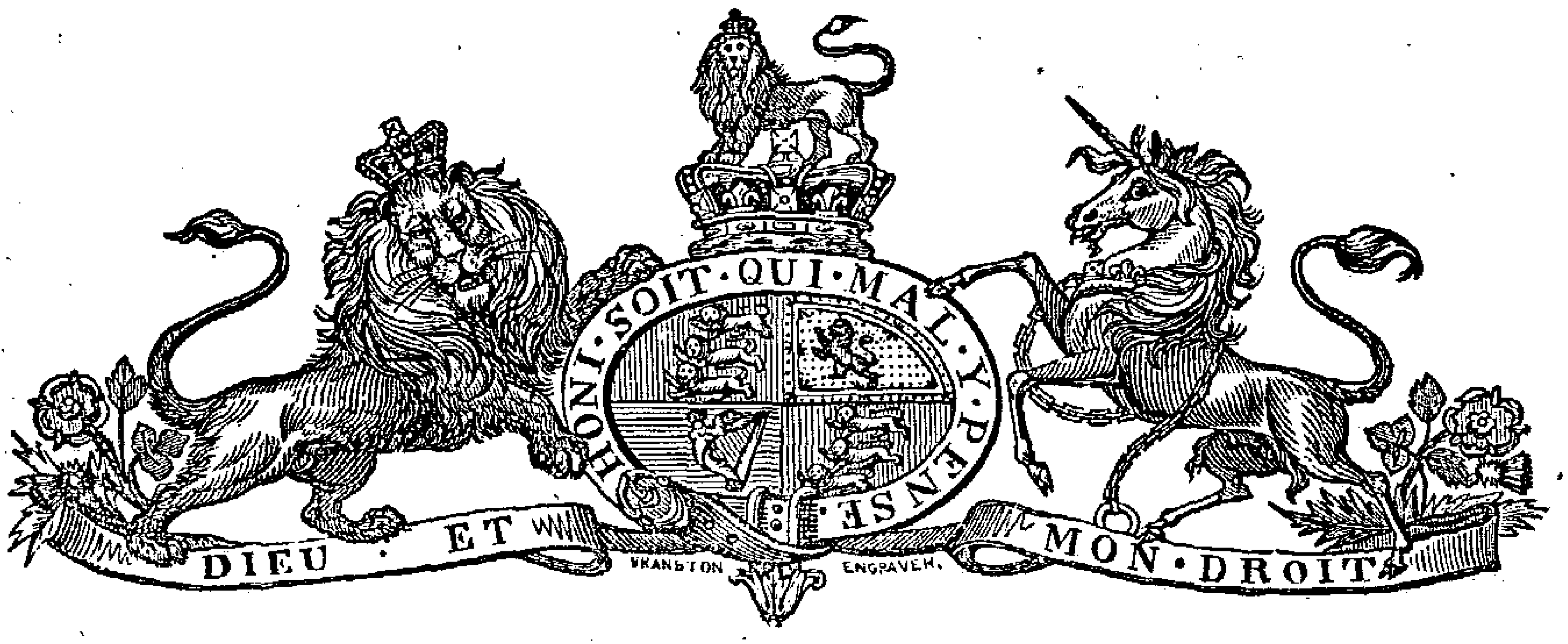


ANNO PRIMO & SECUNDO

VICTORIÆ REGINÆ.

****

Cap. lxix.

An Act for amending the Provisions of Two Acts of Parliament relating to the City of *Hereford*, and for limiting the Duration of *St. Ethelbert's* or *The Nine Days Fair*, held annually in the said City. [4th *July* 1838.]

WHEREAS an Act was passed in the Fourteenth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for paving, repairing, cleansing, and lighting the Streets and Lanes in the City of* Hereford *and Suburbs thereof, and removing Nuisances and Annoyances therein, and for creating a Fund towards the Expences thereof by enclosing divers Waste Grounds within the Liberties of the said City; and for the better Application of Charity Money for setting the poor People of the said City to work; and to enable Bodies Corporate to alienate their Houses and Lands within the said City:* And whereas an Act was passed in the Fifty-sixth Year of the Reign of His Majesty King *George* the Third, intituled *An Act to enlarge, amend, and render more effectual the Provisions of an Act of His present Majesty for paving and lighting the City of* Hereford, *and for removing Nuisances therein, and for enabling the Corporation of the said City to sell and apply the Produce of certain Messuages and Lands in establishing Market Places, and otherwise*

14 G.3. c.38.

56 G.3. c.111.

improving the said City: And whereas it would be of great Advantage to the Inhabitants of the said City if the said Acts were altered and their several Provisions further amended: And whereas by the said recited Act of the Fifty-sixth Year of the Reign of King *George* the Third certain Commissioners appointed under the Authority of the said Act of the Fourteenth Year of the Reign of King *George* the Third were empowered to borrow and take up at Interest, upon the Credit of certain Lands vested in the said Commissioners, divers Sums of Money: And whereas the said Commissioners have borrowed and taken up divers Sums of Money, amounting in the whole to the Sum of Seven thousand Pounds, which said Sum of Seven thousand Pounds is now secured by way of Mortgage on the said Lands: And whereas it would greatly tend to the Advantage of the said City and the Inhabitants thereof if the said Commissioners were empowered to sell and dispose of the said Lands: And whereas a Fair called *Saint Ethelbert's Fair* has been heretofore holden every Year within the said City, which said Fair has been held since the Time of His Majesty King *Henry* the Third from the Ninth Hour of the Eve of *Saint Ethelbert* until the Eighth Day next following: And whereas the Rights, Privileges, Tolls, and Jurisdiction of the said Fair have heretofore been vested in the Lord Bishop of *Hereford* for the Time being: And whereas it would greatly tend to the Advantage of the said City, and to the Improvement of the Morals of the Inhabitants thereof, if the Time for holding the said Fair in future was limited to Two Days; and it would be of great public Advantage if the Tolls and Jurisdiction of the said Fair were transferred from the Lord Bishop of *Hereford* to the Mayor, Aldermen, and Burgesses of the said City; but the Objects aforesaid cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, and by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Acts, and all the Powers, Authorities, Provisions, Directions, Penalties, Forfeitures, Payments, Exemptions, Remedies, Stipulations, Clauses, Matters, and Things therein respectively contained, (except such of them as have been altered, varied, or repealed by either of the said recited Acts, or by any Public General Act, or as may be altered, varied, or repealed by this Act,) shall extend and be construed to extend to this Act, and shall operate and be in force with respect to this Act, as fully and as effectually to all Intents and Purposes whatsoever as if the same were repeated and re-enacted in the Body of this Act; and the said recited Acts and this Act shall be construed together as One Act.

Powers of recited Acts extended to this Act, except as hereby altered.

II. And be it enacted, That in the Construction of this Act every Word importing the Singular Number only shall extend and be applied to several Persons, Matters, or Things, as well as one Person, Matter, or Thing; and every Word importing the Plural Number shall extend and be applied to one Person, Matter, or Thing, as well as several Persons, Matters, or Things; and every Word importing the Masculine Gender only shall extend and be applied to a Female as well as a Male; and the Word "Land" shall extend to every Species of Land, of any Tenure, and shall include all Messuages, Shops, Warehouses, and all other Erections and Buildings thereon; and the Word "Corporation" when used shall be understood to mean any Body Politic, Corporate, or Collegiate,

Meaning of certain Words in this Act.

Collegiate, Municipal, Civil or Ecclesiastical, Aggregate or Sole; unless in any of the Cases aforesaid it be otherwise specially provided, or there be something in the Subject or Context repugnant to such Construction.

Repeal of Clause giving compulsory Power to purchase.

III. And be it enacted, That from and after the Expiration of Five Years from the passing of this Act all compulsory Powers of purchasing any Houses, Gates, Sheds, or other Buildings, Pieces or Parcels of Land, or any Part thereof, for enlarging, widening, and rendering more commodious the Streets, Lanes, and other Passages within the said City, given to or vested in the said Commissioners by the said first-recited Act, and also so much of the said first-recited Act as provides that in case the said Commissioners and any Bodies Politic, Corporations Aggregate or Sole, Feoffees, Trustees, or other Owner or Owners, Proprietor or Proprietors of any such Houses, Gates, Sheds, or other Buildings, Pieces or Parcels of Land or Ground, cannot agree or are incapable of treating for the Purchase thereof, then that the Value, Recompence, or Satisfaction to be paid for the Purchase thereof shall be fixed and ascertained by a Jury to be summoned in the Manner therein mentioned, shall be and the same are hereby repealed.

Repeal of Clause exempting Writings from Stamp Duty.

IV. And be it enacted, That from and after the passing of this Act so much of the said first-recited Act as provides that no Nomination, Appointment, Licence, Information, Order, Judgment, Conviction, Warrant, Assignment, or other Writing whatsoever, under the Hand and Seal or Hands and Seals of or only signed by any Commissioner or Commissioners for putting the said Act into execution, or by any Justice or Justices of the Peace, or exhibited before them or any of them, touching, concerning, or in the Execution of any of the Powers or Authorities thereby vested in such Commissioner or Commissioners, Justice or Justices of the Peace, or any of them, or any Conveyance to the said Commissioners or any of them, or any other Deed or Instrument whatsoever touching the said Act or the Execution thereof, should be charged or chargeable with any Stamp or Duty whatsoever, shall be and the same is hereby repealed.

Repeal of Clause directing Accounts to be verified on Oath.

V. And be it enacted, That from and after the passing of this Act so much of the said first-recited Act as provides that every Account shall, if required by any Seven or more of the Commissioners, be verified by the Oath of the Officer or Person accounting, shall be and the same is hereby repealed.

Lands in Schedule may be sold.

VI. And be it enacted, That it shall be lawful for the Commissioners acting under the Authority of the said recited Acts and this Act, and they are hereby authorized and empowered, at any Time and from Time to Time, at their Discretion, to make sale and absolutely dispose of all and singular the Pieces or Parcels of Land and Hereditaments particularly described in the Schedule to this Act annexed, or any Part or Parts thereof, to any Person or Persons whomsoever, by public Auction or private Contract, in such Lot or Lots and subject to such Conditions as the said Commissioners shall think fit; and all Lands, Tenements, and Hereditaments which may be sold by virtue of this Act shall, on Payment of the full Purchase Money for the same into the Hands of the said Commissioners, or of their Treasurer for the Time being, or of any other Person to be by them appointed to receive the same, be conveyed unto

unto or in Trust for the Purchasers thereof respectively; and Conveyances of the same by Lease and Release or Feoffment made and executed by the said Commissioners, or any Five of them, shall be valid and effectual in the Law to vest the same in such Purchasers; and such Purchasers shall not be liable to see to the Application of their respective Purchase Monies, nor be liable or accountable for the Misapplication or Nonapplication of the same: Provided always, that it shall be lawful for any One or more of the Commissioners, or any Person or Persons on his or their Behalf, to attend and bid at any such Sale or Sales, and to become the Purchaser or Purchasers of all or any of the Pieces or Parcels of Land which may be so put up or offered for Sale, any Rule of Law or Equity to the contrary thereof in anywise notwithstanding.

Application of Money arising from the Sale of Lands.

VII. And be it enacted, That the Purchase Monies and other Monies arising from or to be produced by the Sale of the said Pieces or Parcels of Land, Tenements, and Hereditaments, after deducting the Costs, Charges, and Expences of Sale, shall and may be applied by the said Commissioners in paying off and discharging the Principal Money borrowed on the Security of the said Lands and Premises under the Authority of the said recited Act of the Fifty-sixth Year of the Reign of King *George* the Third, and in paying all Costs, Charges, and Expences incurred in preparing, applying for, and obtaining this Act, and otherwise incident thereto, and in executing such of the Works and Purposes by the said recited Acts and this Act authorized as may tend to the permanent Improvement of the said City; and the surplus Money arising from the Sale of the Lands, Tenements, and Hereditaments so sold (if any such there be) shall be invested in the Three *per Centum* Consolidated Bank Annuities in the Names of the said Commissioners and their Successors; and the Interest, Dividends, and Proceeds from Time to Time arising therefrom shall be paid and applied in aid of the Rates and Assessments by the said recited Acts, or either of them, authorized to be made and levied.

The Word "grant" in Conveyances from the Commissioners to amount to certain Covenants.

VIII. And be it enacted, That in all Conveyances to be made by the said Commissioners under or in pursuance of this Act the Word "grant" shall operate as and be construed and adjudged in all Courts of Judicature to be express Covenants to or with the respective Grantees therein named, and the Successors, Heirs, Executors, Administrators, or Assigns of such Grantees, according to the Quality or Nature of such Grantees Interest therein, and the Estate or Interest therein expressed to be thereby conveyed by or from the said Commissioners, for themselves and their Successors, that they the said Commissioners, notwithstanding any Act or Default done by them, were at the Time of the Execution of such Conveyances seised or possessed of the Lands or Premises thereby granted for an indefeasible Estate of Inheritance in Fee Simple, and that they the said Commissioners, notwithstanding as aforesaid, have good Right and full Power to convey and assure the same free from all Incumbrances done or occasioned by them, and that the Purchaser thereof, his Heirs and Assigns, Successors and Assigns, or Executors, Administrators, and Assigns (as the Case may be), shall quietly enjoy the same against the said Commissioners and their Successors, and all claiming under them, and be indemnified and saved harmless by the said Commissioners and their Successors from all Incumbrances committed

committed by the said Commissioners, and also for further Assurance, at the Expence of such Grantees respectively, their Heirs, Successors, Executors, Administrators, or Assigns, of such Lands and Premises by the said Commissioners or their Successors, and all claiming under them, unless, except, and so far as the same shall be restrained and limited by express particular Words contained in such Conveyances; and all such Grantees, and their several Successors, Heirs, Executors, Administrators, and Assigns respectively, according to their respective Quality or Nature, and the Estate or Interest expressed to be conveyed, shall and may in all Actions to be brought assign Breach or Breaches of Covenants as they might do in case such Covenants were expressly inserted in such Conveyances.

Restricting the Time for the holding Fair to Two Days.

IX. And be it enacted, That from and after the passing of this Act the Time of holding the Fair heretofore held in the said City of *Hereford*, called *Saint Ethelbert's* or *The Nine Days Fair*, shall be limited and restricted to the Space of Two Days, and no longer; and in future the said Fair shall begin on the same Day on which the said Fair usually heretofore began to be holden, and shall end on the Day next immediately following.

Jurisdiction of the Fair transferred to the Mayor, Aldermen, and Burgesses.

X. And be it enacted, That the Franchise, Right, or Privilege of keeping and holding the said Fair, and the Jurisdiction thereof, and all Courts of Pie Poudre and other Courts, and all Appointments of Officers, and all other Rights, Privileges, Franchises, and Immunities incident or appurtenant thereto heretofore vested in and enjoyed by the Lord Bishop of *Hereford* for the Time being, and all Pickage, Stallage, Foldage, Tolls, Dues, Duties, Fines, Fees, Perquisites, and Emoluments payable to or receivable by the said Lord Bishop in respect thereof, shall from and immediately after the passing of this Act be transferred to and be vested in the Mayor, Aldermen, and Burgesses of the said City, and shall be holden, used, exercised, and enjoyed, and be demanded, had, received, taken, and collected by the said Mayor, Aldermen, and Burgesses in the same full, ample, and beneficial Manner, to all Intents and Purposes, as the same have heretofore been holden, used, exercised, or enjoyed, or been demanded, had, received, taken, or collected by the said Lord Bishop or any of his Predecessors; and the said Mayor, Aldermen, and Burgesses shall have the same Powers and Authorities, Remedies and Expedients in all Things relating to the said Fair, Courts, Officers, and Privileges aforesaid, and for demanding, collecting, compelling, or enforcing Payment, Performance, or Observance of the Tolls, Dues, Duties, Fines, Fees, Perquisites, and Emoluments payable or receivable in respect of the said Fair, Courts, Officers, and Privileges, as now are or heretofore have been possessed, enjoyed, used, or exercised by the said Lord Bishop or any of his Predecessors; and all and every the said Tolls, Dues, Duties, Fines, Fees, Perquisites, Emoluments, and other Profits and Advantages aforesaid shall be paid to such Officers or other Persons as the said Mayor, Aldermen, and Burgesses shall appoint, authorize, or depute to receive or collect the same, and shall, when received or collected by such Officers or other Person, be paid to the Treasurer for the Time being of the said Borough, and be by him placed to the Credit or Account of the Borough Fund: Provided always, that it shall not be lawful for the said Mayor, Aldermen, and Burgesses to

demand or take any further Tolls, Dues, Fees, or Emoluments than have heretofore been received by the said Lord Bishop or any of his Predecessors for or in respect of the said Fair.

Compensation to the Bishop of Hereford.

XI. And be it enacted, That as a Compensation to the Lord Bishop of *Hereford* for the Injury which he may sustain by the Loss of the said Tolls and Duties and other Emoluments arising from the holding of the said Fair, and the said Courts of Pie Poudre and other Courts, and the Appointment of Officers, and the other Rights and Privileges incident or appurtenant thereto, there shall yearly and every Year for ever hereafter be paid to the said Lord Bishop and his Successors, by the Mayor, Aldermen, and Burgesses of the said City, on the Eve of *Saint Ethelbert*, Twelve and a Half Bushels of the best Wheat, or, at the Election of the said Lord Bishop or his Successors, such a Sum in Money as shall, according to the Price of the best Wheat on the Market Day immediately preceding the Eve of *Saint Ethelbert*, be equal in Value to Twelve and a Half Bushels of the best Wheat; and such Payment, whether in Wheat or Money, shall be made by the Treasurer for the Time being of the said Borough, and the Price or Value of such Wheat or the Money Payment in lieu thereof shall be taken out of the Borough Fund of the said City.

Penalty on Persons leaving Cellars without a Covering of Iron.

XII. And be it enacted, That if any Owner or Person having the Care or Superintendence of any underground Room or Cellar shall in or near any of the Streets or public Places within the said City have any such Room or Cellar without a sufficient Iron Covering with an Iron Rim round the same for the Protection of Passengers, every Person so offending shall for every Offence forfeit and pay a Sum not exceeding Forty Shillings: Provided always, that no such Owner or Person as aforesaid shall be liable to the said Penalty unless it shall be found that he had One Month's previous Notice in Writing, signed by Two of the said Commissioners, requiring such Owner or Person to provide such Covering and Rim as aforesaid.

Penalty on Persons allowing Trap Doors to remain open.

XIII. And be it enacted, That if any Person or Persons shall permit or allow any Trap Door or Doors, or Covering of or to any underground Room, Cellar, Vault, or Coalhole belonging to such Person or Persons in or near any of the Streets or Lanes of the said City to remain or be open without placing a sufficient Watch or Guard for the Protection of Passengers, every such Person or Persons shall for every Offence forfeit and pay a Sum not exceeding Five Pounds.

Penalty on Persons washing or repairing Carriages in the Streets.

XIV. And be it enacted, That if any Person shall in any of the Streets within the said City make or repair any Carriage or any Part of any Carriage (except immediate Repair on the Spot is necessary to the same on account of Accident), every Person so offending shall for every Offence forfeit and pay a Sum not exceeding Five Pounds.

Penalty on Persons allowing Goods exposed for Sale to project over Footways.

XV. And be it enacted, That if any Person shall within the said City place, hang up, or otherwise expose to Sale any Goods, Wares, Merchandise, Matter, or Thing whatsoever, so that the same shall project into, over, or upon any Footway within the said City, or beyond the Line of or on the Outside of the Window of any House, Shop, or Building within

within the said City at which the same shall be so placed, put up, or exposed, every Person so offending shall for every Offence forfeit and pay a Sum not exceeding Twenty Shillings.

Penalty on Occupiers or Owners of Premises not causing the Footways adjoining to be cleansed.

XVI. And be it enacted, That if any Occupier of any House, Warehouse, Shop, Yard, Shed, Coach-house, Stable, or other public or private Tenement or Building within the said City, or the Owner of the same respectively where there shall be no Occupier thereof, shall not cause the Footway adjoining his Premises respectively in any of the Streets or Lanes within the said City which are or shall be wholly or partly paved or flagged to be kept well and sufficiently swept and cleansed, or shall not cause such sweeping and cleansing to be done between the Hours of Six and Nine in the Morning on every *Monday*, *Wednesday*, and *Saturday*, every Person so offending shall for every Offence forfeit and pay a Sum not exceeding Twenty Shillings; provided that it shall be lawful for the Dirt and Soil from such sweeping and cleansing to be left in the Street or Place clear of the Water-channel.

Penalty on Butchers or other Persons exposing for Sale unsound Meat or Provisions.

XVII. And be it enacted, That if any Butcher, Dealer in Meat, or other Person shall expose or offer for Sale in his Shop, Stall, Warehouse, or on any Part of his Premises or otherwise within the said City, any unsound or unwholesome Meat, Fish, or other Provisions unfit for the Food of Man, every Person so offending shall for every Offence forfeit and pay a Sum not exceeding Forty Shillings; and it shall be lawful for any Justice of the said City, or any Person appointed by Justices of the said City to act as Market Broker or Inspector of Provisions offered for Sale within the said City, to seize and destroy all such Meat, Fish, and other Provisions.

Penalty for drawing weighty Articles except on proper Carriages.

XVIII. And be it enacted, That if any Person shall draw any Coals, Iron, Timber, Stone, or other weighty Articles in or over any Street within the said City, placed upon any Tram, or placed upon or suspended from a wheeled Carriage improper for that Purpose, every Person so offending shall for every Offence forfeit and pay a Sum not exceeding Forty Shillings.

Penalty for breaking any Horse, &c. in the Streets.

XIX. And be it enacted, That if any Person shall in any of the Streets of the said City train or break any Horse, Mare, Colt, or Filly, either for Saddle or Harness, or show or exhibit the same, except in such Places as shall be appointed or allowed for those Purposes by the Mayor of the said City for the Time being, every Person so offending shall for every such Offence forfeit and pay a Sum not exceeding Forty Shillings.

Melters of Tallow to provide proper Flues.

XX. And be it enacted, That all Melters of Fat, Grease, or Tallow within the said City shall have and provide proper Flues, Grates, and other Contrivances annexed to their respective Furnaces or Melting Places, so as to consume the Smoke or Steam arising from the said Fat, Grease, or Tallow, and to prevent the noisome Stench or Effluvia occasioned by the melting thereof, under a Penalty of Forty Shillings for every Day on which such Fat, Grease, or Tallow shall be melted without such Flues, Grates, or Contrivances as aforesaid.

XXI. And

Watering the Streets, &c.

XXI. And be it enacted, That the Commissioners appointed under and by virtue of the said recited Act shall and are hereby authorized and empowered to cause any of the Streets, Squares, Lanes, and other public Passages and Places within the said City to be watered as often as they shall think fit, and to purchase or hire Water Carriages and Horses, and also to cause any Wells to be sunk, and any Pumps to be erected, for the Purpose of watering the said Streets; and all Expences incident thereto shall and may be defrayed by or out of the Rates to be raised under and by virtue of the said recited Acts.

Justices empowered to seize Butter, &c. short of Weight.

XXII. And be it enacted, That if any Person shall expose or offer for Sale in his Shop, Stall, or in any other Part of his Premises, or in the public Markets of the said City or otherwise, any Butter or other marketable Commodity which shall be short of Weight, it shall be lawful for any Justice of the said City, or any Person appointed by the Justices of the said City to act as Market Looker or Inspector of Provisions offered for Sale within the said City, to seize and sell or dispose of the same, and apply the Proceeds of such Sale in the same Manner and to the same Purpose as Penalties and Forfeitures imposed by this Act are directed to be applied.

Penalty on Persons playing at Games in the Streets;

XXIII. And be it enacted, That if any Person shall in any of the Streets within the said City wantonly throw any Stone or Missile, or play at any Game called Pitch and Toss, or Chuck Farthings, or Trap or Foot Ball, or Fives, every Person so offending shall for every Offence forfeit and pay a Sum not exceeding Ten Shillings.

Persons getting drunk;

XXIV. And be it enacted, That if any Person shall be proved by the Oath of a credible Witness before any Justice of the Peace for the said City, or if he shall appear upon his own Confession, to have been drunk within the said City, every such Person shall forfeit for every such Offence not exceeding Five Shillings; and if such Person shall not immediately upon Conviction pay such Fine or Forfeiture, it shall be lawful for the said Justice to commit such Offender to the Gaol or House of Correction of the said City for any Time not exceeding Three Days unless such Fine or Forfeiture shall be sooner paid.

Persons fastening any Horse or Cattle across the Footway;

XXV. And be it enacted, That if any Person shall fasten any Horse, Mule, Ass, or Cattle to any Wall, Door, Post, or Rail within the said City, so as that such Horse, Mule, Ass, or Cattle can go or stand across or upon any Footway within the said City, every Person so offending shall for every Offence forfeit a Sum not exceeding Twenty Shillings.

Persons riding or driving any Cattle along Footways;

XXVI. And be it enacted, That if any Person shall wilfully ride or drive any Horse, Foal, Bull, Cow, Heifer, Ox, Calf, Ass, Mule, Sheep, or Swine, or permit the same to go over or along any Footway within the said City, every Person so offending shall for every Offence forfeit a Sum not exceeding Twenty Shillings.

pasting up Bills any after Notice from the Occupier.

XXVII. And be it enacted, That if any Person shall paste or affix, or cause to be pasted or affixed, on or against any Dwelling House, Shop, Warehouse, Building, Wall, or Pillar within the said City, any Posting Bill or other Paper without the Consent of the Owner or Occupier thereof, every

every Person so offending shall for every Offence forfeit a Sum not exceeding Five Shillings; or shall write upon or otherwise deface or mark any such Dwelling House, Shop, Warehouse, Building, Wall, Pillar, or Lamp Post by means of Chalk, Paint, or any other Material, every Person so offending shall for every Offence forfeit a Sum not exceeding Twenty Shillings.

indecently exposing the Person;

XXVIII. And be it enacted, That if any Person shall in any Part of the said City wilfully and indecently expose his or her Person, every Person so offending shall for every Offence forfeit a Sum not exceeding Ten Pounds.

selling indecent Prints, &c., writing obscene Words on Walls, &c.;

XXIX. And be it enacted, That if any Person shall sell or distribute, or offer to sell or distribute, any indecent or obscene Print, Drawing, Painting, or Representation, or sing any indecent or obscene Ballad or Song, in any Street, Lane, or public Place within the said City, or shall draw, inscribe, or write any obscene or indecent Figure, Representation, or Word upon any Building, Door, Wall, Pillar, or other Place within the said Borough, every Person so offending shall for every Offence forfeit a Sum not exceeding Forty Shillings.

using indecent Language to the Annoyance of any Persons passing;

XXX. And be it enacted, That if any Person shall within the said City use any obscene, indecent, or profane Language, to the Annoyance of any Person passing along any of the Streets or public Places within the said City, every Person so offending shall for every Offence forfeit a Sum not exceeding Twenty Shillings.

engaging in and abetting Prize Fights;

XXXI. And be it enacted, That if any Person shall within the said City engage in or instigate or abet any Prize Fight or other Fight or Battle, every Person so offending shall for every Offence forfeit a Sum not exceeding Forty Shillings.

causing or abetting Dog-fighting, &c.;

XXXII. And be it enacted, That if any Person shall in any of the Streets within the said City cause any Dogs to fight, or bait or abet the baiting of any Bull, Bear, Badger, or any other Animal, every Person so offending shall for every Offence forfeit a Sum not exceeding Forty Shillings.

maltreating Cattle, Dogs, or other Animals;

XXXIII. And be it enacted, That if any Person shall within the said City wantonly and cruelly abuse or maltreat any Cattle, Dog, or Cat, or other Animal, every Person so offending shall for every Offence forfeit a Sum not exceeding Twenty Shillings.

Ringing Door Bells, &c.;

XXXIV. And be it enacted, That if any Person shall in any of the Streets within the said Borough wantonly disturb the Comfort of any Inhabitant by pulling or ringing any Door Bell, or by wantonly knocking at any Door, or shall wantonly throw any Stone or Missile, or fly any Kite, or trundle any Hoop, or extinguish the Light of any Lamp, or shall slide or make any Slide upon any Pavement, Flagging, Footway, or Crossingway, every Person so offending shall for every Offence forfeit a Sum not exceeding Twenty Shillings.

letting off Squibs, &c.;

XXXV. And be it enacted, That if any Person shall in or within Fifty Feet from the Centre of any of the Streets within the said City, or to the

the Danger, Injury, Damage, or Annoyance of any Person shall elsewhere within the said City, set fire to or let off any Cracker, Squib, Rocket, or other Firework, or make any Bonfire, every Person so offending shall for every such Offence forfeit a Sum not exceeding Twenty Shillings; or if any Person shall within the said City mischievously or wantonly let off or fire off any Musket, Gun, Pistol, or other Fire-arms, every Person so offending shall for every Offence forfeit a Sum not exceeding Forty Shillings; provided that this Provision shall not extend to any lawful Place of public Amusement duly and regularly conducted, nor to any special Occasion in some safe and convenient Place allowed by the Mayor.

bathing in any public Situation;

XXXVI. And be it enacted, That if any Person shall in any public Situation in any Part of the said City bathe so as to expose his or her Person, every Person so offending shall for every Offence forfeit a Sum not exceeding Twenty Shillings.

shaking Carpets;

XXXVII. And be it enacted, That if any Person shall shake, beat, or dust any Carpet, Mat, Cloth, Footbear, or Rug, or any Soot Bag or Sack, in any Street within the said City after the Hour of Eight in the Morning from *Lady Day* to *Michaelmas Day* in every Year, or after the Hour of Nine o'Clock from *Michaelmas Day* to *Lady Day* in every Year, every Person so offending shall for every Offence forfeit a Sum not exceeding Ten Shillings.

mischievously defacing the Name of any Street, &c. or Number of any House;

XXXVIII. And be it enacted, That if any Person shall mischievously or maliciously destroy, pull down, injure, obliterate, or deface, or cause or procure to be destroyed, pulled down, injured, obliterated, or defaced, any Name or Description of any Street within the said City, being written, painted, or affixed upon any House, Building, Wall, or Lamp Post within the said City, or any Mark or Number of any House, Shop, Warehouse, or Building written, painted, or affixed thereupon in any of the Streets within the said City, every Person so offending shall for every Offence forfeit a Sum not exceeding Forty Shillings.

pulling down or damaging Notice Boards, &c.;

XXXIX. And be it enacted, That if any Person shall maliciously or wantonly pull down, break, or damage any Board whereon any Notice of any Property on Sale or to be let shall be painted, and which Board shall be put up by or with the Consent of the Owner or Occupier of the Land whereon the same may stand, or of the Building or Wall whereto the same may be affixed, or shall maliciously or wantonly deface or obliterate any such Notice or any such Board, or shall maliciously or wantonly pull down, break, or damage any Pole which may be put up to support any such Board, every Person so offending shall for every Offence forfeit a Sum not exceeding Forty Shillings.

Penalty for Cattle wandering about the Streets.

XL. And be it enacted, That if any Cattle shall be found wandering about any of the Streets within the said City, the Owner thereof shall for every Offence forfeit a Sum not exceeding Twenty Shillings.

Straying Cattle to be impounded.

XLI. And be it enacted, That if any Cattle shall at any Time be found at large without any Person therewith claiming the same in any of the Streets within the said City, it shall be lawful for any Constable

Constable or Peace Officer of the said City, or for any of the Inhabitants or Persons residing in the said City, to seize and impound any such Cattle in the Common Pound of the said City, or in such other Place as the said Commissioners shall appoint for that Purpose (and which they are hereby authorized and empowered to provide and maintain within the said City for common Use by the Inhabitants thereof), and to detain the same therein until the Owner thereof shall for each Beast so impounded pay a Sum of Money not exceeding Five Shillings to the Treasurer for the Time being of the said Commissioners, and also of the Sum of One Shilling to the Person impounding the same, besides the reasonable Charges and Expences of impounding and keeping; and in case the same Sums, Charges, and Expences shall not be paid within Three Days after such impounding, it shall be lawful for the Poundkeeper, or such other Person as shall be appointed by the said Commissioners, to sell or cause any such Cattle to be sold, but previous to such Sale Seven Days Notice shall be given to or left at the Dwelling House or Place of Abode of the Owner of such Beast or other Animal so impounded of such intended Sale if the Owner thereof shall be known, or if not then Notice of such intended Sale shall be given by Advertisement, to be inserted Seven Days before such Sale in some Newspaper published or circulated in the said City of *Hereford;* and the Money arising from such Sale, after deducting the said Sums and the Charges and Expences aforesaid, and such other Charges and Expences as may attend the keeping and Sale of any such Beast so impounded, shall be paid to the said Treasurer, to be by him paid to the Person whose Property the Cattle so sold shall appear to have been, and which Money the said Treasurer for the Time being is hereby directed and required to pay on Demand.

Not to prevent Proceedings at Common Law.

XLII. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to prevent any Action, Indictment, or other Proceeding being preferred or taken in respect of any of the Matters or Things herein mentioned which are cognizable by the Laws of this Realm.

Penalty for casting Slates, &c. from Roof, &c.

XLIII. And be it enacted, That if any Person shall throw or cast from the Roof or any other Part of any House or other Building within the said City into any Street within the said City any Slate, Tile, Brick, Part of any Brick, Wood, Rubbish, or other Material or Thing, every Person so offending shall for every Offence forfeit a Sum not exceeding Twenty Shillings.

or wilfully damaging Trees, Plants, or Rails, Steps, &c. in public Walks.

XLIV. And be it enacted, That if any Person shall wilfully break, destroy, throw down, damage, or spoil any of the Trees, Plants, Shrubs, or any of the Rails, Pales, Seats, Steps, Lamps, or other Articles in any public Walks, Gardens, Squares, Streets, Buildings, or public Places within the said City or the Liberties thereof, every Person so offending shall for every Offence forfeit a Sum not exceeding Five Pounds.

Drivers of Carts, &c. to go to Weighing Machines at Request of Buyers.

XLV. And be it enacted, That the Owner or Driver of every Waggon, Cart, or other Carriage loaded with any Goods brought into or within the said City, either sold or to be sold therein, shall at the Request of the Buyer or Seller of any such Goods, or the Person on whose Behalf the same shall be so consigned, or their respective Agents, take and carry such

such Waggon, Cart, or other Carriage, with or without the Loading thereof, to be weighed at the public Engine or Machine used within the said City for the Purpose of ascertaining the Weight of Articles bought or sold, for which no additional Charge shall be made; and the Tolls or Fees to be paid for weighing any such Waggon, Cart, or Carriage shall be paid and become due by the Person requiring the same to be weighed; and in case the Driver or other Person having the Charge of any such Waggon, Cart, or Carriage shall not upon being so requested as aforesaid take the same to such public Weighing Place as hereinbefore is directed, or shall refuse to assist in the weighing of the same in such Manner as the Drivers of Carts are used and accustomed to do, every Person so offending, and being thereof convicted before any Justice of the Peace for the said City of *Hereford*, shall for every Offence forfeit a Sum not exceeding Forty Shillings.

To prevent fraudulent Conduct by Keepers of Weighing Machines, or Sellers of Articles weighed thereon, or by their Servants.

XLVI. And be it enacted, That if any Master or Keeper of any Engine or Machine used within the said City for the Purpose of ascertaining the Weight of Articles bought or sold, or any Seller of any Article or Thing which shall be weighed at such Engine or Machine, or any of their respective Servants, shall knowingly or designedly do or omit to be done any thing with Intent that, or by reason or means whereof, the true and net Weight of any Article or Thing weighed at such Engine or Machine shall not be ascertained; or if the Owner or Driver of any Cart, Waggon, or other Carriage shall, at or before the Time of weighing the same at any such Engine or Machine as aforesaid, place or knowingly have any Article, Matter, or Thing in or about such Cart, Waggon, or Carriage, other than and besides the proper Load therein sold or about or intended to be sold; or if the Owner or Driver of any Cart, Waggon, or Carriage, or the Master or Keeper of any such Engine or Machine as aforesaid, or his Servants, shall make or use, or be privy to the making or using, any false or fraudulent Ticket respecting the Weight of any Cart, Waggon, or Carriage, or the Load therein, or shall be guilty of any other fraudulent Contrivance touching the Weight of any Cart, Waggon, or Carriage, or of the Load therein, or shall knowingly assist in or connive at any Fraud in or concerning the weighing of any Cart, Waggon, or Carriage, or of the Load therein; or if any other Person whomsoever shall knowingly act or assist in the committing of any Fraud respecting the Weight of any Cart, Waggon, Carriage, or the Load therein, weighed or stated or represented to be weighed at any such Engine or Machine as aforesaid; then and in every such Case every Person so offending shall for every Offence forfeit a Sum not exceeding Ten Pounds.

Drivers of Carriages, &c. to keep the Near Side of the Road.

XLVII. And be it further enacted, That if the Driver of any Carriage within the said City shall not keep the same on the Left or Near Side of the Road in any Street in passing along the same (except in case of actual Necessity or some sufficient Reason for Deviation), every Person so offending shall for every Offence forfeit a Sum not exceeding Twenty Shillings.

Penalty on Persons preventing the free Passage in the Streets.

XLVIII. And be it enacted, That if any Person shall in any Manner wrongfully and wilfully prevent any other Person from passing him, or from passing any Carriage or any Cattle under his Care, in any of the Streets

Streets within the said City, or shall by Negligence or Misbehaviour prevent, obstruct, hinder, or interrupt the free Passage of any Person or any Carriage or any Cattle in any such Street within the said City, every Person so offending shall for every Offence forfeit a Sum not exceeding Twenty Shillings.

Saving of the Power of the Council to make Bye Laws.

XLIX. And be it enacted, That nothing herein contained shall prejudice or affect the Power of the Council of the said Borough to make Bye Laws under the said Act to provide for the Regulation of Municipal Corporations in *England* and *Wales*, or under any of the said recited Acts or any other Act whatsoever.

Penalty for leaving Carriages on Footpaths or Crossings;

L. And be it enacted, That if any Person shall place or leave or suffer to remain any Carriage on any Footway or on any Crossing in any of the Streets within the said City, every Person so offending shall for every Offence forfeit a Sum not exceeding Twenty Shillings.

for placing Carriages across the Street so that sufficient Room is not left;

LI. And be it enacted, That if any Person shall place any Carriage or Horses athwart or across any Street within the said City, either for the Purpose of taking up or setting down Passengers, or of loading or unloading Goods or otherwise, so that there shall not be sufficient Room for a Coach or Foot or other Passengers conveniently to pass along such Street, every Person so offending shall for every Offence forfeit a Sum not exceeding Twenty Shillings.

for drawing Timber without having a sufficient Guide to the hind Wheels;

LII. And be it enacted, That if any Person shall cause any Tree or Timber to be drawn in and upon any Timber Carriage along any Street within the said City without having a Guide to direct the hind Wheels of such Carriage a Person who shall not be under the Age of Eighteen Years, and who shall be of sufficient Strength to guide and direct the same by means of a Rope or Chain attached to the Stearer thereof, every Person so offending shall for every Offence forfeit a Sum not exceeding Forty Shillings.

permitting Goods to remain in the Streets longer than necessary;

LIII. And be it enacted, That if any Person shall permit or suffer any Coal or Fuel, or any Goods, Wares, or Merchandize, to be or remain in any of the Streets within the said City for a longer Period of Time than shall be necessary for the housing or removing thereof, every Person so offending shall for every Offence forfeit a Sum not exceeding Twenty Shillings.

Penalty on Persons exhibiting any public Show.

LIV. And be it enacted, That if any Person shall in any of the Streets within the said City fix or place any Caravan or other Carriage containing any Animal for Show, or otherwise exhibit any public Show or Entertainment, except in such Places and for such Time as shall be appointed or allowed for those Purposes by the Mayor of the said City for the Time being, every Person so offending shall for every Offence forfeit a Sum not exceeding Twenty Shillings.

Penalty for drawing Carriages, &c. on Footways;

LV. And be it enacted, That if any Person shall run, draw, drive, propel, or roll any Carriage or Carriage Wheel, Cask, or Tub upon, over, or along any Footway within the said City, except for the Purpose of crossing the same, or shall drag or carry over, upon, or along the said

said Footway, so as to obstruct, annoy, or incommode Passengers, any Timber or Log of Wood, Ladder, Scaffolding, Pole, or Plank, or any Bag containing Soot or other Article, or any Carcass or Part of the Carcass of any slaughtered Cattle, every Person so offending shall for every Offence forfeit a Sum not exceeding Twenty Shillings.

conveying Carcasses or Parts of Carcasses without a Covering;

LVI. And be it enacted, That if any Person shall convey or carry, or cause to be conveyed or carried, in any Manner howsoever, along or through any Street within the said City, the Carcass or any Part of the Carcass of any slaughtered Cattle without a sufficient Cloth Covering to the same, every Person so offending shall for every Offence forfeit a Sum not exceeding Twenty Shillings.

shoeing, or farrying, or cleaning Horses, &c. in the Streets;

LVII. And be it enacted, That if any Person shall in any of the Streets within the said City shoe, bleed, or farry any Horse, Mule, or Cattle (except so far as may be necessary to be done on the Spot in case of Accident or Illness), or wash, clean, or dress any Horse, Mule, or Cattle, after Notice from the Clerk of the said Commissioners, every Person so offending shall for every Offence forfeit a Sum not exceeding Twenty Shillings.

sifting Lime in the Streets;

LVIII. And be it enacted, That if any Person shall in any of the Streets within the said City slack, sift, or screen, or cause to be slacked, sifted, or screened, any Lime, every Person so offending shall for every Offence forfeit a Sum not exceeding Twenty Shillings.

keeping Swine-styes to the Front of the Streets, or keeping Swine in any Dwelling House, &c.;

LIX. And be it enacted, That if any Person shall keep and use any Swine-stye to the Front of any Street within the said City, such Front not being inclosed or shut out from the Street by a Stone or Brick Wall of sufficient Height and Thickness, or if any Person shall keep any Swine in or near any Street within the said City so as to be a Nuisance, and whereof Complaint shall be made by any Three Inhabitant Householders of the said City to any Justice of the Peace for the said City, who shall be authorized to determine whether the same be a Nuisance or not, or if any Person shall keep any Swine in any Dwelling House or any Room therein, or any Vault or Cellar thereof, every Person so offending shall for every Offence forfeit a Sum not exceeding Five Pounds.

leaving Carriages in the Streets, &c.;

LX. And be it enacted, That if any Person shall leave or suffer to remain, stand, or continue any Carriage, either with or without a Horse or Horses or other Cattle, in any Street within the said City, for any longer Time than may be necessary or reasonable for taking up or setting down Passengers or other Persons, or for the loading or unloading thereof, every Person so offending shall for every Offence forfeit a Sum not exceeding Twenty Shillings.

not placing Carriages close to the Side while taking up Passengers or loading Goods;

LXI. And be it enacted, That if any Person engaged in taking up or setting down any Passenger or other Person, or in loading or unloading any Carriage, shall not during such taking up or setting down, or during such loading or unloading, place such Carriage as near as conveniently may be to that Side of the Street at which the taking up or setting down or loading or unloading is to be performed, every Person so offending shall for every Offence forfeit a Sum not exceeding Twenty Shillings.

depositing, throwing, or leaving offensive Matters in the Streets, &c.;

LXII. And be it enacted, That if any Person shall throw, deposit, place, or leave, or permit or suffer to run or flow, any offensive Matter or Thing into or upon any Street within the said City, or into any Channel, Sink, or Watercourse in any Street within the said City, every Person so offending shall for every Offence forfeit a Sum not exceeding Twenty Shillings: Provided always, that no Person shall be liable to a Penalty for throwing, depositing, placing, or leaving any Sand, Ashes, or other Materials in the Time of Frost upon any Footway to prevent Accidents, or any Dung, Manure, or other Materials in the Time of Frost to prevent Water in Pipes from being frozen, or any Litter or other proper Materials in case of Sickness to prevent Noise, or for throwing, depositing, placing, or leaving any Rubbish or Dirt occasioned by the rebuilding or repairing of any House or Building, so as that sufficient Space be left in the Street where such Rubbish or Dirt shall be thrown, deposited, placed, or left for Carriages and Passengers to pass along such Street, and so that the said Rubbish or Dirt shall be sufficiently inclosed so as to prevent Injury to Passengers and the same from being blown and scattered about, and that a sufficient Light be set and maintained at the Place where such Dirt or Rubbish shall be so thrown or deposited, placed or left, from Sunset or Sunrise, and that such Rubbish or Dirt, and also such Dung, Manure, Litter, or Materials, shall be removed by the Party throwing, depositing, placing, or leaving the same so soon as the Necessity for the Continuance thereof shall cease, and also so as such throwing, depositing, placing, or leaving shall not be contrary to the Provisions of this Act or of any Act or Acts now in force for regulating the Mode of erecting Houses and Buildings in the said City, and that the Person so depositing, placing, or leaving shall have first obtained the Consent of the Commissioners for the better paving and lighting of the said Town for the Time being.

depositing, &c. in open or uncovered Places;

LXIII. And be it enacted, That if any Person shall throw, deposit, place, or leave, or permit or suffer to run or flow, any offensive Matter or Thing into or upon any open or uncovered Place within the said City, whether surrounded by a Wall or other Fence or not, so as to be a common Nuisance, every Person so offending shall for every such Offence forfeit a Sum not exceeding Forty Shillings.

permitting ferocious Dogs to be at large unmuzzled, or any Dog to go at large after public Notice;

LXIV. And be it enacted, That if any Person shall permit or suffer to be at large within the said City any ferocious Dog not being muzzled, or if any Person shall, after public Notice given by the Mayor of the said City for the Time being directing Dogs to be confined on account of any Suspicion of Canine Madness, permit or suffer any Dog to be at large within the said City during the Time specified in such Notice, every Person so offending shall for every Offence forfeit a Sum not exceeding Five Pounds.

putting Flower Pots in upper Windows without Guards;

LXV. And be it enacted, That if any Person shall place or fix, or permit or suffer to be placed or fixed, any Flower Pot or Box on any upper Window in any of the Streets within the said City without sufficiently guarding the same against being blown or thrown down, every Person so offending shall for every Offence forfeit a Sum not exceeding Twenty Shillings.

LXVI. And

killing or dressing Cattle in the Streets, &c.;

LXVI. And be it enacted, That if any Person shall in any of the Streets within the said City kill or slaughter any Cattle, or singe, scald, or dress any Cattle, or singe, scald, or dress any Part thereof, (except in the Case of any overdriven Cattle which may have met with any Accident, and which it may be impossible to get to any Slaughter-house, and which the public Safety or other Circumstances may require to be killed on the Spot,) every Person so offending shall for every such Offence forfeit and pay a Sum not exceeding Forty Shillings.

using Forges and not preventing the Light from shining into the Streets.

LXVII. And be it enacted, That if any Blacksmith, Whitesmith, Anchorsmith, Nailmaker, or other Person using a Forge, and having a Door, Window, or Aperture fronting or opening into or towards any Street within the said City or the Liberties thereof, shall not close such Door, or fasten the Shutters or other Fastenings of such Window, and close such Aperture, every Evening within One Half Hour after Sunset so as effectually to prevent the Light from shining through the Doorway, Window, or Aperture into or upon such Street, every Person so offending shall for every Offence forfeit a Sum not exceeding Twenty Shillings; provided that nothing herein contained shall extend to Forges below the Pavement of the Street.

firing or burning out Casks within Fifteen Yards of any Street without a sufficient Screen;

LXVIII. And be it enacted, That if any Person shall in the making or repairing of any Casks fire or burn out the same within Fifteen Yards from any Part of any Street in the said City without such firing or burning out being sufficiently screened from such Street by some Building, Wall, or close Paling, with or without a Gate thereto, any such Gate being close and kept shut, every Person so offending shall for every Offence forfeit a Sum not exceeding Twenty Shillings.

or repairing Buildings and neglecting to set up a sufficient Fence, with Platform for Foot Passengers, and a Light during the Night;

LXIX. And be it enacted, That every Person who shall take down or begin to take down any House or other Building whatever within the said City, or cause the same to be so done, or who shall alter or repair or begin to alter or repair the outward or external Part of any House or other such Building, or cause the same to be so done, shall in order to guard all such Houses and other Buildings, and the Foundations of the same, from the Street in which the same may be situate, cause to be erected and put up One or more proper and sufficient Hoard or Fence in all Cases in which the Footway shall be thereby obstructed or rendered inconvenient, together with a convenient Platform and Handrail, if there shall be a sufficient Space for the same, to serve as a Footway for Passengers outside of such Hoard or Fence, and shall continue such Hoard or Fence in such Cases as aforesaid, with such Platform and Handrail as aforesaid, standing and in good Condition during such Time as may be necessary for the public Safety or Convenience, and shall in all Cases in which the same shall be necessary to prevent Accidents light or cause the same to be well and sufficiently lighted during the Night; and if any such Person shall refuse or neglect to erect and set up any such Fence or Hoard or Platform with such Handrail as aforesaid, or to continue the same respectively standing and in good Condition during the Time aforesaid, or shall not whilst the said Hoard or Fence is standing keep the same sufficiently lighted in the Night, then and in any of the said Cases every Person so offending shall for every Offence forfeit a Sum not exceeding Five Pounds.

LXX. And

Dangerous Walls, &c. to be repaired or taken down.

LXX. And be it further enacted, That whenever any Building or Erection, Chimney, Wall, or Fence within the Limits of this Act shall be in a dangerous State of Decay, or shall fall down, or shall impend over any Street, Road, Lane, Highway, Passage, Footpath, or other public Place, so as in either Case to become a Nuisance to the Public, it shall be lawful for the said Commissioners to order the Occupier or Owner of such Building or Erection, Chimney, Wall, or Fence, to repair or pull down and rebuild the same; and in case any such Person shall neglect to repair or to pull down and rebuild such Building or Erection, Chimney, Wall, or Fence, as the Case may be, for the Space of Seven Days after having received Notice in Writing so to do from the said Commissioners or their Surveyor or Clerk, then it shall be lawful for the said Commissioners to cause the same to be repaired or pulled down and rebuilt (as the Case may require); and the Expences thereof shall be recovered from such Person in the same Manner as any Penalty is by the said recited Acts or by this Act directed to be recovered: Provided always, that if any Person so required to repair, pull down, or rebuild any Building or Erection, Chimney, Wall, or Fence, who shall think himself aggrieved by the Order or Judgment of the said Commissioners touching the same, shall, within Seven Days next after he shall have been served with Notice to repair or pull down and rebuild the said Building or Erection, Chimney, Wall, or Fence, give Notice in Writing to the said Commissioners of his Intention to appeal to the then next General or Quarter Sessions of the Peace for the County or City of *Hereford* against the Order and Judgment of the said Commissioners, then and in every such Case the Penalty shall not be inflicted, nor shall any Proceedings be had or taken upon the said Order or Judgment, or upon the Notice of the said Commissioners, until after the final Determination of the said Appeal.

Penalty on Persons neglecting to place a Light and sufficient Fence when through Necessity the Materials are laid or any Opening made in any Streets.

LXXI. And be it enacted, That when through Necessity or otherwise any Bricks, Stones, Timber, Mortar, Rubbish, Materials, and other Things shall be laid or placed, or any Hole, Opening, or Excavation of any Nature or Kind soever shall be made, in any of the Streets within the said City, the Person placing or causing the said Articles, Materials, or other Things to be so laid or placed, or the said Hole, Opening, or Excavation as aforesaid to be made, shall at his own Expence cause a proper and sufficient Light to be placed and fixed in a proper Place in, upon, or near the same, and continue such Light every Night from Sun-setting to Sun-rising during the Time such Articles, Materials, Hole, Opening, or Excavation shall remain; and such Person shall at his own Expence cause such Articles, Materials, or other Things, and such Hole, Opening, or Excavation, to be well and sufficiently fenced and enclosed until the said Articles, Materials, or other Things shall be removed, or the Hole, Opening, or Excavation filled up, or otherwise made secure; and in case any such Person shall refuse or neglect so to light, fence, or enclose such Articles, Materials, or other Things, or Hole, Opening, or Excavation as aforesaid, every Person so offending shall for every Offence forfeit a Sum not exceeding Five Pounds: Provided always, that such Articles, Materials, or other Things, or Hole, Opening, or Excavation, shall not be permitted to remain for an unnecessary Time, under a Penalty not exceeding Five Pounds for every such Offence; and that in any such Case Proof of the Necessity of a Continuance thereof respectively shall be

be upon the Person so placing or causing to be placed the said Articles, Materials, or other Things, or making or causing to be made the said Hole or Opening or Excavation.

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

LXXII. And be it enacted, That if any Company or Person making, furnishing, or supplying Gas to be used or consumed within the said City shall at any Time empty, drain, or convey, or cause or suffer to be emptied, drained, or conveyed, or to run or flow, any Washings or other waste Liquid, Substance, or Thing whatsoever which may arise or be produced in the making of such Gas into any River, Brook, or running Stream, Reservoir, Aqueduct, Feeder, Pond, Springhead, or Well, or into any Drain, Sewer, or Ditch communicating therewith, or shall do or cause to be done any Annoyance or Thing to the Water contained in any such River, Brook, or running Stream, Reservoir, Aqueduct, Feeder, Pond, Springhead, or Well, or Drain, Sewer, or Ditch, whereby such Water or any Part thereof shall or may be fouled or corrupted, then and in every such Case such Company or Person as aforesaid shall forfeit and pay for every such Offence the Sum of Two hundred Pounds; and such Penalty or Forfeiture shall or may be sued for and recovered, together with full Costs of Suit, in any of Her Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, Privilege, or Wager of Law, nor more than One Imparlance, shall be allowed; and the whole of the Penalty shall be paid to the Person who shall sue for the same: Provided always, that no such Penalty or Forfeiture shall be recoverable unless the same be sued for within Six Calendar Months next after the Time at which such Annoyance, Nuisance, Injury, Damage, Act, or Thing shall have ceased and determined: Provided also, that over and above and in addition to the said Penalty of Two hundred Pounds (and whether such Penalty shall or shall not have been sued for and recovered), in case any of the said Washings or other waste Liquid, or noisome or offensive Liquid, Substance, or Thing, shall be emptied, drained, conducted, or conveyed, or caused or suffered to run or flow, in manner aforesaid, into any River, Brook, or running Stream, or any Reservoir, Aqueduct, Feeder, Pond, Springhead, or Well, or into any Drain, Sewer, or Ditch communicating therewith, or any such Annoyance, Act, or Thing shall be done or caused to be done as aforesaid, and Notice thereof in Writing shall have been given by any Person whomsoever to the said Company or to such Person as aforesaid, and such Company or Person shall not, within Twenty-four Hours after such Notice shall have been given, stop, hinder, or prevent such Washings, waste Liquid, or noisome or offensive Liquid, Substance, or Thing from being emptied, drained, conducted, or conveyed, or from running or flowing, in manner aforesaid, and every such Annoyance, Nuisance, Injury, Damage, Act, or Thing from being done, then such Company or Person shall forfeit and pay the Sum of Twenty Pounds for each Day such Washings, waste Liquid, or noisome or offensive Liquid, Substance, or Thing, shall be so emptied, drained, conducted, or conveyed, or caused or suffered to run or flow in manner aforesaid, or such other Annoyance, Act, or Thing shall be done as aforesaid; and such last-mentioned Penalty shall and may be recovered and levied in like Manner as any other Penalty may by the said recited Acts or this Act be recovered and levied, and shall be paid to the Informer or to the Person who, in the Judgment of the Justice before whom the Conviction shall

take place, shall have sustained any Annoyance, Injury, or Damage by any such Act so done or committed as aforesaid.

To prevent the Escape of Gas.

LXXIII. And be it enacted, That whenever any Gas shall be found to escape from any of the Pipes which shall be laid down or set up by any Company or Person making, furnishing, or supplying any Gas to be used, burned, or consumed within the said City, such Company or Person shall at their own Expence, immediately after receiving Notice in Writing of any such Escape of Gas by any Person whomsoever, cause the most speedy and effectual Measures to be taken to prevent such Gas from further escaping; and in case such Company or Person aforesaid shall not, within Twenty-four Hours next after such Notice being given, effectually prevent the Gas from escaping, and wholly and effectually remove the Cause of Complaint, such Company or Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds for each and every Day after the Expiration of Twenty-four Hours from the Time of giving such Notice during which the Gas shall be suffered to escape as aforesaid; which Penalty shall be recovered in a summary Way, on the Oath of some credible Witness, by Information to be laid before some Justice of the Peace for the said City, and shall and may be recovered and levied, with all reasonable Charges, by Distress and Sale of the Goods and Chattels of such Company or Person by the Warrant of any Justice of the Peace as herein directed.

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

LXXIV. And be it enacted, That all the Pipes or other Conduits to be laid or used for the Conveyance of Gas within the said City shall be so laid at the greatest practicable Distance, and (wherever the Width of the Carriage or other Way will allow thereof) at the Distance of Three Feet at least from the nearest Part of any Water Pipe already laid down or hereafter to be laid down for the Conveyance of Water, except in Cases where it shall be unavoidably necessary to lay the said Gas Pipes across any such Water Pipes, in which Cases the Gas Pipes shall be laid over the Water Pipes at the greatest practicable Distance therefrom, and shall form therewith a Right Angle; and in such Cases also the Length of the said Gas Pipes so crossing the said Water Pipes shall always exceed Nine Feet, and so that no Joint of the said Gas Pipes may be nearer to any Part of the said Water Pipes than Four Feet; and in laying down the said Gas Pipes such Company or Person as aforesaid shall in no Case join Two or more Gas Pipes together previously to their being laid in the Trench, but shall lay each Pipe as near as may be in its Place in the Trench, and shall then in such Trench properly form and complete with good and sufficient Materials the Joining with the other Pipes to be connected therewith, and shall also make and keep air-tight all such Pipes, and all Pipes to be connected therewith, and all the Screws, Joints, Inlets, Apertures, and Openings therein respectively, and in all respects prevent the said Gas from escaping therefrom, upon pain of forfeiting any Sum not exceeding Five Pounds for every such Default.

To prevent Escape of Gas and Contamination of Water.

LXXV. And be it enacted, That whenever the Water of any Owner or Proprietor of any Waterworks within the said City, or the Water in any Well, Reservoir, or Pond belonging to or used by any Person whomsoever within the said City, shall be contaminated or affected by the Gas of any Company or Person, such Company or Person shall forfeit

feit and pay any Sum not exceeding Twenty Pounds for every such Offence, and the same shall be applied to the Use and Benefit of the Owner of such Waterworks, Well, Reservoir, or Pond, or the Party using any such Water and suing for the same; and in case any such Water shall be contaminated or affected by Gas in any Way whatsoever, such Company or Person so contracting to light as aforesaid shall, within Twenty-four Hours after Notice thereof in Writing signed by any Person whomsoever interested in or using such Water, to be left at the usual Office or Place of transacting Business of such Company or Person, cause the most proper and effectual Measures to be taken to stop and prevent Gas from further escaping from their Mains, Works, or Pipes, and from contaminating such Water; and in case such Company or Person shall not, within Twenty-four Hours next after such Notice so left as aforesaid, effectually prevent the Gas from so escaping, and wholly and satisfactorily remove the Cause of Complaint, and prevent all such Contamination whereof Notice shall be given as aforesaid, such Company or Person shall forfeit and pay to the Party so interested in or using such Water, and complaining as aforesaid, for the Use and Benefit of such Party (over and above the before-mentioned Penalty not exceeding Twenty Pounds), the further Sum of Ten Pounds for each Day during which any such Water shall be and remain contaminated or affected by any such Gas as aforesaid.

For ascertaining if the Water is contaminated.

LXXVI. And whereas it may become a Question upon such Complaint as aforesaid whether the said Water be contaminated or affected by the said Gas; be it therefore enacted, That in every such Case it shall be lawful for the Owner or Proprietor of any such Waterworks, or for any Person interested in such Well, Reservoir, or Pond, to dig to and about and search and examine the Pipes and other Apparatus of such Company or Person as aforesaid, for the Purpose of ascertaining whether such Contamination proceed from or be occasioned by such Gas; and if it shall appear that the said Water has been contaminated or affected by the Escape of such Gas, the Costs and Expences of the said digging, Search, and Examination, and also of the Repair of the Pavement which shall have been taken up or disturbed, shall be paid by such Company or Person aforesaid; which Costs and Expences shall be ascertained and determined, if necessary, by any Justice of the Peace for the said City, and may be recovered in like Manner as any Penalty may be recovered by virtue of the said recited Acts or this Act: Provided always, that if upon such Examination it shall appear that such Contamination has not arisen from any such Escape of Gas, then and in such Case the Owner or Proprietor of such Waterworks, or the Person interested in such Well, Reservoir, or Pond, shall bear and pay all the Costs and Expences of such Examination and Repair, and shall also make good to such Company or Person as aforesaid any Loss, Injury, or Damage which may be occasioned to the Pipes or other Apparatus of such Company or Person in and by such Examination, and shall also make good to the said Commissioners any Loss, Injury, or Damage which may be done to the Pavement so broken up or disturbed in such Examination, the Amount of such Injury, Loss, or Damage to be ascertained and determined (if necessary) by such Justice or by any other Justice of the Peace as aforesaid.

LXXVII. Pro-

Act not to prevent any Company or Persons lighting with Gas from being indicted for a Nuisance.

LXXVII. Provided always, and be it enacted, That the Powers and Provisions in this Act contained shall not extend to protect any Company or Person making, furnishing, or supplying any Gas to be used, burned, or consumed within the said City, or any of the Servants, Officers, or Workmen of any such Company or Person, from any Indictment or Prosecution for a public or private Nuisance in respect of any Works, or of the Means which shall be employed by them in making or using the said Gas, or in furnishing any such Gas Light, nor from any Action for any Injury or Damage sustained by reason of any such Works, or the Use of the said Gas, or the Method of lighting therewith, whether such Injury or Damage shall proceed from the Preparation or the Use of such Gas, or from the Method of lighting, or the Carelessness or Want of Skill of any of the Persons employed therein, or from any other Cause whatever.

Recovery and Application of Penalties.

LXXVIII. And be it further enacted, That all Penalties and Forfeitures inflicted or imposed by this Act (the Manner of levying and recovering whereof is not herein otherwise particularly directed) may, in case of Non-payment thereof, be recovered in a summary Way by the Order and Adjudication of any Justice of the Peace for the said City, on Complaint to him for that Purpose exhibited upon the Oath of any Person, or on the Confession of the Party offending, by Warrant under the Hand and Seal of such Justice, rendering the Overplus (if any), after discharging such Penalty and Forfeiture, and the reasonable Costs and Charges of such Distress and Sale, on Demand, to the Party whose Goods and Chattels shall be so distrained; all which Penalties and Forfeitures (not herein directed to be otherwise applied) shall be paid to the Treasurer of the Borough Fund of the said City: Provided always, that if such Penalties and Forfeitures shall be incurred by the said Commissioners, or their Clerk or Treasurer, the same shall be paid one Moiety to the Informer, and the Remainder to the Overseers of the Poor of the Township or Place within which the Offence shall have been committed, to be applied by them for the Benefit of the Poor of such Township or Place; and in case such Penalties or Forfeitures shall not be forthwith paid, it shall be lawful for such Justice and he is hereby required to order the Offender so convicted to be detained in safe Custody until Return can be conveniently made to such Warrant of Distress, unless the said Offender shall give sufficient Security to the Satisfaction of such Justice for his Appearance before such Justice, or some other Justice of the Peace having Jurisdiction in the Premises, at such Time as shall be appointed for the Return of such Warrant of Distress (such Time not being more than Seven Days from the taking of such Security), and which Security the said Justice is hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Distress can be had whereupon to levy the said Penalties or Forfeitures and such Costs and Expences as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to such Justice, upon Confession of the Offender or otherwise, that he hath not sufficient Goods and Chattels whereon such Penalties, Forfeitures, Costs, and Expences could be levied if a Warrant of Distress were issued, such Justice shall not be required to issue such Warrant of Distress, but is hereby required, by Warrant under his Hand and Seal, to commit the Offender to any Common Gaol or House of Correction for the said City,

there to remain for any Time not exceeding Three Calendar Months, or until such Penalty or Forfeiture, together with all Costs and Charges attending such Proceedings as aforesaid (to be ascertained by such Justice), shall be paid or satisfied, or such Offender shall otherwise be discharged by due Course of Law.

Justices may proceed by Summons in the Recovery of Penalties.

LXXIX. And be it enacted, That in all Cases in which by this Act or by any of the said recited Acts any Penalty or Forfeiture is made recoverable by Information or Complaint before any Justice of the Peace, it shall be lawful for the Justice of the Peace before whom Complaint shall be made of any Offence committed against this Act or any of the said recited Acts, or against any Bye Law, Order, or Rule now in force or to be made in pursuance of this or any other Act, to summon before him the Party complained against, and on such Summons to hear and determine the Matter of such Complaint, and on Proof of the Offence to convict the Offender and to adjudge him to pay the Penalty or Forfeiture incurred, and to proceed in the Recovery of the same, although no Information in Writing or in Print shall have been exhibited before such Justice; and also such Proceedings by Summons without Information in Writing or Print shall be as valid and effectual to all Intents and Purposes as if an Information in Writing or in Print had been exhibited.

Justice may proceed if Party summoned does not appear, or may issue Warrant.

LXXX. And be it enacted, That upon Information or Complaint under or by virtue of this Act or of the said recited Acts, or under and by virtue of any Bye Law already made and in force, or to be made under the Authority of this or any other Act, the said Justice or Justices shall summon the Party charged in manner before mentioned, and if such Party shall not appear accordingly the Justice or Justices then and there present (upon due Proof of the Service of Summons by delivering the same or a Copy thereof to the Party, or by delivering the same or a Copy thereof at the Party's usual Abode or Place of Business,) may either proceed to hear and determine the Case in the Absence of the Party, or may issue his or their Warrant for apprehending or bringing such Party before him or them, or some other Justice of the Peace for the said City, in order that the said Information or Complaint may be heard and determined.

For securing Offenders whose Names and Residences are unknown.

LXXXI. And be it enacted, That it shall be lawful for any Constable or Peace Officer for the said City, and all such Persons as he shall call to his Assistance, to seize and detain any Person, whose Name and Residence shall be unknown to such Constable, Officer, or Persons, who shall commit any Offence against this Act, or any Order, Rule, or Bye Law to be made in pursuance thereof, and to convey him with all convenient Despatch before some Justice of the Peace for the said City, without any Warrant or other Authority than this Act; and such Justice is hereby empowered and required to proceed immediately to the hearing and determining of the Complaint.

Forms of Information and Conviction:

LXXXII. And be it enacted, That all Justices of the Peace before whom any Person shall be informed against or convicted for or in respect of any Offence against this Act or any of the said recited Acts, or any Rule, Order, or Bye Law made or to be made in pursuance thereof, may cause the Information, whenever an Information shall be taken in Writing or in Print, and the Conviction, respectively to be drawn up according to the

following Forms, or any other Forms to the same Effect, as the Case may require; that is to say,

Information.

'BE it remembered, That on the Day of to wit. } *A.B.* of informeth me *C.D.*, One [*or* us *C.D.* and *E.F.* Two] of Her Majesty's Justices of the Peace for the City of *Hereford*, that *G.H.* of [*or if the Offender's Name be unknown, here describe his Person*], [*here describe the Substance of the Offence, and the Time and Place when and where committed*], which hath imposed a Forfeiture of for the said Offence. Taken the Day of before me *C.D.* [*or* before us *C.D.* and *E.F.*]

Conviction.

'BE it remembered, That on the Day of to wit. } in the Year of our Lord. *A.B.* [*or if Offender's Name be unknown, here describe his Person*] is convicted before me *C.D.* [*or* before us *C.D.* and *E.F.*] One [*or* Two] of Her Majesty's Justices of the Peace for the City of *Hereford*, for that [*here describe the Substance of the Offence, and the Time and Place when and where committed*]; and I *C.D.* [*or* we the said *C.D.* and *E.F.*] do adjudge the said *A.B.* [*or the Person so described as aforesaid*] to forfeit and pay for such Offence [*or* for the Damage or Injury aforesaid *if the Offence is to be subject to a Fine*] the Sum of [*insert the Penalty, state if to be paid forthwith, and when*], together with the Sum of for Costs of this Conviction; *or* [*if to be imprisoned*] do adjudge the said *A.B.* to be committed to the [*naming the Gaol*] for the Space of [*insert the Time, and if the Commitment be for the Nonpayment of a Penalty, then add*] unless the said Sum of be sooner paid. Given under my Hand and Seal [*or* our Hands and Seals] the Day and Year first above written.'

General Power to Justices to administer Oaths.

LXXXIII. And be it enacted, That in all Cases in which any Justice of the Peace is authorized by this Act to examine any Person, or to take cognizance of or to hear and determine any Matter or Complaint, it shall be lawful for such Justice and he is hereby required to administer an Oath to or to receive the Affirmation (if a Quaker or Moravian) of any Person before he shall be examined by or before such Justice.

For compelling Witnesses to attend.

LXXXIV. And be it enacted, That if any Person who shall be summoned as a Witness to attend and give Evidence before any Justice of the Peace touching any Matter or Fact contained or involved in or affecting any Information, Order, or Complaint laid in pursuance of or for any Offence committed against this Act or any of the said recited Acts, or against any Rule, Order, or Bye Law made or to be made under this or the said recited Acts, or any Matter which is hereby referred to any Justice of the Peace, either on the Part of the Prosecutor or on the Part of the Party summoned or accused, shall refuse or neglect to appear at the Time and Place to be for that Purpose appointed (having been paid or tendered a reasonable Sum for his Costs and Expences) without a reasonable Excuse for his Refusal or Neglect, or appearing shall refuse to be examined upon Oath, or in the Case of a Quaker or Moravian on Affirmation, to give Evidence before such Justice, then and in either of the said Cases every Person so offending shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds.

LXXXV. And

Bye Laws not to take Effect until 42 Days after Publication.

LXXXV. And be it enacted, That no Bye Law or Regulation imposing a Penalty in this Act contained shall operate or take effect until Forty-two Days after a Copy thereof shall have been printed and affixed in some conspicuous Place within or upon the Town Hall of the said City, and also within or upon the Place where the said Commissioners shall meet for the Transaction of Business.

Payment of Expences of Act.

LXXXVI. And be it enacted, That the Costs, Charges, and Expences of applying for, obtaining, and passing this Act, and all other Expences incident thereto, shall, in preference to all other Payments whatever, be paid by and out of any Money in the Hands of the Treasurer of the said Commissioners, or out of the first Money which shall be raised or received under or by virtue of the said recited Acts, or either of them, or this Act.

Public Act.

LXXXVII. And be it 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.

The

The SCHEDULE referred to in the foregoing Act.

Description of Property.	Tenants Names.
Parish of Holmer.	
Parcel of Meadow Ground - -	George Errington and Cornelius Bridges.
Parcel of Meadow Ground - -	George Errington or Isaac James.
Parcel of Meadow Ground - -	Francis Hewer.
Part of a Piece of Meadow Ground -	Richard Winter.
Two other Parcels of Meadow Ground	The said Richard Winter.
Parcel of Meadow Ground - -	John Went.
Parcel of Meadow Ground - -	Cornelius Bridges.
Parcel of Meadow Ground - -	John Went.
Parcel of Meadow Ground - -	Thomas Grainger.
Parcel of Meadow Ground - -	George Errington.
Parcel of Meadow Ground - -	In hand, late John Bosley.
Parcel of Meadow Ground - -	John Went.
Parcel of Meadow Ground - -	In hand, late John Bosley.
Parcel of Meadow Ground - -	John Went.
Parcel of Meadow Ground - -	John Went.
An Orchard - - - -	Thomas Grainger.
Parcel of Meadow Ground - -	John Went.
Parcel of Meadow Ground - -	Thomas Preece.
Parcel of Meadow Ground - -	John Went.
Parcel of Meadow Ground - -	William Tranter.
Parcel of Meadow Ground - -	William Jones.
Parcel of Meadow Ground - -	In hand.
Parcel of Garden Ground and Orchard	Thomas Cranstone.
Cottage and Garden - -	John Guy.
Parish of All Saints.	
Parcel of Meadow Ground - -	Cornelius Bridges and John Owen.
Parcel of Meadow Ground - -	Francis Hewer.
Part of a Piece of Meadow Ground -	Richard Winter.
Parcel of Meadow Ground - -	Edward Poole Esquire and James Bennett.
Part of a Piece of Meadow Ground -	James Cole.
Parcel of Meadow Ground - -	Charles Bulmer.
Land on which the Booths stand -	Thomas Preece. James Bullen. John Beach. Philip Parry. Thomas Pine. William Taylor.
Land behind the Booths - -	In hand.

Description of Property.	Tenants Names.
Parish of Saint John the Baptist.	
A Parcel of Garden Ground - -	Eliza Arnold.
A Parcel of Garden Ground - -	John Davies.
A Parcel of Garden Ground - -	Edward Poole Esquire or James Bennett.
A Parcel of Meadow Ground - -	Edward Poole Esquire or James Bennett.
Parish of Saint Peter.	
Part of a Piece of Meadow Ground -	James Cole.
A Parcel of Meadow Ground -	Daniel Davies or William Bunning.
A Parcel of Meadow Ground -	John Rudall Winter.
A Parcel of Meadow Ground -	Isaac James.
Parcel of Meadow Ground used as a Soil Yard.	In hand.

LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1838.