ANNO NONO

GEORGII IV. REGIS.

Cap. xxxviii.

An Act to amend and extend the Provisions of an Act for paving and improving the Streets and other public Passages and Places within the Borough of *Hertford*. [13th *May* 1828.]

WHEREAS an Act was passed in the Twenty-eighth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for paving the Footways, and cleansing, lighting, and watching the Streets and other public Passages and Places within the Borough of* Hertford, *and removing and preventing Obstructions, Nuisances, and Annoyances therein*, and thereby certain Commissioners therein named were authorized and required to rate and assess such Sum of Money as they should from Time to Time judge necessary, not exceeding in any One Year the Sum of One Shilling in the Pound upon the respective Tenants or Occupiers of all Houses, Buildings, Gardens, Tenements, and other Hereditaments and Estates within such Parts of the Parishes of *All Saints*, *Saint John*, and *Saint Andrew*, as lay within the said Borough, (except the Liberty of *Brickendon*,) and had usually been charged to the Relief of the Poor in manner therein mentioned, for the Purpose of defraying the Charges and Expences of carrying the Purposes of the said Act into Execution; and for the better enabling the said Commissioners to carry the said Act into Execution, they were thereby authorized and empowered to raise a 28 G. 3. c. 75.

Sum not exceeding Two thousand five hundred Pounds by the Sale or granting of Annuities out of the said Rates or Assessments, such Annuities not to exceed the Rate of Ten Pounds *per Centum* of the Purchase Money for the same: And whereas the Pavements of such of the Footways within the Streets and other public Passages and Places within the said Borough of *Hertford* as were paved by virtue of the said recited Act are out of repair, and certain Parts of the said Streets, public Passages and Places, have not been paved or sufficiently lighted, and some of the said Streets have also been extended by the Building of additional Houses, so as to render an Extension of the Pavements of the Footways, and an additional Number of Lamps, necessary: And whereas the said Rate or Assessment of One Shilling in the Pound, which the said Commissioners are authorized to rate and assess under and by virtue of the said Act, is insufficient to pay and discharge the Annuities chargeable thereon, and defray the Expences of paving and repairing the said Footways, and of cleansing, lighting, and watching the several Streets and other public Passages and Places within such Parts of the said several Parishes as lie within the Borough aforesaid: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all the Powers, Provisions, Clauses, Regulations, Fines, Pains, and Penalties contained in and imposed by the said recited Act shall continue in full Force and Effect for carrying this Act into Execution, save and except such Parts thereof as are by this Act varied, altered, or repealed, as fully and effectually, to all Intents and Purposes, as if the same had been repeated in this Act.

Powers of recited Act to continue in force except as herein repealed.

So much of recited Act as requires the raising of a yearly Rate of 1*s.* in the Pound; as provides that certain Tenants shall not be chargeable to the Rates; and that authorizes the Commissioners to cleanse and light the Liberty of Brickendon; repealed.

II. And be it further enacted, That from and immediately after the passing of this Act, so much of the said recited Act as authorizes and requires the raising of a Rate or Assessment not exceeding in any One Year One Shilling in the Pound as aforesaid; and also so much of the said Act as provides that no Person who shall be only Tenant of Property chargeable to the said Rates which together shall not be of the yearly Rent or Value of Four Pounds or upwards, and shall not be Owner of any Property chargeable as aforesaid, shall be subject to the Payment of any Rate or Assessment by virtue of the said Act; and also that so much of the said Act as provides that if at any Time thereafter Two Thirds or more of the Landlords, and also of the Occupiers of Houses, Tenements, and Hereditaments within the Liberty of *Brickendon*, or other Streets, public Passages or Places within the said Borough, or adjoining thereto, not being situate within any of the said Parishes, who may be chargeable with any Rates or Assessments by virtue of the said Act, shall, by Writing under their Hands, apply to the said Commissioners, or any Five or more of them, to have the same cleansed, lighted, and watched, and cleared of all Obstructions, Encroachments, Nuisances, and Annoyances, and the Footways therein paved, then it should be lawful for the said Commissioners or any Five or more of them (if they should think proper) to cause the same to be done, and the several Clauses, Powers, and Provisions of the said Act should extend to every such

Street or other Passage and Place, and should be put in execution for those Purposes, and for making or collecting Rates or Assessments for defraying the Expences thereof, and for raising Money by granting of Annuities upon the Credit of such Rates or Assessments, and in all other respects as if such Street or other Passage or Place was within some of the said Parishes, provided the Inhabitants of every such Street or other Passage or Place should in the first place defray a proportionate Part of the Expences of obtaining the said Act, and that all Business and Transactions, and the Accounts of all Receipts and Disbursements within or relating to every such Street or other Passage or Place, should be kept and done separate and distinct from those within or relating to the said several Parishes; shall be and the same is hereby declared to be repealed.

Commissioners may impose a yearly Rate not exceeding Two Shillings in the Pound, for the Purposes of this Act.

III. And be it further enacted, That from and after the passing of this Act it shall and may be lawful for the Commissioners appointed by or acting under the above-mentioned Act and this Act, or any Seven or more of them, and they are hereby authorized and required, once in every Year between *Lady Day* and *Midsummer Day*, for the Purposes of the said Act and of this Act, to rate and assess such Sum of Money as they shall from Time to Time judge necessary, not exceeding in any One Year the Sum of Two Shillings in the Pound, upon the respective Tenants or Occupiers of all Houses, Buildings, Gardens, Tenements, and other Hereditaments and Estates within such Parts of the said several Parishes as lie within the said Borough (except the Liberty of *Brickendon*), according to the respective annual Values thereof, such annual Values to be from Time to Time according or in proportion to the respective Rents at which such Houses, Buildings, Gardens, Tenements, and other Hereditaments shall be respectively rated for the Relief of the Poor of the said respective Parishes previous to the making of such Rate or Assessment by the said Commissioners, and the first Year for which such Rate or Assessment shall be made shall commence and be computed from the Fifth Day of *April* One thousand eight hundred and twenty-eight; and the Money so to be rated and assessed shall from Time to Time be borne and defrayed by such Persons, in such Proportions, and to be paid to such Person or Persons, at such Time or Times, and applied in such Manner, as in and by the said Act is declared and directed of and concerning the Money heretofore rated or assessed under or by virtue thereof.

Tithes, &c. exempt from Rates.

IV. Provided always, and be it further enacted, That no Person shall be subject to the Payment of any Rate or Assessment, by virtue of this Act, for or in respect of any Lands in certain Fields called the *Stant Fields*, *Middle Field*, *Trinity Field*, and *Cock Bush Field*, or of any Tithes, or any Moduses or other Payments in lieu of Tithes, or who shall be only Tenant of Property chargeable to the said Rates or Assessments which together shall not be of the yearly Rent or Value of Six Pounds or upwards, according to the Rent at which the same is rated for the Relief of the Poor, and who shall not be Owner of any Property chargeable as aforesaid: Provided nevertheless, that the Landlord or Owner of the House or Tenement occupied by any such

such Person or Tenant thereof as aforesaid, shall bear and defray his Share or Proportion of such Rates or Assessments in respect thereof.

The Streets, &c. in the Liberty of Brickendon vested in Commissioners for the Purpose of being paved, lighted, &c.

V. And whereas it is desirable that the Streets, public Passages, and Places within the Liberty of *Brickendon* within the said Borough, should be cleansed, lighted, and watched, and cleared of all Encroachments, Obstructions, Nuisances, and Annoyances, and the Footways therein paved, under the Provisions of an Act of Parliament; be it therefore further enacted, That from and after the passing of this Act the Property of and in all the present and future Pavements of the Footways within the Liberty of *Brickendon* within the said Borough of *Hertford*, and of and in all Lamps, Lamp Irons, and Posts now erected or which shall be erected or fixed by virtue of this Act, and all Materials, Implements, and other Things which shall be purchased or gotten for the Purposes of this Act, shall belong to and are hereby vested in the Commissioners herein-after named, and to be appointed as herein-after mentioned, for carrying this Act into Execution within the said Liberty of *Brickendon*; and it shall be lawful for the said last-mentioned Commissioners acting for the said Liberty of *Brickendon*, or any Five or more of them, and they are hereby authorized and empowered from Time to Time to cause such last-mentioned Footways, or such of them as they shall think proper, and also for the Commissioners acting for the said several Parishes, or any Five or more of them, and they are hereby also authorized and empowered from Time to Time to cause the Footways within the said Parishes, or such of them as they shall judge proper, to be new paved with Flagstones or such other Materials and in such Manner and Form as they shall think fit; and also for the Commissioners acting for the said Liberty of *Brickendon*, or any Five or more of them, to cause such Pavements or Ways for the Use of Passengers on Foot to be made across the Carriageways, and also across any Gateways and other Places in the said Streets and public Passages within the said Liberty of *Brickendon*, of such Materials and in such Manner as they shall think fit; and also for the said last-mentioned Commissioners, or any Five or more of them, to cause the several Streets or other public Passages and Places within the said Liberty of *Brickendon* to be cleansed, watched, and lighted, and all Obstructions, Encroachments, Nuisances, and Annoyances therein to be removed, and Drains, Sinks, Gutters, or Watercourses to be made for conveying the Water off and from the said Streets and other Places, in such Manner as they shall think proper; and all and every the several Clauses, Powers, and Provisions of the said Act and of this Act shall extend to every such Street or public Passage and Place within the said last-mentioned Limits, and shall be put in execution for those Purposes, and for making and collecting Rates or Assessments for defraying the Expences thereof, and for raising Money by granting Annuities upon the Credit of such Rates or Assessments, and in all other respects in like Manner and as fully and effectually as if such Street or other Passage or Place was within some of the said Parishes.

Transactions and Accounts relating to

VI. Provided always, and be it further enacted, That all Business and Transactions, and the Accounts of all Receipts and Disbursements

ments within or relating to the said Liberty of *Brickendon*, and to every such Street or other Passage or Place, shall be kept and done separate and distinct from the Business, Transactions, and Accounts relating to the said several Parishes, and shall not be subject to the Controul or Interference of the Commissioners acting for the said Parishes, or any of them.

Brickendon to be kept separate.

VII. And be it further enacted, That *Samuel Andrews*, *Charles Bridgeman*, *Charles Bridgeman* the younger, *Young Crawley*, *Henry Fordham*, *Thomas Nicholson*, *John Petts*, *Jesse Poor*, *George Rew*, and *Henry Squire*, shall be and are hereby appointed Commissioners for putting the said Act and this Act in execution for the said Liberty of *Brickendon*; and when and as often as any Commissioner herein-before particularly named, or to be appointed as herein-after mentioned, shall die, remove out of the Liberty of *Brickendon* aforesaid, or be chosen an Alderman of the said Borough, or refuse to act (the same being declared at a Meeting of the said Commissioners), it shall be lawful for the remaining Commissioners acting in the Execution of the said Act and of this Act, or any Five or more of them, by Writing under their Hands, to appoint a fit Person residing within the said Liberty to be a Commissioner in the Place of every Commissioner dying, removing, being chosen an Alderman of the said Borough, or refusing to act as aforesaid; and every Person so appointed is hereby invested with the same Powers for putting the said Act and this Act in execution for the said Liberty of *Brickendon*, and shall have the like Qualification, and shall be subject and liable to the same Rules, Regulations, Penalties, and Forfeitures, as if he had been named a Commissioner in and by the said Act or this Act.

Appointment of Commissioners for the Liberty of Brickendon.

VIII. And be it further enacted, That it shall be lawful for the said Commissioners acting for the said several Parishes, or any Seven or more of them, and also for the Commissioners acting for the said Liberty of *Brickendon*, or any Five or more of them, and they are hereby respectively authorized and empowered to grant Annuities, out of the Rates or Assessments to be raised by virtue of this Act, to any Person or Persons who shall contribute, advance, and pay into the Hands of the Treasurer to the said Commissioners any Sum or Sums of Money for the absolute Purchase of any Annuity or Annuities, to be paid and payable during the natural Life of every such Contributor, or of such Person as shall be nominated by or on the Behalf of such Contributor at the Time of the Payment of his or her Contribution or Purchase Money: Provided nevertheless, that no greater Sum than Three thousand Pounds shall be raised by the Sale or granting of Annuities by virtue of the said Act or of this Act, to be existing at once for the said several Parishes, or the Sum of Five hundred Pounds for the said Liberty of *Brickendon*.

Money may be raised by Annuity.

IX. And for preventing any improvident Grants of Annuities, be it further enacted, That the Amount of every Annuity to be granted by virtue of this Act shall be regulated according to the Price of the Three Pounds *per Centum* Consolidated Bank Annuities at the Time of granting the same, and at a Rate not exceeding by more than One Fifth the Rate prescribed by Two several Acts, one passed in

For preventing improvident Grants of Annuities.

the Forty-eighth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to enable the Commissioners for the Reduction of the National Debt to grant Life Annuities*; and the other passed in the Fifty-second Year of His said Majesty, intituled *An Act for amending Two Acts passed in the Forty-eighth and Forty-ninth Years of His present Majesty, for enabling the Commissioners for the Reduction of the National Debt to grant Life Annuities.*

48 G. 3. c. 142.

52 G. 3. c. 129.

Trustees of Roads not to repair any Part of them within the Borough of Hertford.

X. And be it further enacted, That from and after the passing of this Act it shall not be lawful for the Trustees or Commissioners of any Turnpike Road to repair any Part of such Roads which may pass through or be situate within the said Borough of *Hertford*, but so much and such Parts of every Turnpike Road as shall be situate as aforesaid shall be made and maintained by the Surveyors of the Highways of the respective Parishes within which the same shall respectively be situate.

Same Person not to be Clerk and Treasurer.

XI. And be it further enacted, That it shall not be lawful for the said Commissioners respectively to continue or to appoint the Person who has been or may be appointed their Clerk in the Execution of the said recited Act or this Act, or the Partner of any such Clerk, or the Clerk or other Person in the Service or Employ of any such Clerk or of his Partner, the Treasurer for the Purposes of the said recited Act or this Act, or to continue or appoint any Person who has been or may be appointed Treasurer, or the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer or of his Partner, the Clerk for the Purposes of the said recited Act or this Act; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of the said recited Act and this Act, or if any Person being the Partner of any such Clerk, or the Clerk or other Person in the Service or Employ of any such Clerk or of his Partner, shall accept the Office of Treasurer, or shall act as Deputy of the Treasurer, or in any Manner officiate for the Treasurer, or being the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer or of his Partner, shall accept the Office of Clerk in the Execution of the said recited Act or this Act, or shall act as Deputy of such Clerk, or in any Manner officiate for such Clerk, or if any such Treasurer shall hold any Place of Profit or Trust under the said respective Commissioners other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person who shall sue for the same, to be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, Wager of Law, nor more than One Imparlance, shall be allowed.

Accounts to be kept, and to be open to Inspection.

XII. And be it further enacted, That the said respective Commissioners shall and they are hereby required from Time to Time to order and direct a Book or Books to be provided and kept by their Clerk for the Time being, in which Book or Books such Clerk shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, and expended for or on account of the

Purposes of the said recited Act and this Act, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed and paid; and such Book or Books shall at all seasonable Times be open to the Inspection of the said Commissioners and every Creditor on the Rates hereby authorized to be made, and of every Person paying any Rate or Assessment hereby authorized to be made, or otherwise affected thereby, without Fee or Reward; and the said Commissioners, Creditors, and other Persons aforesaid, or any of them, shall or may take Copies of or Extracts from the said Book or Books, or any Part thereof, without paying any thing for the same; and in case the said Clerk shall refuse to permit or shall not permit the said Commissioners, Creditors, or Persons aforesaid to inspect the same, or to take Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum of Money not exceeding Five Pounds for each Default, to be levied, recovered, and applied in manner hereinafter provided.

For preventing Nuisances.

XIII. And be it further enacted, That if any Person or Persons shall, upon any of the Footways or Foot Pavements within the Limits of the said recited Act or of this Act, run, draw, drive, or carry any Truck, Wheel Sledge, Wheelbarrow, Handbarrow, Bier, or any other Carriage or other Vehicle whatsoever, or roll any Cask or Tub (except to or from any Carriage or Cart for the necessary loading or unloading of any Carriage or Cart), or shall wilfully ride, lead, or drive any Horse or other Beast or Cattle whatsoever on any of the said Footways or Foot Pavements, or wilfully permit or suffer any Horse or other Beast or Cattle which such Person may be riding, driving, or leading, to go thereupon; or shall tie or fasten any Horse or other Cattle to any House, Wall, Railing, or Fence, Post, Tree, or other Thing whatsoever, across any of the said Footways or Foot Pavements; or hang up, place, or expose to Sale any Goods, Wares, or Merchandize whatsoever, or any Fruit, Vegetables, or Garden Stuff, Butcher's Meat, Offal, or other Matter or Thing, in or upon, or so as to project over or upon, the Footway or Carriageway of any Road, Street, or public Place within the Limits of the said recited Act or of this Act, or beyond the Line or on the Outside of the Window or Windows, or in or on the Area or Areas of the House, Shop, or Place at which the same shall be so hanged up, placed, or exposed to Sale; or set any Cask, Tub, Pail, Bucket, Stool, Bench, Show Board, Chopping Block, Basket, or Stall on or in any of the Footways or Foot Pavements or Carriageways; or erect, set up, put, or place, or continue, any Blind, Shade, Coverlid, Awning, or any other Matter or Thing, so as in any way to cause any Obstruction or Impediment in the Footway or on the Foot Pavement; or shall in any Road, Street, Yard, or public Place within the Limits of the said recited Act or of this Act, hang out or cause to be hung out any Linen or Clothes; or shall hoop, fire, cleanse, wash, or scald any Cask or Tub; or hew, saw, or cut any Stone, Wood, or Timber; or make or repair, or wash or clean, any Coach, Chaise, Waggon, Sledge, or other Carriage, or the Wheels, Body, Springs, or other Part of any Coach, Chaise, Waggon, Sledge, or other Carriage, (except such as may want immediate Repair from any sudden Accident on the Spot, and which cannot conveniently be removed for that Purpose); or shall sift, screen, wet, slack, or mix any Lime,

Lime, or wet, mix, or make any Mortar (except with the Consent of the said Commissioners within their respective Jurisdictions, or of their Surveyor for the Time being); or shoe, bleed, or farry any Horse or other Beast (unless in case of any sudden Accident), or clean, dress, drive, or turn loose any Horse or other Beast or Cattle, or shall show or expose any Stallion or Stone Horse, or shall exercise or expose to Sale any Horse or Horses or other Beast or Beasts (except only in such Place or respective Places as the said respective Commissioners or their Surveyor for the Time being shall direct or appoint for any of the above Purposes); or kill, slaughter, or scald, singe, dress, or cut up, any Animal, either wholly or in part; or beat or dust any Carpet or Hearth Rug; or shall drive any Carriage or Carriages for the Purpose of breaking, exercising, or trying Horses; or if any Person shall permit his or her Dog to go at large after public Notice given by any Beadle or Crier within the Limits of the said recited Act or of this Act, during such Time as such Notice shall direct Dogs to be confined on Suspicion of the Existence of Canine Madness within or near the Limits of the said recited Act or of this Act; or shall leave any Cart, Waggon, Truck, or other Carriage or Obstruction in any Street, Road, Path, or Causeway, (otherwise than during a reasonable Time necessary for loading or unloading the same); or shall throw, cast, or lay, or shall cause, permit, or suffer to be thrown, cast, or laid, or to remain, any Ashes, Dust, Dirt, Rubbish, Offal, or Vegetables, or any Dung, Soil, Blood, or other Filth or Annoyance, or any other Matter or Thing, in or upon the Carriageway, Footway, or Pavement of any such Road, Street, or other public Place within the Limits of the said recited Act or of this Act, to the Annoyance of any Inhabitant or Inhabitants, Passenger or Passengers; or shall wilfully break, or aid, abet, and assist in wilfully breaking, any Glass or Window Panes or Windows in or belonging to any Dwelling House or Building; or shall make or assist in making any Bonfire, or wantonly discharge or fire any Gun, Pistol, or Blunderbuss, or other Fire Arms, or let off, set fire to, or throw any Cracker, Squib, Rocket, or other Firework; or shall fly any Kite, drive any Hoop, or play at Football or any other Game or Games, to the Annoyance of any Traveller or Passenger; or shall make or cause any unnecessary Stoppage of any Coach, Cart, Waggon, or Carriage, or otherwise occasion any kind of Obstruction or Annoyance in or upon any such Road, Street, or public Place; or shall obstruct or incommode, hinder or prevent, the free Passage of any Carriageway, Footway, or Causeway, or prejudice or annoy in any Manner whatsoever any Person or Persons travelling, passing, or going thereon; or if the Driver of any sort of Carriage whatsoever, meeting any other Carriage, shall not keep his or her Carriage on the Left or Near Side of the Road, or shall in any Manner wilfully prevent any other Person or Persons from passing him or her, or any Carriage under his or her Care, within such Road, Street, or public Place, or by Negligence or Misbehaviour prevent, hinder, or interrupt the free Passage of any Carriage, or of His Majesty's Subjects, within any such Road, Street, or Place; or if any Person shall affix any Posting Bill or other Paper to or against any Dwelling House, Wall, or Building, without the Consent of the Owner or Occupier thereof, or write upon or otherwise deface or mark the same by means of Chalk, Paint, or any other Material

Material whatsoever; then and in every such Case every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds; and it shall be lawful for any Constable or other Peace Officer, or any One of the said Commissioners, or any Officer or other Person acting by or under their Authority, by virtue of the said recited Act or of this Act, and without any Warrant whatsoever, to seize and apprehend any such Offender or Offenders as aforesaid, and forthwith to convey him, her, or them before any Justice or Justices of the Peace for the Borough or County of *Hertford*, in order to his, her, or their Conviction of such Offence.

Watchmen to have the Power of Constables.

XIV. And be it further enacted, That all Watchmen and Patrols to be appointed under the said recited Act or this Act shall be sworn in as Constables before any Justice or Justices of the Peace for the said Borough of *Hertford* or the County of *Hertford*, and shall act as such while in execution of the Powers and Authorities of this Act, and they are hereby invested with and shall have and enjoy the like Powers and Authorities, Privileges and Immunities, and shall be subject and liable to such and the like Penalties and Forfeitures as any Constable or Constables is or are invested with, or shall or may have and enjoy, or is or are or shall be subject or liable to by Law.

Justices may proceed by Summons in the Recovery of Penalties.

XV. And be it further enacted, That in all Cases in which by the said recited Act or this Act any Penalty or Forfeiture is imposed and made recoverable by Information before a Justice of the Peace, it shall be lawful for any Justice of the Peace to whom Complaint shall be made of any Offence against the said recited Act or this Act to summon the Party complained against before him, 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 to recover the same, although no Information in Writing shall have been exhibited or taken by or before such Justice; and all such Proceedings by Summons without Information shall be as good, valid, and effectual, to all Intents and Purposes, as if an Information in Writing was or had been exhibited.

Recovery and Application of Penalties.

XVI. And be it further enacted, That all Fines, Penalties, and Forfeitures inflicted or imposed by the said recited Act or this Act, or by virtue of any Rule or Order made in pursuance thereof, (the Manner of levying and recovering whereof is not herein-before particularly directed,) may, in case of Nonpayment thereof, be recovered in a summary Way by the Order and Adjudication of some Justice or Justices of the Peace for the said Borough or County of *Hertford*, on Complaint to him or them for that Purpose exhibited, and afterwards be levied, as well as the Costs, if any, of such Proceedings on Nonpayment, by Distress and Sale of the Goods and Chattels of the Offender or respective Offenders, or Person or Persons liable to pay the same, by Warrant under the Hand and Seal or Hands and Seals of such Justice or Justices, who is and are hereby authorized and required to summon and examine any Witnesses, upon Oath or Affirmation, of or concerning such Offences, Matters, and Things, and to hear

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

Reserving Rights of Corporation of Hertford.

XVII. Provided always, and be it further enacted and declared, That nothing in this Act shall extend to take away, diminish, or impede the Exercise of any Privilege or Right whatsoever now used by the Corporation of the said Borough, or any of the Magistrates, Officers, or Servants thereunto belonging, or by any Lord or Lady of any Manor or Franchise within or adjoining thereto.

XVIII. And

XVIII. 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.

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