paths, and for not ſweeping or cleanſing the ſame, ſhall be levied and recovered within Fourteen Days next after any of the ſaid Offences ſhall be committed, except hereby otherwiſe directed.

Time limited for recovering Penalties reſpecting Footpaths.

XXXIX. And be it further enacted, That if any Horſe, Beaſt, or Swine, ſhall at any Time be found wandering about any of the Streets, Lanes, or other Public Paſſages or Places within the Limits of this Act, it ſhall be lawful for any Perſon or Perſons to be appointed by the ſaid Commiſſioners, or any Inhabitant, to ſeize and impound ſuch Horſe, Beaſt, or Swine, in One of the common Pounds within the ſaid Town and Borough, or in ſuch other Place as the ſaid Commiſſioners ſhall appoint, and the ſame there to detain until the Owner or Owners thereof ſhall for each Horſe, Beaſt, or Swine, ſo impounded, pay a Sum of Money not exceeding Ten Shillings to the Treaſurer for the Time being to the ſaid Commiſſioners, to be applied for the Purpoſes of this Act, beſides the reaſonable Charges and Expences of impounding and keeping the ſame; and in caſe the ſaid Sums, Charges, 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 the ſaid Commiſſioners for that Purpoſe, to ſell the Horſe, Beaſt, or Swine ſo impounded, or cauſe the ſame to be ſold, giving Two Days previous Notice of the intended Sale to the Owner or Owners of ſuch Horſe, Beaſt, or Swine; or if the Owner thereof cannot be found, cauſing Two Days Public Notice of ſuch intended Sale to be given by the public Cryer of the ſaid Town and Borough by Proclamation; and the Money ariſing by ſuch Sale, after deducting the ſaid Sums, and the Charges and Expences aforeſaid, and of ſuch Notice and Sale, ſhall be paid to the ſaid Treaſurer, to be by him paid to the Perſon whoſe Property the Horſe, Beaſt, or Swine ſo ſold ſhall appear to have been, upon his or her claiming the ſame.

Power to impound Horſes, &c. found in the Streets.

XL. And be it further enacted, That if any Perſon or Perſons ſhall (except for Prevention of Robbery, or in Self-defence,) wilfully or negligently fire or diſcharge any Cannon, Gun, Muſket, Piſtol, or any other Fire-arms, in any of the ſaid Streets, Lanes, Paſſages, or Places, every Perſon ſo offending ſhall forfeit and pay any Sum not exceeding Five Pounds.

Penalty on diſcharging Fire-arms in the Streets.

XLI. And be it further enacted, That the Water from the Roofs of all ſuch of the Houſes or other Buildings within the Limits of this Act, fronting the Public Streets and Paſſages, as the ſaid Commiſſioners ſhall order and direct in that behalf, ſhall be conveyed in Lead or other Pipes reaching within Six Inches of the Ground, and affixed againſt or on the Sides or Front of ſuch Houſes or Buildings; and in caſe the Owner, Proprietor, or Occupier of any Houſe or Building, ſhall not within Ten Days after Notice from the ſaid Commiſſioners or their Clerk, convey the

Regulation as to conveying Water from the Roofs of Houſes fronting the Streets.

the Water from their Houſes and Buildings by Pipes in Manner aforeſaid, he, ſhe, or they ſo offending ſhall for every ſuch Offence forfeit a Sum not exceeding Five Pounds.

Materials for building may be laid in the Streets, under certain Reſtrictions.

XLII. Provided always, and be it further enacted, That no Perſon ſhall be ſubject to any Penalty by virtue of this Act on account of any Lime, Mortar, Rubbiſh, Dirt, or Materials being in the ſame Streets or other Public Places, before the Houſe or Tenement of ſuch Perſon, occaſioned by the building, pulling down, or repairing of ſuch Houſe or Tenement, ſo that there be convenient Room left for Carriages to paſs and repaſs, and ſo as the Owner or Occupier of ſuch Houſe or Tenement before which ſuch Lime, Mortar, Rubbiſh, Dirt or Materials ſhall be, ſhall cauſe the ſame to be removed out of ſuch Street or Place at his own Coſts and Charges, within a reaſonable Time after ſuch Building, pulling down or repairing ſhall be completed, or upon Notice to be given to him, her, or them, or left at ſuch Houſe or Tenement for that Purpoſe in Writing, ſigned by the ſaid Commiſſioners or their Clerk, ſo that whilſt the ſame ſhall be lying in ſuch Street or Place, ſuch Owner or Occupier ſhall ſet up and maintain a ſufficient Light upon or againſt the ſame during the Night-time, to prevent Miſchief happening to Paſſengers or Cattle, and ſo that the ſame ſhall, whilſt lying in ſuch Street or Place, be incloſed within Boards, in ſuch Manner as the ſaid Commiſſioners ſhall direct.

Power to remove Obſtructions.

XLIII. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, at any Time after the paſſing of this Act, to take down, remove, alter, and regulate in ſuch Manner as they ſhall think proper, all projecting Signs and other Emblems to denote the Profeſſion, Trade, Occupation, or Calling of any Perſon or Perſons, and all the Projections, Signs, Sign Poſts, Sign Irons, Penthouſes, Shew Boards, Spouts, Gutters, Stalls, Porches, Sheds, Butchers Gallows and Crooks, projecting Windows, Cellar Windows, Flaps, Dwarf Walls, Poſts, Rails, Paliſades and Frames of Wood, Iron, Brick, Stones and other Materials, Steps and all other Erections, Projections, Encroachments, Nuiſances and Annoyances whatſoever, within the Limits of this Act, which they the ſaid Commiſſioners, or any Five or more of them, ſhall adjudge to obſtruct or incommode, or render inconvenient the Footpaths of or in all or any of the ſaid Streets, Lanes, Avenues, Public Paſſages, and Places within ſuch Limits; and to leave the Materials, ſo to be taken down or removed, or the Reſidue of ſuch Materials, in caſe of regulating the ſame only, on the Spot, or as near thereto as conveniently may be, for the Uſe of the Perſon or Perſons who may be entitled to the ſame; and the Expences attending the taking down, removing, altering or regulating of the ſame, ſhall be borne and defrayed out of the Money to be raiſed by virtue of this Act.

Penalty on erecting any Encroachment, &c.

XLIV. And be it further enacted, That if any Perſon or Perſons ſhall, after the paſſing of this Act, hang, place, erect, build or make any Sign Poſt or other Poſt, Sign Iron, Penthouſe, Shew Board, Spout, Gutter, Stall, Bow Window, Window Shutter, projecting Window, Blind, Porch, Shed, Butcher's Gallows, Crook, Cellar Window or Dwarf Wall, Shamble, Poſt or other Erection or Projection, Encroachment, Nuiſance or other Annoyance whatſoever, or cauſe or permit the ſame to be done, every Perſon ſo offending ſhall for every ſuch Offence

Offence forfeit and pay a Sum not exceeding Five Pounds, and it ſhall be lawful for the ſaid Commiſſioners to order the ſame to be taken down, removed, carried away, altered or regulated, in ſuch Manner as they ſhall think proper; and the Perſon or Perſons ſo ordered, ſhall and may take down, remove, carry away, alter or regulate the ſame accordingly, after Ten Days Notice or Warning given to the Owner or Owners, Tenant or Tenants, Occupier or Occupiers, to take down, remove, carry away, alter or regulate the ſame; and the Expence thereof ſhall be borne by the ſaid Owner or Owners, Tenant or Tenants, Occupier or Occupiers of the Premiſes reſpectively.

Commiſſioners may prefer Indictments for Nuiſances in the Streets

XLV. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners to direct their Clerk for the Time being to prefer Indictments againſt any Perſon or Perſons, for any Nuiſance committed within or upon any of the Footpaths, Roads, Streets, Lanes, Avenues, Public Paſſages and Places within the Limits of this Act, and to pay the Expences thereof out of the Monies ariſing by this Act.

Regulations as to the fronting of new Buildings.

XLVI. And be it further enacted, That all Houſes and Buildings hereafter to be built or new fronted, in the ſaid Streets, Lanes, Paſſages and Places, ſhall be made to riſe perpendicularly from the Foundation thereof, except ſuch Projections as ſhall be made with the Allowance and Conſent of the ſaid Commiſſioners; and if any Perſon or Perſons ſhall at any Time build or new-front any Houſe or other Building within the Limits of this Act, or cauſe the ſame to be done otherwiſe than riſing perpendicularly from the Foundation, except as aforeſaid, it ſhall be lawful for the ſaid Commiſſioners by Writing under their Hands to cauſe the ſame to be pulled down and removed by ſuch Perſon or Perſons as they ſhall direct or appoint, and the Coſts and Charges thereof ſhall be paid and reimburſed to the ſaid Commiſſioners, or their Order, by the Owner or Owners of ſuch Houſes or Buildings, and in default of Payment thereof on Demand, the ſame may be recovered in like Manner as any Penalties or Forfeitures are by this Act authorized to be recovered; provided always, that in ſuch Regulations of the Fronts of new Buildings to be made as aforeſaid, it ſhall be lawful for the ſaid Commiſſioners, when any ſuch new Building ſhall be made as aforeſaid, to admit, at their Diſcretion, the ſaid new Building to be advanced in Front thereof, ſo as to be on a Line with the adjoining Buildings.

Commiſſioners may require Houſes to be rebuilt in a regular Line.

XLVII. And be it further enacted, That whenever any Houſe or other Building, ſtanding in any Street, Lane, or any other Public Paſſage or Place within the Limits of this Act, projecting beyond the regular Line of ſuch Street, Lane, or other Public Paſſage or Place, or of the Range of Buildings adjoining thereto, ſhall be taken down and rebuilt, it ſhall be lawful for the ſaid Commiſſioners, if they think proper, to require and compel the Owner or Owners thereof, when the ſame ſhall be rebuilt, to cauſe ſuch Houſe or other Building to be ſet back in and according to ſuch regular Line as aforeſaid, and to give ſuch Directions and make ſuch Orders in Writing for that Purpoſe, as the ſaid Commiſſioners ſhall think proper, and to cauſe the ſame to be delivered or left at the Houſe, or laſt or uſual Places of Abode, of ſuch

Owner or Owners, ſome or one of them; and if any Houſe or other Building ſhall be built, erected, or rebuilt contrary to ſuch Directions and Orders, the ſame ſhall be deemed an Encroachment, Nuiſance and Annoyance within the Intent and Meaning of this Act, and be removed or removable as ſuch: Provided always nevertheleſs, that full Recompence and Satisfaction ſhall be made to the Owner or Owners of, and all Perſons intereſted in the Premiſes, for any Loſs or Damage he, ſhe, or they may ſuſtain, by ſuch Houſe or other Building being ſo ſet back as aforeſaid; ſuch Recompence and Satisfaction to be made, and ſettled in the ſame Manner, as is hereinbefore provided for making and aſcertaining the Compenſation and Satisfaction to be made for Houſes and Buildings damaged or injured by or in taking down Houſes or Buildings for the Purpoſes of this Act.

Penalty on covering Houſes with Thatch.

XLVIII. And be it further enacted, That if any Perſon or Perſons ſhall at any Time or Times after the paſſing of this Act, cover or cauſe to be covered with Thatch any Dwelling Houſe, or any Outhouſe, Building, or Erection, or any Part thereof adjoining or belonging to any Dwelling Houſe ſituate in any of the Streets, Lanes, or Public Paſſages within the Limits of this Act, any Perſon ſo offending, ſhall, for every ſuch Offence, forfeit and pay any Sum, not exceeding Forty Shillings, and any further Sum, not exceeding Ten Shillings, for every Day ſuch Offence ſhall continue; and it ſhall be lawful for the ſaid Commiſſioners, and they are hereby authorized and empowered to order the ſame to be taken down and removed in ſuch Manner as to them ſhall ſeem meet; and the Perſon or Perſons ſo ordered by the ſaid Commiſſioners, ſhall and may take down and remove the ſame accordingly, upon giving Notice or Warning to the Owner or Occupier of ſuch Houſe, Outhouſe, or other Building or Erection, to take down the ſame; and One Moiety of the ſaid reſpective Penalties ſhall be paid to the Informer.

Commiſſioners to provide Lamps, &c.

XLIX. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, and they are hereby authorized and empowered from Time to Time, to cauſe Lamp Irons or Lamp Poſts, to be put or affixed into, upon, or againſt the Walls or Paliſadoes of any of the Houſes, Tenements, or Buildings, within the Limits aforeſaid, or in ſuch other Manner or Places as they ſhall think proper and convenient; and alſo to cauſe ſuch Number of Lamps of ſuch Sizes and Sorts to be provided and affixed, or put upon ſuch Lamp Irons or Lamp Poſts, as they ſhall think proper and neceſſary for lighting the ſaid Footpaths, and all or any of the ſaid Streets, Lanes, Avenues, Public Paſſages, and Places, and to light the ſame for and during ſuch Hours and Seaſons as from Time to Time ſhall by them be thought proper; and if any Perſon or Perſons ſhall wilfully break, throw down, take away, ſpoil or damage any of the Lamps already put up, or to be put up, by virtue of this Act, or any of the Poſts or Furniture thereof, or ſhall wilfully extinguiſh the Light of any ſuch Lamps, every Perſon ſo offending, ſhall, for every ſuch Offence, forfeit and pay to the ſaid Commiſſioners, any Sum not exceeding Forty Shillings; and ſuch Offender or Offenders ſhall alſo pay to the ſaid Commiſſioners ſuch Sum of Money, as ſhall be a full Satisfaction for the Damage done by him, her, or them; and it ſhall be lawful for any Perſon who ſhall

Penalty on breaking them.

ſee

see any such Offence committed, to apprehend, and also for any Person or Persons to assist in apprehending, the Offender or Offenders, and by Authority of this Act, without any other Warrant, to deliver him, her, or them into the Custody of a Peace Officer, in order to be secured and conveyed before some Justice of the Peace for the said County of *Durham*; and in case any Person shall accidentally, carelessly, or negligently break, throw down, or otherwise spoil or damage any of the said Lamps, or the Posts or Furniture thereof, and shall not, upon Demand, make Satisfaction for the Damage or Injury done thereto, then and in such Case, it shall be lawful for any Justice of the Peace of the County of *Durham* to award such Sum or Sums of Money, by way of Satisfaction for such Damages and Injury, as such Justice shall think reasonable; and in Default of Payment thereof, upon Demand, to cause the same to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons who shall have done such Damage; and in case any such accidental, careless, or negligent Damage shall be caused by any Coach, Chaise, Waggon, Cart, or other Carriage, it shall be lawful for the said Commissioners, and they are hereby authorized to proceed against the Person or Persons, whose Name or Names shall appear on such Coach, Chaise, Waggon, Cart or other Carriage, as, or who shall otherwise be ascertained to be the Owner or Owners thereof; and such Person or Persons shall in every such Case be held and deemed liable to make good such Damage, and shall and may be proceeded against in the same Manner as if he, she, or they were the Driver or Drivers of such Coach, Chaise, Waggon, Cart, or other Carriage respectively; provided always, that such Owner or Owners shall and may recover the Amount of any such Damage, from his, her, or their Servant, in such and the like Manner as any Penalties are hereby authorized to be recovered.

Offenders may be apprehended without Warrant.

L. And be it further enacted, That no Person or Persons shall, without the Leave and Licence of the said Commissioners, make or branch any Drain or Drains into any of the public Sewers, Drains, or Vaults, made or to be made by virtue of this Act; and if any Person or Persons shall, without Leave and Licence, make or branch any such Drain or Drains, he, she, or they so offending, shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds.

Drains not to be made into public Sewers, without leave of Commissioners.

LI. And be it further enacted, That all private Drains which now are, or by Permission of the said Commissioners shall hereafter be made within any of the Streets, Lanes, Avenues, Public Passages and Places within the Limits of this Act, and which do or shall issue into or communicate with any of the Public Sewers, Drains, or Vaults, shall be repaired and cleansed under the Inspection and Direction of the Surveyor or other proper Officer of the said Commissioners, at the Costs and Charges of the Owner or Owners, Occupier or Occupiers, of the Houses, Lands, or Tenements, to which the said private Drains do or shall respectively belong.

Regulations as to repairs of private Drains.

LII. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and empowered from Time to Time to appoint a sufficient Number of fit and able-bodied Men

Watchmen to be appinted.

Men to patrole, watch, and guard the ſaid Streets, Lanes, Avenues, Public Paſſages, and Places, within the Limits of this Act, or any Part or Parts thereof, for and during ſuch Periods of the Year as the ſaid Commiſſioners ſhall think fit; and to make ſuch Allowances to ſuch Watchmen for their Trouble and Attendance, and to give ſuch Orders and Directions concerning the Manner in which the ſaid Watchmen ſhall be armed and ſtationed, for the due and regular Performance of their ſaid Service, as the ſaid Commiſſioners ſhall judge proper and expedient, and from Time to Time to remove any of the ſaid Watchmen and appoint others in their Stead; and it ſhall be lawful for the ſaid Watchmen ſo to be appointed as aforeſaid, or any of them, and they are hereby reſpectively authorized, directed, and required to apprehend and ſecure in the Watch-houſes or ſome Place of Safety, all ſuſpicious Perſons, Proſtitutes, Night-walkers, and Perſons miſbehaving themſelves during the Time of keeping Watch and Ward, and to carry all ſuch Perſons as ſoon as conveniently may be, before ſome Juſtice of the Peace for the ſaid County of *Durham*, to be examined and dealt with according to Law.

Watch Boxes to be provided;

LIII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, from Time to Time, to place and fix Boxes againſt the Sides of Houſes, Buildings, and proper Places in the Streets, Lanes, Avenues, Public Paſſages, and Places, within the Limits of this Act, proper for the Uſe and Accommodation of Watchmen, in caſe they ſhall think proper to appoint Watchmen for the Safety and Protection of the Inhabitants thereof; and in caſe any Perſon or Perſons ſhall diſplace, overturn, damage, or injure ſuch Boxes when ſo fixed, ſuch Perſon or Perſons ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Five Pounds.

and Watch-houſes.

LIV. And be it further enacted, That the ſaid Commiſſioners may, and they are hereby empowered, if they ſhall think it neceſſary, to purchaſe, rent, or hire for any Term of Years, convenient Places or Pieces of Ground, within the Limits of this Act, for ſuch Price, Rent, or Term as can be agreed upon, for the Purpoſe of erecting Watch-houſes, and ſhall and may there erect and build one or more ſufficient Watch-houſes, with convenient Places of Confinement; and that from and after the Erection of ſuch Watch-houſes, it ſhall and may be lawful to confine therein ſuch Perſons and Offenders, as may lawfully be apprehended and confined by virtue of the Powers and Authorities given by this Act.

Power to reward Watchmen, &c.

LV. And be it further enacted, That it ſhall and may be lawful for the ſaid Commiſſioners to cauſe Rewards in Money to be paid out of the Monies ariſing by virtue of this Act, to the Watchmen appointed, or to be appointed, who may be diſabled or wounded in the Execution of their Office, as they the ſaid Commiſſioners ſhall think reaſonable.

Penalty on Watchmen miſconducting themſelves.

LVI. And be it further enacted, That if ſuch Watchmen or any of them, ſhall not obſerve, perform, and keep the Orders, Rules, and Regulations which ſhall be made for the Purpoſes aforeſaid by the ſaid Commiſſioners, or ſhall in any Manner neglect their Duty, every Per-

ſon ſo offending, ſhall forfeit and pay for every ſuch Neglect or Offence any Sum not exceeding Forty Shillings, and ſhall, if the ſaid Commiſſioners think proper, be immediately diſcharged from his Office or Employment.

Penalty on Publicans harbouring Watchmen.

LVII. And be it further enacted, That if any Victualler or Keeper of a Public Houſe ſhall knowingly and willingly harbour or entertain any Watchman to be employed under or by virtue of this Act, or permit or ſuffer any ſuch Watchman to remain in ſuch his or her Public Houſe, during any Part of the Time appointed for his being on Duty as aforeſaid, every ſuch Victualler or Keeper of a Public Houſe ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Twenty Shillings.

Property of Materials, &c. veſted in the Commiſſioners.

LVIII. And be it further enacted, That the Property of and in all the preſent and future Footpaths in or upon the Streets, Lanes, Avenues, Public Paſſages, and Places within the Limits of this Act, and of all Materials, Implements, Watch-houſes, Stands, Lamp Irons, Poſts, and other Things which ſhall be provided by the Commiſſioners for the Purpoſes of this Act, ſhall belong to and be the excluſive Property of and the ſame are hereby abſolutely and excluſively veſted in the Commiſſioners for the Time being, who are hereby authorized to bring or cauſe to be brought any Action or Actions, or to prefer any Bill or Bills of Indictment, as the Caſe ſhall require, againſt any Perſon or Perſons whomſoever, who ſhall ſteal, take, or carry away, detain, ſpoil, injure, damage, or deſtroy the ſeveral Articles or Things herein mentioned and veſted in the ſaid Commiſſioners as aforeſaid, or any of them, or any Part or Parts thereof; and in all ſuch Actions and Bills of Indictment reſpectively it ſhall be and be deemed and taken to be ſufficient to ſtate generally that the Article or Articles, Thing or Things for or on Account of which ſuch Action or Actions ſhall be brought, or Bill or Bills of Indictment preferred, is or are the Property of the Commiſſioners for executing this Act, without particularly ſtating or ſpecifying the Name or Names of all or any of the ſaid Commiſſioners; and the ſaid Commiſſioners ſhall have full Power and Authority from Time to Time to ſell and diſpoſe of all or any of the ſaid Articles and Things, or any Part or Parts of the ſame reſpectively, to ſuch Perſon or Perſons, in ſuch Manner and from Time to Time, as they ſhall think fit.

Commiſſioners may contract for paving, lighting, &c.

LIX. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, and they are hereby authorized and empowered from Time to Time to contract and agree with any Perſon or Perſons they may think proper, for the paving, altering, amending and improving of the Footpaths, and for lighting the ſaid Streets, Lanes, Public Paſſages, and Places within the Limits of this Act, and for the performing any of the Works hereby authorized; which Contract or Contracts ſo to be entered into ſhall be reduced into Writing, and ſigned by the Clerk or Treaſurer to the ſaid Commiſſioners, and the Perſon or Perſons contracting to perform ſuch Works, and ſhall ſpecify the Works to be done, and the Prices to be paid for the ſame, and the Time or Times when ſuch Works ſhall be performed and completed, and the Penalties to be recovered in caſe of Non-performance thereof, provided

that Fourteen Days Notice at leaſt ſhall be given previous to the Meeting for entering into ſuch Contract, by Writing to be affixed on the outer Door of the principal Entrance of the Pariſh Church of *Gateſhead* aforeſaid; and in ſuch other Manner as the ſaid Commiſſioners ſhall direct, in which Notice ſhall be ſpecified the Works and Buſineſs to be contracted for at ſuch Meeting, to the End that Perſons may tender Propoſals for ſuch Contracts; and it ſhall be lawful for the ſaid Commiſſioners, and they are hereby directed to cauſe the Works to be done in purſuance of ſuch Contracts, to be inſpected by their Surveyor or Surveyors, or by ſuch other Perſon or Perſons as they ſhall from Time to Time appoint; and in caſe the ſame ſhall not be well and ſufficiently performed, according to the true Intent and Meaning of ſuch Contract or Contracts, or ſhall not be finiſhed and completed at or within the Time or Times to be by ſuch Contract or Contracts limited for completing the ſame, the ſaid Commiſſioners ſhall and may bring or order to be brought any Action or Actions at Law, or Suit or Suits in Equity, againſt any Perſon or Perſons ſo contracting and neglecting to perform ſuch Contract or Contracts, or ſuffered or ſuſtained on account of the Non-performance thereof; and upon proving the ſigning of the ſaid Contracts or Contract and Non-performance thereof, the ſaid Commiſſioners ſhall be entitled to and ſhall recover ſuch Penalty or Damage as may be awarded, with full Coſts of Suit: Provided always, that it ſhall be lawful for the ſaid Commiſſioners from Time to Time and at all Times hereafter to compound and agree with any Perſon or Perſons againſt whom the ſaid Commiſſioners ſhall bring or cauſe to be brought any Action or Actions, Suit or Suits, for any Penalty or Penalties contained in any Contract or Contracts hereafter to be made or entered into in purſuance of this Act, on account of any Breach or Non-performance of any ſuch Contract or Contracts, for ſuch Sum or Sums of Money as they ſhall think proper, ſo as the Sums compounded and agreed for be not leſs than the Injury ſuſtained by the Breach or Non-performance of ſuch Contract or Contracts, and all ſuch Coſts, Charges, and Expences as ſhall have been or be occaſioned thereby.

Commiſſioners not to be perſonally anſwerable for Performance of their Contracts.

LX. Provided always, and be it further enacted, That no Contract which ſhall be made by the ſaid Commiſſioners for any of the Purpoſes of this Act, ſhall be binding upon the ſaid Commiſſioners as Individuals, or in their private Capacity; nor ſhall any of the Commiſſioners perſonally, or their reſpective Eſtates, be anſwerable for or ſubject to the Payment of any of the Mortgages to be granted in purſuance of this Act; and that all Money which ſhall be expended by or recovered againſt any of the ſaid Commiſſioners, or any Perſon or Perſons employed by them, by means of any Action, Suit, Proſecution, or Appeal to be brought by or againſt them, touching the Execution of this Act, ſhall be borne and defrayed by and out of the Money which ſhall come to the Hands of the Treaſurer to the ſaid Commiſſioners by virtue of this Act; but nothing herein contained ſhall extend to exonerate or Diſcharge any of the ſaid Commiſſioners, their Houſes, Lands, Tenements, Hereditaments, Goods, Chattels, or Effects, from the Payment of the Rates or Aſſeſſments to be raiſed by virtue of this Act.

Commiſſioners to make a Rate.

LXI. And be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby authorized and required once in every Year to rate and

and assess, as hereinafter mentioned, the Tenants or Occupiers of all Houses, Buildings, Yards, Gardens, Lands, Tenements, and Hereditaments within the Limits or Boundaries aforesaid (save and except Tythes, Collieries, and Farms of Land, and Gardens exceeding Two Acres, not attached or immediately contiguous to Dwelling Houses, in any Sum not exceeding the Sum of One Shilling in the Pound upon the full improved Yearly Value of such respective Premises; and the First Year for which such Rate or Assessment shall be made, shall commence on the Twenty-fourth Day of *June* One thousand eight hundred and fourteen; and the Monies so to be rated and assessed shall, from Time to Time, be paid by equal Half-yearly Payments to the Collector or Collectors to be appointed as herein mentioned, and shall be forthwith paid over by such Collector or Collectors into the Hands of the Treasurer to the said Commissioners, or such Person or Persons as the said Commissioners shall from Time to Time appoint to receive the same.

Commissioners may appoint Assessors and Collectors.

LXII. And be it further enacted, That the said Commissioners shall and do, as Occasion shall require, nominate and appoint by Writing under their Hands, One or Two able and sufficient Inhabitants residing within the Limits of this Act, to be Assessor or Assessors within the same; and in like Manner to nominate and appoint One or Two able and sufficient Inhabitants, within the Limits aforesaid, to be Collector or Collectors for the Purposes of this Act; and in case any Person or Persons so to be appointed Assessor or Assessors, or Collector or Collectors as aforesaid, shall neglect or refuse to take upon himself or themselves such Office or Offices respectively, every Person so neglecting or refusing shall for every such Offence forfeit and pay the Sum of Five Pounds, to be recovered before any one of His Majesty's Justices of the Peace for the County of *Durham*; provided that no Person who shall have been appointed to and served the Office of Assessor or Collector under this Act, or who shall have paid the Penalty hereby imposed for neglecting or refusing to take upon himself either of such Offices, shall be liable to be again appointed to or pay the Penalty for neglecting or refusing to perform the same Office for the Space of Five Years afterwards.

Assessors to make an equal Pound Rate.

LXIII. And be it further enacted, That the said Assessor or Assessors shall and they are hereby empowered and required to make an equal Pound Rate upon all and every Occupier and Occupiers of any House, Building, Yard, Garden, Lands, Tenements, and Hereditaments within the Limits of this Act (except as aforesaid) according to the respective full Annual Values or Rack Rents of the same Premises respectively.

Regulations as to making the Rates.

LXIV. And be it further enacted, That the said Assessor or Assessors shall sign their said Rate or Assessment, and deliver the same to the said Commissioners, at such Time as the said Commissioners appointing such Assessor or Assessors shall direct in that Behalf; and the said Rate or Assessment so to be made as aforesaid, shall be allowed and signed by the said Commissioners; and no Rate or Assessment shall be valid until the same shall be so allowed and signed as aforesaid.

Commissioners may alter Rates made by Assessors.

LXV. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, and they are hereby empowered from Time

Time to Time, at any General Meeting to be convened for that Purpoſe, to alter, vary, or reduce ſuch Rates, or any of them, as they ſhall from Time to Time think fit, reaſonable, and juſt, but ſo as not to exceed the Sum of One Shilling in the Pound on any of the ſaid reſpective Properties hereby made aſſeſſable.

Landlords to allow a Proportion of the Rates to their Tenants.

LXVI. And be it further enacted, That one Moiety of all and every the Rates or Aſſeſſments hereby ordered to be made ſhall be allowed by the reſpective Owners of the ſeveral Lands, Tenements, and Hereditaments hereby made rateable, to the Tenants or Occupiers thereof reſpectively who ſhall pay the ſame; and ſuch Tenants or Occupiers are hereby authorized and empowered to deduct and retain out of their reſpective Rents, ſuch Sums of Money as they ſhall reſpectively pay for and on Behalf of their reſpective Landlords or Owners; and the Payment of ſuch Moiety by the ſaid Tenants or Occupiers ſhall be conſidered as Money actually paid for Rent due or to become due to ſuch Landlords and Owners, who ſhall allow the ſame to their reſpective Tenants out of their Rents accordingly, and the other Moiety thereof ſhall be borne and ſuſtained by ſuch Occupiers.

Directions for rating Houſes let out in different Tenements.

LXVII. Provided always, and be it further enacted, That the ſaid Commiſſioners ſhall and may rate or aſſeſs the Landlord or Owner of any Houſes or Buildings, which ſhall be let to or occupied by Two or more Tenants, and the ſame ſhall be deemed as one Houſe or Tenement; and ſuch Rates or Aſſeſſments ſhall be paid by one or more of the Occupiers of any Part or Parts of ſuch Houſes or Buildings, who is and are hereby required to pay ſuch Sum and Sums of Money as ſhall be ſo rated or aſſeſſed upon any ſuch Landlord or Owner in purſuance of this Act, and to deduct the ſame out of his, her, or their Rent; and the Occupier or Occupiers paying ſuch Rates or Aſſeſſments, or any Part thereof, ſhall be acquitted and diſcharged of and for ſo much Money as he, ſhe, or they ſhall have ſo paid, as if the ſame had been actually paid to the Landlord or Owner to whom his, her, or their Rent ſhall be due and payable; and every ſuch Landlord or Owner is hereby required to allow ſuch Deduction upon the Receipt of the Reſidue of his, her, or their Rent; but no Occupier or Occupiers ſhall at any Time pay or be liable to pay any greater Sum for or towards the Diſcharge of the ſaid Rates or Aſſeſſments and Arrears thereof than the Amount of Rent due and payable by ſuch Occupier or Occupiers to the Landlord or Landlords, Owner or Owners of the Premiſes occupied by him, her, or them.

Commiſſioners may reduce or remit the Rate on account of Poverty.

LXVIII. Provided alſo, and be it further enacted, That it ſhall and may be lawful for the ſaid Commiſſioners, and they are hereby empowered, upon the Complaint of any Occupier or Owner reſpectively of a Dwelling Houſe or other Hereditament ſubject to the Payment of the ſaid Rates or Aſſeſſments, to mitigate, reduce, leſſen, remit, or excuſe, for or on account of his, her, or their Poverty or Inability only, the Payment of that Part of the ſaid Rate or Aſſeſſment, which by this Act is made payable by ſuch Owner or Occupier, for ſuch Dwelling Houſe or other Hereditament, in ſuch Manner as the ſaid Commiſſioners ſhall in their Diſcretion think juſt and reaſonable; but the reſpective Landlords or Occupiers of ſuch Dwelling Houſes and Hereditaments,

ditaments, whoſe Part of the ſaid Rate or Aſſeſſment ſhall not be mitigated, reduced, leſſened, remitted, or excuſed, ſhall nevertheleſs bear and pay their Proportion of ſuch Rates or Aſſeſſments in reſpect of ſuch Premiſes.

Rates to be apportioned on Change of Occupiers.

LXIX. Provided always, and be it further enacted, That in all Caſes where any Perſon or Perſons ſhall remove from or quit any Houſe, Tenement, or Hereditaments, rated or aſſeſſed, or liable to be rated or aſſeſſed, by virtue of this Act, ſuch Perſon or Perſons ſhall be liable to pay ſuch Rate or Aſſeſſment in proportion to the Time that he, ſhe, or they occupied the ſame reſpectively, in like Manner as if ſuch Perſon or Perſons had not removed from or quitted the ſame; and in all Caſes where any Perſon or Perſons ſhall come into or occupy any Houſe, Tenement, or Hereditament, rated or aſſeſſed, or liable to be rated or aſſeſſed as aforeſaid, out of or from which any other Perſon or Perſons, who ſhall have been rated or aſſeſſed for the ſame, ſhall be removed, or which at the Time of making any ſuch Rate or Aſſeſſment was empty or unoccupied, the Perſon or Perſons coming into or occupying the ſame, ſhall be liable to pay ſuch Rate or Aſſeſſment in proportion to the Time that ſuch Perſon or Perſons ſhall occupy the ſame, in like Manner as if he, ſhe, or they had been originally rated or aſſeſſed for ſuch Houſe, Tenement, or Hereditaments; which ſaid reſpective Proportions, in caſe of Diſpute, ſhall be aſcertained and ſettled by the ſaid Commiſſioners.

How the Rate may be recovered.

LXX. And be it further enacted, That in caſe any Perſon or Perſons who ſhall be rated or aſſeſſed, or ſubject or liable to the Payment of any Rate or Aſſeſſment to be made or laid as aforeſaid, ſhall refuſe or neglect to pay any ſuch Rate or Aſſeſſment to any Collector or Collectors to be appointed as aforeſaid, for the Space of Ten Days after perſonal Demand thereof made, or Demand thereof in Writing left at the uſual or laſt Place of Abode of ſuch Perſon or Perſons, it ſhall be lawful for any Juſtice of the Peace of the Town, County, or Place wherein ſuch Perſon or Perſons ſo neglecting or refuſing ſhall be or reſide, or whereto he, ſhe, or they ſhall have removed, upon Proof made upon Oath of ſuch Demand and Non-payment (which Oath ſuch Juſtice is hereby empowered and required to adminiſter,) by Warrant under the Hand and Seal of ſuch Juſtice, (which he is hereby empowered to grant) to authorize and direct the ſaid Collector or Collectors to levy ſuch Rate or Monies ſo in Arrear, together with the Coſts and Charges attending the ſame, to be aſcertained by ſuch Juſtice, by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons ſo refuſing or neglecting to pay as aforeſaid, rendering the Overplus (if any) to the Owner or Owners of ſuch Goods and Chattels.

Perſons aggrieved by the Rate may appeal to the Commiſſioners;

LXXI. Provided always, and be it further enacted, That if any Perſon ſhall think himſelf or herſelf aggrieved by any Rate or Aſſeſſment which ſhall be made in purſuance of this Act, he or ſhe may apply to the ſaid Commiſſioners, at their Firſt or Second Meeting to be holden after the demanding of ſuch Rate or Aſſeſſment, and the ſaid Commiſſioners are hereby authoriſed and empowered, if they ſhall think ſuch Perſon aggrieved, to give ſuch Relief in the Premiſes as to them ſhall ſeem reaſonable; and if any Perſon ſhall be diſſatis-

and if dissatisfied with their Determination, may appeal to Quarter Sessions:

fied with the Determination of the said Commissioners therein, such Person or Persons may appeal, in Manner hereinafter mentioned, to the General Quarter Sessions of the Peace to be holden for the said County of *Durham*, whose Determination therein shall be final and conclusive.

Who may relieve the Appellant without altering the whole Rate.

LXXII. Provided also, and be it further enacted, That upon all Appeals from any of the Rates or Assessments to be made or imposed by the Authority of this Act, the Justices of the Peace (where they shall see just Cause of Relief) shall and they are hereby empowered to amend the said Rates or Assessments in such Manner only as shall be necessary for giving Relief to the Person or Persons so appealing, without altering such Rates or Assessments with respect to any other Person or Persons mentioned in the same.

Power for the Commissioner to borrow Money on Security of the Rates.

LXXIII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners from Time to Time to borrow and take up at Interest any Sum or Sums of Money for the Purposes of this Act, upon the Credit and Security of the Rates and Assessments hereby granted or made payable, and by Writing under the Hands and Seals of any Five or more of them, to grant, demise, or assign all or any Part or Parts of such Rates and Assessments to the Person or Persons who shall advance or lend any Money, or his, her, or their Trustees or Trustee, as a Security for the Payment of the Principal Money so to be advanced, with Interest for the same; and every such Security shall be in the Words or to the Effect following; (*videlicet*)

'BY virtue of an Act, passed in the Fifty-fourth Year of the Reign of His Majesty King *George* the Third, intituled, An Act [*here set forth the Title of this Act*] We being of the Commissioners appointed by and in pursuance of the said Act, in consideration of the Sum of this Day advanced and lent by upon the Credit and for the Purposes of this Act, do grant, bargain, sell, and demise unto the said his Executors, Administrators, and Assigns, such Proportion of the Assessments arising by virtue of the said Act, as the said Sum of doth or shall bear to the whole Sum which may at any Time be borrowed or become due and owing or charged upon the Credit of the Assessments granted by the said Act; to be had and holden from this Day of until the said Sum of with Interest at *per Centum per Annum* for the same shall be repaid and satisfied: In Witness whereof, we have hereunto set our Hands and Seals, the Day of in the Year of our Lord .'

And all Persons to whom such Mortgages or Securities shall be made, or who shall be entitled to the Money thereby secured, shall, in Proportion to the Sums therein respectively mentioned, be Creditors on the said Rates and Assessments, equally one with another, without any Preference in respect of the Priority of advancing any such Money, or the Dates of any such Mortgages or Securities; provided nevertheless,

that before any Money ſhall be borrowed as aforeſaid, Fourteen Days' Notice at leaſt ſhall be given, ſigned either by Five or more of the ſaid Commiſſioners, or by their Clerk or Treaſurer for the Time being, by Advertiſement in one of the Newſpapers publiſhed at *Newcaſtle upon Tyne*, of the Time and Place of the Commiſſioners' Meeting for the Purpoſe of borrowing ſuch Money.

Mortgages may be transferred.

LXXIV. And be it further enacted, That it ſhall be lawful for the Perſons entitled to any of the Securities for Money borrowed or raiſed by Mortgage, and their reſpective Executors, Adminiſtrators, or Aſſigns, at any Time, by Writing under their reſpective Hands and Seals, to transfer ſuch Securities to any Perſon or Perſons whomſoever; which Transfer may be in the Words or to the Effect following; *(videlicet)*

Form of Transfer.

'I, being entitled to the Sum of ſecured to me, my Executors, Adminiſtrators, and 'Aſſigns, by virtue of a Mortgage or Security, bearing Date the 'Day of under the Hands and Seals of 'being of the Com-'miſſioners acting in Execution of an Act made in the Fifty-fourth 'Year of the Reign of His Majeſty King *George* the Third, intituled, '[*ſet forth the Title of this Act,*] do hereby transfer all my Right and 'Title in and to the ſame, and all Intereſt or other Money now due 'and owing thereupon, unto his Executors, 'Adminiſtrators, and Aſſigns: Witneſs my Hand and Seal, the 'Day of in the Year '.'

Mortgages and Transfers to be entered in a Book.

And all Mortgages or Securities which ſhall be made in purſuance of this Act, and all Transfers thereof, ſhall be entered by the Clerk to the ſaid Commiſſioners in a Book to be kept for that Purpoſe; which Entry ſhall ſpecify and contain the Dates of ſuch Securities, Names of the Parties, and the Sums of Money thereby ſecured; to which Book any Perſon or Perſons ſhall, at all ſeaſonable Times, have Acceſs, and he, ſhe, and they ſhall have free Liberty to inſpect the ſame without Fee or Reward; and for the Entry of every ſuch Transfer, the ſaid Clerk ſhall be paid by the Perſon to whom ſuch Transfer ſhall be made, the Sum of Five Shillings, and no more; and after ſuch Entry made, and not till then, every ſuch Transfer ſhall entitle the Perſon to whom the ſame ſhall be made, and his, her, or their reſpective Executors, Adminiſtrators and Aſſigns, to the Benefit of the Security thereby transferred, and it ſhall not be in the Power of ſuch Perſon or Perſons who ſhall have made ſuch Transfer, to make void, releaſe, or diſcharge the ſame or any Money due thereon.

Application of the Money.

LXXV. And be it further enacted, That all Monies to be raiſed or collected, or received by virtue or under the Authority of this Act, ſhall be and the ſame are hereby veſted in the ſaid Commiſſioners; and out of the firſt Money ariſing from the Rates and Aſſeſſments which ſhall be collected by virtue of this Act, or out of any Money which ſhall be received by way of Gift or Donation, (which the ſaid Commiſſioners are hereby authoriſed and empowered to receive,) or which ſhall be borrowed on the Credit of the ſaid Rates or Aſſeſſments as aforeſaid, the ſaid Commiſſioners ſhall in the firſt place, pay and diſ-

charge

charge all the Expences and Charges of procuring and paſſing this Act; and in the next Place, ſhall pay and diſcharge the Intereſt of the Principal Money which ſhall be borrowed in purſuance of this Act; and ſhall apply the Remainder of the Money ſo raiſed, in paying and defraying the neceſſary Coſts, Charges, and Expences attending the Execution of the Powers and Authorities in this Act contained, and to ſuch other Purpoſes as are hereby directed.

Money advanced for the Act to be repaid with Intereſt.

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

Penalty on obſtructing the Execution of this Act.

LXXVII. And be it further enacted, That if any Perſon ſhall at any Time obſtruct, hinder, or moleſt any of the ſaid Commiſſioners, or their Collector or Collectors, Clerk, Surveyor, or other Perſon or Perſons whomſoever, who are or ſhall be employed to put this Act in Execution, in the Performance or Execution of his or their Duty, every ſuch Perſon ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Forty Shillings.

Commiſſioners may make Bye-laws.

LXXVIII. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners from Time to Time, at any of the ſaid Meetings, to make ſuch Rules, Orders, Regulations, and Bye-laws, (not inconſiſtent with or repugnant to any of the Directions or Proviſions contained in this Act, or any Law or Statute of that Part of the United Kingdom of *Great Britain* and *Ireland* called *England*,) for the Regulation of their own Proceedings, or for the good Conduct and Government of the Officers, Servants, and other Perſons employed by the ſaid Commiſſioners in the Execution of this Act; and from Time to Time to alter, vary, revoke, or make void, any of their Rules, Orders, Regulations, and Bye-laws, at their Diſcretion; and to fix and appoint ſuch reaſonable Fines and Penalties for the Breach or Non-performance of any ſuch Rule, Order, Regulation, and Bye-law, or any Part thereof, as to them ſhall ſeem expedient, ſo that no ſuch Fine or Penalty ſhall exceed the Sum of Forty Shillings for any one Offence; all which Rules, Orders, Regulations, and Bye-laws, ſo as aforeſaid, from Time to Time made, ſhall be valid and effectual to all Intents and Purpoſes whatſoever, and ſhall be obſerved and obeyed in all Things by the ſaid Commiſſioners, and all Perſons acting under their Orders and Authority; provided that Copies of the ſeveral Rules, Orders, Regulations, and Bye-laws by this Act authorized to be made, ſhall be fairly written out or printed, and ſigned by the Clerk to the ſaid Commiſſioners, and ſhall be placed or affixed in ſuch conſpicuous Place within the ſaid Town and Borough as the ſaid Commiſſioners ſhall direct; provided alſo, that all ſuch Rules, Orders, Regulations, and Bye-laws, ſhall be ſubject to appeal in Manner hereinafter mentioned.

How Penalties ſhall be recovered and applied.

LXXIX. And be it further enacted, That all Penalties and Forfeitures by this Act, or by any Bye-law, Rule, Order, or Regulation, made in purſuance thereof, impoſed, the Manner of levying and recovering whereof is not otherwiſe particularly directed, and the Coſts and Charges of

of levying the ſame, ſhall be levied and recovered by Diſtreſs and Sale of the Goods and Chattels of the Offender or Offenders, by Warrant of any Juſtice of the Peace for the ſaid County of *Durham*, or other Place or County where the Offender ſhall reſide (which Warrant ſuch Juſtice is hereby required to grant upon the Confeſſion of the Party or Parties, or upon the Information of any credible Witneſs upon Oath); and all ſuch Penalties and Forfeitures when recovered, ſhall, if not directed by this Act to be otherwiſe applied, be paid One Moiety to the Informer or Informers, and the other Moiety to the Treaſurer to the ſaid Commiſſioners; and in caſe of there being no Informer, or ſuch Informer being a Commiſſioner appointed under this Act, then the Whole ſhall be paid to the ſaid Treaſurer; ſuch Payments to the Treaſurer to be applied for the Purpoſes of this Act; and in caſe ſufficient Diſtreſs ſhall not be found, or ſuch Penalties and Forfeitures ſhall not be paid forthwith, it ſhall be lawful for ſuch Juſtice, and he is hereby authorized and required, by Warrant under his Hand and Seal, to cauſe the Offender or Offenders to be committed to the Common Gaol or Houſe of Correction, for the County, Town, or Place, where he, ſhe, or they ſhall reſide or be, there to remain without Bail or Mainprize for any Time not exceeding Six Calendar Months, unleſs ſuch Penalties and Forfeitures, and all reaſonable Charges attending the Recovery thereof, ſhall be ſooner paid and ſatisfied.

LXXX. And, for the more eaſy and ſpeedy Conviction of Offenders againſt this Act, be it further enacted, That all Juſtices of the Peace before whom any Perſons ſhall be convicted of any Offence againſt this Act ſhall and may cauſe the Conviction to be drawn up according to the following Form, or in any other Form to the ſame Effect, as the Caſe ſhall happen; (that is to ſay,)

Form of Conviction.

To wit. { ‘BE it remembered, That on [*Time of Conviction*] at [*Place of Conviction*] *A. B.* [*Name of Offender*] of [*Addition of Offender*] was convicted before me [*or*, us] [*Name and Style of convicting Juſtice or Juſtices*] for that the ſaid *A. B.* [*Name of Offender*] on [*Time of committing Offence*] at [*Place of committing Offence*] did [*here ſtate the Offence againſt this Act, according to the Fact*] contrary to the Form of the Statute made in the Fifty-fourth Year of the Reign of His Majeſty King *George* the Third, intituled, [*here ſet forth the Title of this Act:*] And I [*or*, we] do therefore declare and adjudge that the ſaid *A. B.* has forfeited for the ſaid Offence the Sum of [*Fine*] or ſhall be committed to [*Place of Impriſonment*] for the Space of [*Time of Impriſonment.*] Given under my Hand and Seal [*or*, our Hands and Seals] the Day and Year firſt above written.’

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

Convictions not to be quaſhed for Want of Form, nor removed by Certiorari.

LXXXII. And be it further enacted, That when any Diſtreſs ſhall be made for any Sum or Sums of Money to be levied by virtue of this Act, the

Diſtreſs not unlawful for Want of Form.

the Diſtreſs itſelf ſhall not be deemed unlawful, nor the Party or Parties making the ſame be deemed a Treſpaſſer or Treſpaſſers, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Diſtreſs, or other Proceedings relating thereunto; nor ſhall the Party or Parties diſtraining be deemed a Treſpaſſer or Treſpaſſers *ab initio*, on account of any Irregularity which ſhall afterwards be done by the Party or Parties diſtraining; but the Perſon or Perſons aggrieved by ſuch Irregularity, ſhall and may recover full Satisfaction for the ſpecial Damage in an Action upon the Caſe.

Inhabitants, &c. may be Witneſſes, notwithſtanding being rated.

LXXXIII. And be it further enacted, That in all Actions, Proſecutions, Informations, Cauſes, and Proceedings whatſoever, relating to or concerning the Execution of this Act, none of the ſaid Commiſſioners, nor their Clerk, Collector, or other Officer or Servant, nor any Inhabitant within the ſaid Diſtrict, ſhall be deemed incompetent to give Evidence by reaſon of his being rated and aſſeſſed to or paying any Rate or Aſſeſſment, or filling or holding any Office by virtue of or under this Act; and every Juſtice as aforeſaid, on any Complaint as aforeſaid, may ſummon before him any competent Witneſs, under a Penalty not exceeding One hundred Pounds, to be paid by any ſuch Witneſs ſo ſummoned and making Default, after having been paid or tendered a reaſonable Sum for his or her Attendance, without ſufficient Excuſe to be allowed by ſuch Juſtice, and ſhall give reaſonable Coſts to the Plaintiff or Defendant, on the Determination of every ſuch Complaint; which Coſts ſhall be levied and paid as in Caſes of Diſtreſs for Non-payment of any Penalty impoſed by this Act.

Juſtices may ſummons Witneſſes.

Power to Commiſſioners and Juſtices to adminiſter Oaths.

LXXXIV. And be it further enacted, That in all Caſes in the Execution of this Act, where any Matter or Thing is directed to be done, inquired of or examined into upon the Oath of any Witneſs or Witneſſes, or other Perſon or Perſons, before any Juſtice of the Peace, ſuch Juſtice is hereby authorized to adminiſter ſuch Oath to ſuch Witneſs or Witneſſes, or other Perſon or Perſons.

Perſons ſwearing falſely guilty of Perjury.

LXXXV. And be it further enacted, That any Perſon or Perſons who ſhall be convicted of wilfully and corruptly taking a falſe Oath, in any of the Caſes in which an Oath is by this Act directed, required, or authorized to be taken, ſhall be liable to the Pains and Penalties to which Perſons are liable for wilful and corrupt Perjury at Common Law, by Statute or otherwiſe.

Directions as to Service of Notices and Summonſes.

LXXXVI. And be it further enacted, That where Notices or Summonſes are directed or required to be given by this Act, or where the ſame ſhall or may be neceſſary for carrying into Execution any of the Powers thereof, (except where otherwiſe directed,) the delivering of any Notice or Summons, or a true Copy thereof, to the Perſon or Perſons to whom the ſame ſhall be directed, or to whom Notice ought to be given, or the leaving the ſame, or a true Copy thereof, at his, her, or their Dwelling Houſe or Dwelling-Houſes, or uſual or laſt Place or Places of Abode, or where ſuch Notices are general, the affixing of the ſame on the outer Door of the principal Entrance of the Pariſh Church of *Gateſhead* aforeſaid, ſhall be a good and ſufficient Service or Publication of every ſuch Notice or Summons.

LXXXVII. And

Appeal to the Quarter Sessions.

LXXXVII. And be it further enacted, That if any Perſon or Perſons ſhall think himſelf, herſelf, or themſelves aggrieved by any Rate or Aſſeſſment made in purſuance of this Act, after any Appeal made to the ſaid Commiſſioners in Manner hereinbefore directed; or if any Perſon or Perſons ſhall think himſelf, herſelf, or themſelves aggrieved by reaſon of any Judgment, Conviction, or Determination of any Juſtice or Juſtices of the Peace acting in Execution of this Act, or by reaſon of any of the Rules, Orders, Regulations, and Bye-laws of the ſaid Commiſſioners by this Act authorized to be made, he, ſhe, or they may appeal to the next General Quarter Seſſions of the Peace to be holden for the ſaid County of *Durham*, which ſhall happen next after the Expiration of Twenty-one Days after the Cauſe of Complaint ſhall have ariſen, in every or either of ſuch Caſes ſuch Appellant or Appellants firſt giving or cauſing to be given Ten Days Notice at leaſt in Writing of his, her, or their Intention to bring ſuch Appeal, and of the Matter thereof, to the Clerk or Clerks to the ſaid Commiſſioners, and within Five Days after ſuch Notice entering into a Recognizance in the Sum of Fifty Pounds, with Sureties in the Sum of Twenty-five Pounds each, before ſome Juſtice of the Peace for the ſaid County, conditioned for proſecuting ſuch Appeal, and to abide the Order of and to pay ſuch Coſts as ſhall be awarded by the Juſtices at ſuch General Quarter Seſſions; and the ſaid Juſtices at ſuch General Quarter Seſſions, upon due Proof of ſuch Notice given as aforeſaid, and entering into ſuch Recognizance (and not otherwiſe), ſhall hear and determine the Cauſe and Matters of ſuch Appeal in a ſummary Way, and award ſuch Satisfaction and Coſts to the Party or Parties appealing or appealed againſt as they the ſaid Juſtices ſhall think proper; and the Determination of ſuch Juſtices ſhall be final, binding, and concluſive.

Regulations as to Actions.

LXXXVIII. Provided always, and be it further enacted, That no Plaintiff or Plaintiffs ſhall recover in any Action or Actions for any Irregularity, unleſs Notice in Writing ſhall be given Seven Days before ſuch Action ſhall be commenced, of ſuch intended Action, ſigned by the Attorney for the Plaintiff, ſpecifying the Cauſe of ſuch Action to the Defendant or Defendants, or his, her, or their Attorney; nor ſhall the Plaintiff recover in ſuch Action or Actions if ſufficient Tender of Amends hath been made to him, her, or them, or his, her, or their Attorney, by or on the Behalf of the Defendant or Defendants, before ſuch Action brought; and in caſe no ſuch Tender ſhall have been made, it ſhall and may be lawful to and for the ſaid Defendant or Defendants in any ſuch Action, by Leave of the Court after ſuch Action ſhall have been brought, at any Time before Iſſue joined, to pay into Court ſuch Sum or Sums of Money as he, ſhe, or they ſhall think fit, whereupon ſuch Proceedings, Order, and Judgment ſhall be made and given in and by ſuch Court as in other Actions where the Defendant is allowed to pay Money into Court.

Limitation of Actions.

LXXXIX. And be it further enacted, That no Action or Suit ſhall be commenced againſt any Perſon or Perſons for any Thing done in purſuance of or under this Act, after a ſufficient Satisfaction, or Tender thereof, hath been made to the Party or Parties aggrieved, nor after the Expiration of Three Calendar Months from the Time of the Fact being committed; and every ſuch Action or Actions ſhall be laid or brought

in the County of *Durham*, and not elsewhere; and the Defendant or Defendants in every such Action shall or may, at his, her, or their Election, plead Specially or the General Issue, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if the same shall appear to have been so done, or that such Action or Suit shall have been brought before Seven Days Notice thereof was given as aforesaid, or after a sufficient Satisfaction made or tendered as aforesaid, or after the Expiration of the limited Time for bringing the same as aforesaid, or shall be brought in any other County, then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Suit, after the Defendant or Defendants shall have appeared, or if, upon the Demurrer, Judgment shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall recover Treble Costs, and have such Remedy for the same as any Defendant hath in other Cases by Law.

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

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1814.




ANNO QUINQUAGESIMO QUARTO

# GEORGII III. REGIS.

## *Cap.* 110.

### An Act for enlarging the Powers of an Act of His present Majesty, for repairing the Church of *Saint Sidwell*, in the City of *Exeter*. [17th *June* 1814.]

WHEREAS an Act was passed in the Fifty-second Year of the Reign of His present Majesty, intituled *An Act for repairing the Parish Church of* Saint Sidwell, *in the City and County of the City of* Exeter: And whereas by the said Act certain Persons therein named were appointed Trustees for carrying the said Act into Execution; and they were thereby authorized to raise, for the Purposes of the said Act, either by Loan or Mortgage, or by the Sale or granting of Annuities in Manner therein mentioned, a Sum not exceeding in the whole the Sum of Five Thousand Pounds: And whereas the said Trustees have, under the Provisions of the said recited Act, raised the said Sum of Five Thousand Pounds, and applied the same in carrying the several Purposes thereof into Execution, so far as such Sum would extend; but the same has been found insufficient, by reason of the very dilapidated State of the Walls of the said Church, which it became necessary entirely to rebuild, and from other unforeseen Circumstances; and the said Trustees have not only been prevented from repairing the Tower of the said Church, but have also incurred a Debt; and in order that they may be enabled to complete the said Church, and the Tower thereof, and to pay off such Debt, it is necessary and expedient that they should be authorized and empowered to raise a further Sum of Money, and that the Powers and Provisions of the said recited Act should be altered and enlarged; May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent

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Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful to and for the said Trustees, and they are hereby authorized and empowered, to raise, for the Purposes of the said recited Act, in Addition to the Money authorized by the said Act to be raised, or which has already been raised, by them under the Powers of the same Act, any Sum or Sums of Money not exceeding in the whole the Sum of Three thousand two hundred Pounds; which said Sum of Money shall be laid out and applied, in the first Place, in paying off the said Debt so incurred as aforesaid, and then in discharging the Costs and Expences of obtaining and passing this Act, and otherwise carrying the several Purposes of the said recited Act and of this Act into Execution.

Trustees empowered to raise a further Sum of Money.

II. And be it further enacted, That the said recited Act, and all and every the Clauses, Powers, Provisions, Articles, Matters and Things therein contained (save and except as are hereby altered or varied) shall be and remain in full Force and Virtue, and shall extend to, and be deemed and taken to be as good, valid, and effectual for carrying this Act and the several Purposes thereof into Execution, as if all such Clauses, Powers, Provisions, Articles, Matters, and Things, were repeated and re-enacted in the Body of this Act.

Powers of former Act extended to this Act.

III. Saving always to the Lord Bishop of *Exeter*, and his Successors for the Time being in the See of *Exeter*, all such Rights, Privileges and Immunities, as they may have or be entitled to in respect of the said See; any Thing in the said recited Act or in this Act contained to the contrary thereof in anywise notwithstanding.

Saving to the Bishop of Exeter.

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

Public Act.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1814.