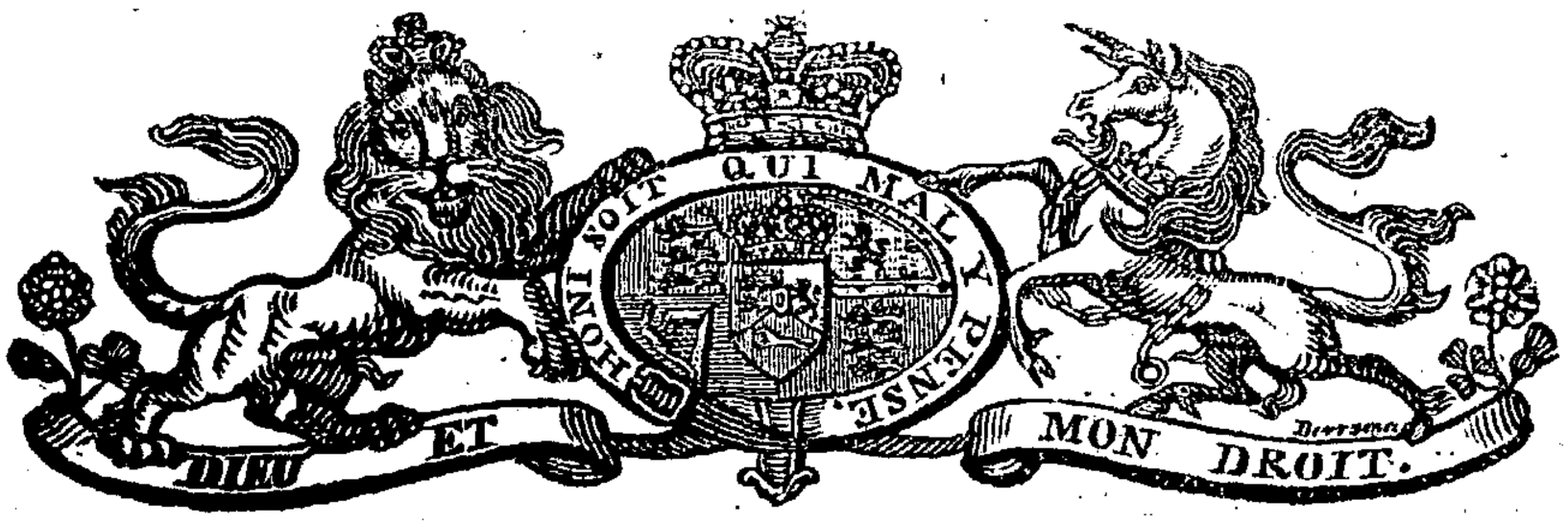


ANNO QUINTO

GEORGII IV. REGIS.

Cap. lxvi.

An Act for lighting, watching, paving, cleansing, and improving the Streets, Highways, and Places within the Borough and Town of *Lancaster*, in the County Palatine of *Lancaster*.

[28th *May* 1824.]

WHEREAS the Borough and Town of *Lancaster* in the County Palatine of *Lancaster* is populous, and a Place of Trade, and is also a great Thoroughfare for Travellers, and several of the Highways, Markets, Streets, Lanes, Ways, public Passages and Places within the said Borough and Town, are not properly paved, repaired, cleansed, lighted, and watched, and are subject to various Nuisances, Annoyances, Encroachments, and Obstructions, and it would tend to the Protection and Preservation of the Lives and Property of the Inhabitants of the said Borough and Town, and to all Persons resorting to and travelling through the same, if the said Highways, Markets, Streets, Lanes, Ways, Passages, and Places were properly paved, repaired, cleansed, lighted, and watched, and the Nuisances and Annoyances, Obstructions and Encroachments therein were removed and prevented, and proper Fire Engines and Firemen provided therein for the future: But as the several Purposes aforesaid cannot be effected without the Aid and Authority of Parliament; may it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the

Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

Commissioners. That the Mayor and Aldermen for the Time being of the said Borough and Town of *Lancaster*, and all and every other Person and Persons who now is or are, or shall or may at any Time hereafter be or become the Owner or Owners of any Messuage or Messuages, Dwelling House or Dwelling Houses, Warehouse or Warehouses, or Building or Buildings, Lands, Tenements, or Hereditaments, within the said Borough and Town, amounting in the Whole to the yearly Value of Seventy Pounds or upwards; and all and every other Person or Persons, not being an Innkeeper, Victualler, or Alehouse-keeper, Innkeepers, Victuallers, or Alehouse-keepers, and being Tenant or Tenants, Occupier or Occupiers of the like Property as aforesaid, or of any of the Descriptions thereof, situate within the said Borough and Town, amounting in the Whole to the yearly Value of Forty Pounds or upwards, shall be, and they are hereby constituted, appointed, and declared to be Commissioners for putting and carrying the several Powers and Purposes of this Act into Execution.

Commissioners to be sworn. II. Provided always, and be it further enacted, That no Person, except the Mayor and Aldermen of the said Borough and Town for the Time being, shall be capable of acting as a Commissioner in the Execution of this Act, except in administering the Oaths or Affirmations herein-after mentioned, until he shall have taken and subscribed before any Two or more of the Persons qualified as aforesaid, present at any Meeting to be held by virtue of this Act (and who are hereby authorized and required to administer the same to each other), one of the Two next following Oaths or Affirmations, as his Case may require; and that neither the said Mayor or Aldermen for the Time being, nor any other Person, shall be capable of acting as a Commissioner in the Execution of this Act, except for the Purposes herein-before mentioned, until he shall have taken and subscribed, in like manner, the Third Oath or Affirmation herein-after set forth:

FIRST OATH.

Oaths. 'I *A. B.* do swear, [*or, being One of the People called* Quakers, do solemnly affirm and declare,] That I am really and *bonâ fide* Owner of a Messuage or Messuages, Dwelling House or Dwelling Houses, Warehouse or Warehouses, or other Building or Buildings, Lands, Tenements, or Hereditaments, situate within the Borough and Town of *Lancaster* in the County of *Lancaster*, amounting in the Whole to the yearly Value of Seventy Pounds, or upwards. So help me GOD.'

SECOND OATH.

'I *A. B.* do swear, [*or, being One of the People called* Quakers, do solemnly affirm and declare,] That I am Tenant or Occupier of a Messuage or Messuages, Dwelling House or Dwelling Houses, Warehouse or Warehouses, or other Building or Buildings, Lands, Tenements, or Hereditaments, situate within the Borough and Town of *Lancaster* in the County of *Lancaster*, amounting in the Whole to the annual Value of Forty Pounds, or upwards. So help me GOD.'

THIRD OATH.

'I *A. B.* do swear, [*or, being One of the People called* Quakers, do solemnly declare and affirm,] That I will truly and impartially, according to the best of my Skill and Judgment, execute and perform all and every the Powers and Authorities reposed in me by virtue of an Act passed in the Fifth Year of His Majesty King *George* the Fourth [*here insert the Title of this Act.*] So help me GOD.'

Penalty on Persons not qualified acting.

III. And be it further enacted, That no Person shall act as a Commissioner in the Execution of this Act (except in administering the Oaths or Affirmations herein-before mentioned, and except at the First Meeting to be holden under this Act) on the same Day on which he shall himself have taken and subscribed such Oaths or Affirmations, or not having taken and subscribed the Oath aforesaid, or, being a Quaker, made and subscribed the Affirmation aforesaid, or being disqualified from acting as a Commissioner for any other Reasons in this Act mentioned; and if any Person not named in or appointed a Commissioner by this Act, or not being otherwise duly qualified, nor during the Time he shall keep a Victualling House, or other House of public Entertainment, or who shall sell Wine, Ale, Beer, Cyder, Spirituous or other Strong Liquors by retail, shall act in the Execution of this Act, every such Person shall, for every such Offence, forfeit and pay the Sum of Twenty Pounds, together with full Costs of Suit, to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster*, or in the Court of Common Pleas at *Lancaster*, by Action of Debt, Bill, Plaint, or Information, wherein no Essoign, Protection, Wager of Law, or more than One Imparlance shall be allowed; and every Person so sued or prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty, without any other Proof or Evidence being given on the Part of the Plaintiff or Prosecutor, than that such Person hath acted as a Commissioner in the Execution of this Act: Provided always, that all Acts and Proceedings of any Person or Persons acting as a Commissioner in the Execution of this Act, though not duly qualified as aforesaid, previous to his or their being convicted of the said Offence, shall, notwithstanding such Conviction, be as good, valid, and effectual as if such Person or Persons had been duly qualified to act as a Commissioner or Commissioners according to the Directions of this Act.

Qualification to be regulated by Valuation of Property.

IV. Provided also, and be it further enacted, That when and so soon as a Valuation of Property within the said Borough and Town shall be made and completed under the Powers and Provisions of this Act, no Person shall thereafter be deemed or taken to be duly qualified to act as a Commissioner under this Act, (except as before is excepted) unless the Property of such Person, in right of which he shall claim to act as such Commissioner, shall at the Time of his so acting be really and truly stated in the then existing Valuation Book, made by virtue of this Act, to be of the actual Value of Seventy Pounds, or Forty Pounds *per Annum*, as the Case may be or require; any thing herein-before contained to the contrary notwithstanding.

V. And

Meetings of Commissioners without Notice.

V. And be it further enacted, That the said Commissioners shall meet and assemble at the Town Hall in *Lancaster* upon the Third *Tuesday* next after the passing of this Act, between the Hours of Ten and Eleven of the Clock in the Forenoon, in order to put this Act into Execution; and shall afterwards meet in the same Place, or at such other Place within the said Borough and Town as the said Commissioners shall from Time to Time direct and appoint, and between the Hours aforesaid, on the First *Tuesday* in every Month, for the Purpose of carrying this Act into Execution without any Notice being given to the said Commissioners of such Meeting.

Commissioners may adjourn.

VI. Provided always, and be it enacted, That it shall and may be lawful for the said Commissioners, or any Two or more of them, to adjourn for any longer or shorter Space of Time than the First *Tuesday* in the next Month immediately subsequent to the last Meeting, or to any other Place or Places than the said Town Hall; but that, in every such Case, Notice of such Adjournment in writing or printed, signed by the Clerk to the said Commissioners, or any Two of the said Commissioners, shall be given, by affixing such Notice on the outer Door of the Town Hall aforesaid, Four Days at least before every such Meeting.

Meetings on Emergencies.

VII. And be it further enacted, That if it shall at any Time or Times be thought necessary that a Meeting of the Commissioners should be holden on an earlier Day than the First *Tuesday* in the Month immediately subsequent to the last Meeting, or after any Adjournment, on an earlier Day than the Day to which such Meeting shall have been adjourned, then and in every such Case, any Two of the said Commissioners, or the Clerk to the said Commissioners (on an Order signed by Five or more of the said Commissioners, mentioning the Time, Place, and Purpose of such earlier Meeting, being given to him, or left at his last or usual Place of Abode) shall forthwith give Notice of the Meeting to be holden on such earlier Day, in manner before directed, and of the Time, Place, and Purpose which shall be mentioned in such Notice, (such Time not being less than Four Days after such Notice); and all Proceedings of the said Commissioners at such earlier Meeting shall be as good and valid as they would have been in case such Commissioners had met on the First *Tuesday* in the Month immediately subsequent to the last Meeting, or in pursuance of any Adjournment.

No Act valid unless at a Meeting.

VIII. And be it further enacted, That no Act of the said Commissioners shall be or be deemed to be good and valid, unless made and done at a Meeting to be holden as aforesaid by virtue of this Act (except as may be herein excepted); and all the Powers and Authorities by this Act granted to or vested in the said Commissioners, shall from Time to Time be exercised by the major Part of them present at any public Meeting, the Number present at such Meeting not being less than Five (except in such Cases where by this Act a greater Number is required); and all the Orders and Proceedings of the major Part of such Commissioners present at such Meetings, shall have the same Force and Effect as if the same were made or done by all the Commissioners for the Time being; and at every such Meeting One of the said Commissioners, to be appointed by a Majority of the Commissioners present, shall be Chairman,

Chairman to be appointed at such Meeting.

and

and shall, besides his own Vote, have a casting Vote in case of an Equality of Votes.

Proceedings to be entered.

IX. And be it further enacted, That a proper Book or Books shall be provided and kept, in which fair and regular Entries shall be made of all Acts, Orders, and Proceedings relative to the Execution of this Act, and the Names of the Commissioners who shall be present at the respective Meetings to be holden in pursuance of this Act; and such Entries, being signed by the Chairman of each respective Meeting, or by the Clerk to the said Commissioners by their Order, shall be deemed Originals, and shall be allowed to be read in Evidence in all Courts whatsoever, in all Cases, Prosecutions, Suits, and Actions touching or concerning any Thing done in pursuance of this Act; and such Book and Books shall at all the Meetings of the said Commissioners be open and liable to their Inspection, and to the Inspection of all Persons affected by this Act, without Fee or Reward.

No Order to be revoked, &c.

X. And be it further enacted, That no Order made by the said Commissioners shall be revoked or altered at any subsequent Meeting, unless at some Meeting to be held for that express Purpose, of which Six Days Notice of the Intention of such Meeting shall be given by the Clerk, by fixing the same Notice upon the Door of the Town Hall in *Lancaster*; and any new Work, or Alteration of or Addition to any former Work, where the same shall be estimated to cost the Sum of Twenty Pounds, shall not be adopted, or any Order made in respect thereof at any Meeting, unless Notice shall have been given and entered in the said Book containing the Acts, Orders, and Proceedings of the said Commissioners, at the last preceding Meeting of the said Commissioners.

Annual Meetings.

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

Commissioners not to act where interested.

XII. Provided always, and be it further enacted, That no Person shall be capable of acting as a Commissioner in the Execution of this Act during such Time as he shall hold any Office or Place of Profit under the said Commissioners, or during such Time as he shall have any Share or Interest in any Contract or Work to be performed or done under any of the Powers of this Act, or in any Matter wherein he shall be in anywise personally or beneficially interested (except as a Creditor on the Rates, Assessments, or Monies herein directed to be made, levied, collected, and received); but that it shall and may be lawful to and for such of the said Commissioners as are Justices of the Peace, to act as such Justices in the Execution of this Act, notwithstanding their being Commissioners, except only in Cases where they shall be personally interested.

Commissionery may appoint and remove Officers.

XIII. And be it further enacted, That the said Commissioners shall and may, from Time to Time, whenever they shall think necessary, by Writing under their Hands, appoint and employ a Treasurer or Treasurers, Clerk or Clerks, Assessor or Assessors, Collector or Collectors, Receiver

Receiver or Receivers, of the Rates, Assessments, and Monies herein mentioned, and also a Surveyor or Surveyors, and such other Officer and Officers, Person and Persons, for the Execution of this Act, as they the said Commissioners shall think proper; and the said Commissioners shall and may from Time to Time remove them, or any of them, and in like Manner appoint others in the Room of those removed; and out of the Monies to be raised by virtue of this Act, pay such Salaries, Wages, or Allowances to the said Officers and other Persons, as they the said Commissioners shall think reasonable; and the said Commissioners shall, and they are hereby required to take such Security from every such Treasurer, Collector, and other Officers, as they the said Commissioners shall think reasonable; and all such Officers so to be appointed, shall, under their Hands, at such Time and Times, and in such Manner as the said Commissioners shall direct, deliver to the said Commissioners, or to such Person or Persons as they shall appoint, true and perfect Accounts in Writing of all Matters and Things committed to their Charge, and of all Monies which shall have been received by such Officers and Persons respectively, by virtue of this Act, and how much thereof hath been paid and disbursed, and for what Purposes, together with the Vouchers for such Payments, and shall pay all such Money as shall remain due from them respectively to the said Commissioners, or to such Person or Persons as they shall appoint; and if any such Officer or Person shall refuse or wilfully neglect to make and render any such Accounts, or to produce or deliver up the Vouchers relating to the same, or to make Payment as aforesaid, or shall refuse or neglect to deliver to the said Commissioners, or to such Person or Persons as they shall appoint, within Ten Days after being thereunto required by the said Commissioners, by Notice in Writing, to be given to or left at the last or usual Place of Abode of such Officer or Person, all Books, Papers, and Writings in his Custody or Power relating to the Execution of this Act, and to give Information and Satisfaction to the said Commissioners respecting the same; then and in every such Case, upon Complaint made by the said Commissioners, or any Two or more of them, or by any Person or Persons whom they shall appoint for that Purpose, of any Neglect or Refusal as aforesaid, to any Justice of the Peace for the County, City, Town Corporate, or Place, such Justice may, and he is hereby authorized and required, by a Warrant under his Hand and Seal, to cause the Officer or Person so refusing or neglecting to be brought before him, and upon his appearing, or having been summoned and not appearing, or not being to be found, to hear and determine the Matter in a summary Way; and if upon the Confession of the Party, or by the Testimony of any credible Witness or Witnesses, upon Oath or Affirmation (which Oath or Affirmation such Justice is empowered to administer), it shall appear to such Justice that any of the Money which shall have been collected or raised by virtue of this Act shall be in the Hands of such Officer or Person, such Justice may, and he is hereby authorized and required, upon Non-payment thereof, by Warrant under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer and Person; and if no Goods or Chattels of such Officer or Person can be found, sufficient to answer and satisfy the said Money, and the Charges of distraining and selling the same; or if it shall appear to such Justice, that such Officer or Person shall have refused or wilfully neglected to render or give such Account, or to produce the Vouchers relating thereto,

or that any Books, Papers, or Writings, relative to the Execution of this Act, shall be in the Custody or Power of such Officer or Person, and he shall have refused or wilfully neglected to deliver up or give Satisfaction respecting the same as aforesaid, then and in any of the Cases aforesaid, such Justices shall commit such Offender to the Common Gaol or House of Correction for the County, there to remain without Bail or Mainprize until he shall have made and given a true and perfect Account and Payment as aforesaid, or until he shall compound with the Commissioners for such Money, and shall have paid such Composition in such Manner as they shall appoint, (which Composition the said Commissioners are hereby empowered to make and receive), and until he shall have delivered up such Books, Papers, and Writings as aforesaid, or have given Satisfaction in respect thereof to the said Commissioners; provided that no Person who shall be committed by virtue of this Act, on account of his not having sufficient Goods or Chattels, shall be detained in Prison for any longer Term than Twelve Calendar Months; provided also, that if any Money shall remain due from such Officer or Person, Officers or Persons, the Commitment of him or them to Prison shall not be deemed a Discharge for the same, nor exonerate his or their Surety or Sureties, but such Officer or Person, Officers or Persons, and his and their Surety and Sureties, shall remain liable to the Payment thereof, in the same Manner as if such Officer or Person had not been committed to Prison.

Treasurer and Clerk not to be the same Person.

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

Penalty on Officers taking Fees, or being concerned in Contracts.

XV. And be it further enacted, That if any Clerk, Treasurer, Surveyor, or Collector, or other Officer employed by the said Commissioners for the Purposes of this Act, shall exact, demand, take, or accept any Fee, Emolument, or Reward whatsoever (other than such Salary or Allowance as shall be appointed and allowed by the said Commissioners), for and on account of any Thing done by virtue of this Act, or for forbearing

ing to do any Thing ordered or directed by the said Commissioners, or on any other Account whatsoever relative to his Employment or Duty, or shall be concerned or interested in any Bargain or Contract made by the said Commissioners for the Purposes of this Act, every such Person so offending shall be incapable of afterwards serving or being employed under the said Commissioners, and shall forfeit and pay the Sum of Twenty Pounds for every such Offence, to any Person or Persons who shall sue for the same, together with full Costs of Suit, by Action of Debt, Bill, Plaint, or Information, in any of His Majesty's Courts of Record at *Westminster*, or Court of Common Pleas at *Lancaster*; within Six Calendar Months after the Offence committed, with full Costs of Suit; in which Suit or Prosecution no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

Commissioners to appoint Watchmen.

XVI. And be it further enacted, That the said Commissioners shall, and they are hereby empowered, from Time to Time, when and as often as they shall think it expedient, to appoint such Number of able-bodied Men as they shall judge proper, to be employed as Firemen, Watchmen, and as a Patrol within the said Borough and Town, for the Security thereof, and for preserving good Order therein, under such Regulations and subject to such Orders as the said Commissioners shall make and give from Time to Time in that Behalf, and to provide Watch-houses, Watch-boxes, or Places for the Reception of such Watchmen and Patrol, and for the safe Custody of such Persons as may be apprehended by such Watchmen or Patrol while on Duty, and to pay such Firemen, Watchmen, and Patrol, while on Duty, reasonable Wages or Allowances; and such Firemen, Watchmen, and Patrol from Time to Time to remove and displace, and also to appoint one or more fit Person or Persons in the Stead of any Fireman or Firemen, Watchman or Watchmen, Patrolman or Patrolmen, who shall die, or who shall be discharged from his or their Office by the said Commissioners; and also to impose from Time to Time any Fine, not exceeding Forty Shillings, on any Fireman or Firemen, Watchman or Watchmen, Patrolman or Patrolmen, for every Neglect or Misbehaviour, (such Fine to be deducted out of the Wages of such Fireman or Firemen, Watchman or Watchmen, Patrolman or Patrolmen, if the Amount of such Wages so due are sufficient to answer or pay such Fine, and if such Wages so due are not sufficient to pay such Fine, the Deficiency to be levied in the same Manner as any Penalty or Fine is by this Act directed to be recovered); and from Time to Time to make such Orders and Regulations as they the said Commissioners shall deem expedient, for the better Government of the Firemen, Watchmen, or Patrolmen to be so appointed, and to repeal such Orders and Regulations, or any of them, and to substitute others.

Watchmen and Patrol may apprehend Persons.

XVII. And be it further enacted, That it shall and may be lawful to and for such Watchmen or Patrolmen, or any of them, and they are hereby empowered and required, to apprehend and secure, in some proper Place or Places of Security to be for that Purpose appointed within the said Borough and Town, all Felons, Malefactors, Rogues, Vagabonds, Beggars, idle and disorderly Persons, Disturbers of the public Peace, Night Walkers, Prostitutes, and all suspected Persons, who shall be found wandering or misbehaving themselves within the said Borough and Town, and to conduct all such Persons, as soon as conveniently may be, before some

some Justice of the Peace for the said Borough and Town, to be examined and dealt with according to Law.

Punishing Watchmen guilty of Misconduct.

XVIII. And be it further enacted, That in case any Watchman or Patrolman to be appointed by virtue of this Act, shall be guilty of any Neglect or Misconduct in the Execution of his Duty, it shall and may be lawful to and for any Two Justices of the Peace for the said Borough and Town, upon Complaint against any such Watchman or Patrolman of any such Neglect or Misconduct, to commit any such Watchman or Patrolman to His Majesty's Gaol at *Lancaster*, for any Time not exceeding Three Calendar Months.

Penalty on Victuallers harbouring Watchmen.

XIX. And be it further enacted, That if any Victualler or Keeper of any Inn or Public House, or other Person, shall knowingly harbour or entertain, or suffer to remain in his or her Inn or Public House, or any Building or Outhouse attached thereto or occupied therewith, any such Watchman or Watchmen, Patrolman or Patrolmen, as aforesaid, during any Part of the Time appointed for his or their being on Duty, every such Victualler, or Keeper, or other Person, shall, on Conviction, forfeit and pay any Sum not exceeding Five Pounds.

Power to reward disabled Watchmen.

XX. And be it further enacted, That it shall and may be lawful to and for the said Commissioners to give such Rewards in Money to the Firemen, Watchmen, and Patrolmen respectively to be appointed as aforesaid, who may be disabled or wounded in the Execution of their Office, as they the said Commissioners shall think reasonable, such Money to be paid out of the Monies to be raised by virtue of this Act.

Protecting Watchmen or Patrols.

XXI. And be it further enacted, That if any Person shall obstruct or assault any Watchman or Patrolman to be employed or appointed by virtue hereof in the Execution of his Duty, every Person so offending, upon being thereof convicted before Two or more Justices of the Peace for the said Borough and Town, shall be liable to a Penalty, at the Discretion of the said Justices, not exceeding Ten Pounds, or such Justices may commit any such Persons to the Castle at *Lancaster*, for any Time not exceeding Three Calendar Months.

Watchmen, &c. vested with the Powers of Constables.

XXII. And be it further enacted, That all Watchmen, Patrolmen, and Serjeants of the Night, shall be sworn in as Constables before any Justice or Justices of the Peace of the said Borough and Town of *Lancaster*, and act as such while in the Execution of the Powers and Authorities of this Act; and they are hereby invested with, and shall have and enjoy the like Powers and Authorities, Privileges and Immunities, as any Constable or Constables is or are invested with, or have and enjoy by Law.

For more effectually preserving the King's Peace within the said Borough and Town;

XXIII. And whereas it is expedient for the Safety of His Majesty's liege Subjects, that the King's Peace be constantly kept within the said Borough and Town; be it therefore further enacted, That the Justices of the Peace acting in and for the said Borough and Town shall, as they shall see Occasion, at any Quarter or Petty Sessions to be holden in and for the said Borough and Town, upon Application made to them by the said Commissioners, or any Five or more of them, assembled at any Meeting for that Purpose, from Time to Time appoint a competent Number of able-

able-bodied Men as Assistant Constables of the said Borough and Town, for keeping the Peace therein, and also for executing all such Warrants, Precepts, and Orders, as the said Justices, or any of them, shall from Time to Time direct to the said Constables or Assistant Constables, or any of them, to be by them executed within the said Borough and Town, together with a Superior or Superintendant of such Assistant Constables, such Superintendant Constable to receive such Allowance or Salary as the said Commissioners assembled as aforesaid shall from Time to Time direct; all which Superintendant and Assistant Constables, when appointed, shall be sworn in as Constables before any Justice of the Peace of the said Borough and Town, and shall be invested with the like Privileges, Powers, and Authorities, and shall be subject to the like Duties, and entitled to the like Protection and Indemnity, and be subject to the like Punishment, Penalties, and Forfeitures, as Constables are or shall be from Time to Time by the Laws and Statutes of this Realm.

and for defraying the Charges thereof.

XXIV. And be it further enacted, That the said Justices, when such Constables have been appointed as aforesaid, at their said Quarter or Petty Sessions, shall from Time to Time order and direct what Remuneration shall be made to such Constable or Constables respectively, for his or their Services in the Execution of his or their said Duties; and also to order and direct any such Remuneration to be paid to such Constable or Constables out of the Monies raised or to be raised for the Purpose of lighting and watching the Markets, Streets, Squares, Ways, Lanes, and public Passages and Places within the said Borough and Town by virtue of this Act.

Duties of Constables.

XXV. And be it further enacted, That it shall and may be lawful for such Superintendant and Assistant Constables, and they are hereby required, to patrole the Streets, Highways, Lanes, Passages, and other public Places within the said Borough and Town, on every *Sunday*, during such Hours as the said Commissioners shall appoint, and to apprehend and secure in such Place or Places of Security as shall be appointed by such Commissioners, all Vagrants, Rogues, Malefactors, and other disorderly Persons, who shall be found loitering, wandering, or misbehaving themselves, or committing any Disorders or Offences in the said Borough and Town, and to conduct all such Persons, as soon as conveniently may be, before some Justice of the Peace for the said Borough and Town.

Manner of fixing Rates.

XXVI. And be it further enacted, That the Charges and Expences of lighting and watching the Markets, Streets, Squares, Ways, Lanes, public Passages and Places within the said Borough and Town of *Lancaster*, and for erecting a Fire Engine House and providing Fire Engines and Firemen in manner herein directed, and of putting this Act into Execution in respect thereof, shall at all Times be borne and defrayed by the Tenants or Occupiers of Dwelling Houses, Factories, Shops, Warehouses, Coach-houses, Stables, Cellars, Vaults, and other Buildings, within the said Borough and Town, and the Yards and Gardens attached to, and with any of the before-mentioned Buildings and Premises respectively occupied, and also by the Tenants or Occupiers of Yards or Pieces of Ground used for the Purposes of Trade or Business (save and except any Houses, Buildings, or other Hereditaments used and occupied for the Purposes of any Public Charity); and that the Charges and Expences of paving, widening,

amending, cleansing, watering, improving, extending, and regulating the said Markets, Streets, Squares, Ways, Lanes, Public Passages and Places within the Borough and Town aforesaid, and otherwise putting this Act into Execution in respect thereof, shall at all Times be borne and defrayed by the Tenants or Occupiers of the Lands, Tenements, Tithes, Houses, Factories, Shops, Warehouses, Coach-houses, Yards, Gardens, Stables, Cellars, Vaults, and other Buildings and Hereditaments within the Borough and Town aforesaid (except as herein-before is excepted).

Rates to be made.

XXVII. And be it further enacted, That the said Commissioners shall, and they are hereby authorized, empowered, and required, when and as often as they shall think it necessary, to make one or more separate Rate or Rates, Assessment or Assessments, in every Year, to be signed by the said Commissioners or any Five or more of them, upon the Tenants or Occupiers of all such Houses, Factories, Shops, Warehouses, Coach-houses, Stables, Cellars, Vaults, or Buildings, Yards and Gardens attached thereto and occupied as aforesaid, and also upon the Tenants or Occupiers of Yards or Pieces of Ground used for the Purposes of Trade or Business in the said Borough and Town of *Lancaster*, (except as aforesaid), for the Purpose of defraying the Charges and Expences of lighting and watching the same, and of erecting the said Fire Engine House, and providing Fire Engines and Firemen as aforesaid, and carrying this Act into Execution in respect of the same; and also to make one or more other Rate or Rates, Assessment or Assessments, in every Year, to be signed by the said Commissioners or any Five or more of them, upon the Tenants or Occupiers of all Lands, Tenements, Tithes, Houses, Factories, Shops, Warehouses, Coach-houses, Yards, Gardens, Stables, Cellars, Vaults, Buildings, and Hereditaments in the said Borough and Town of *Lancaster* (except as before is excepted), for the Purpose of defraying the Charges and Expences of paving, widening, amending, repairing, cleansing, watering, improving, extending, and regulating the said Markets, Streets, Squares, Ways, Lanes, Footways, Public Passages and Places, and otherwise carrying this Act into Execution in respect thereof; and the Money or Monies so rated or assessed on the said Tenants or Occupiers, shall be paid by them respectively to the Collector or Collectors, or other Person or Persons appointed by the said Commissioners to collect the same; and the said Rates, and the Monies arising therefrom, shall be and are hereby vested in the said Commissioners.

Recovery of Rates.

XXVIII. And be it further enacted, That if any Tenant or Occupier of any of the Premises aforesaid shall neglect or refuse to pay his or her Proportion or Proportions of any of the said Rates or Assessments respectively to the said Collector or Collectors or other Person or Persons, for the Space of Seven Days after Demand made thereof, the same shall be levied and recovered on all and every such Tenant or Tenants, Occupier or Occupiers, so neglecting or refusing, by Distress and Sale of his, her, or their Goods and Chattels, by Warrant under the Hand and Seal or Hands and Seals of any One or more Justice or Justices of the Peace acting for the said Borough and Town of *Lancaster*, such Defaulter having been first duly summoned by such Justice or Justices to appear before him or them at a Time and Place mentioned in such Summons, to shew Cause for such Neglect or Refusal; and the Overplus (if any) of the Monies to be raised by such Distress and Sale shall be returned, on Demand,

Demand, to the Owner or Owners of the Goods and Chattels so distrained and sold, together with what shall remain unsold, after deducting all Costs, Charges, and Expences previous to and attending such Distress and Sale, such Costs, Charges, and Expences to be ascertained and directed by the said Justice or Justices; and in Default of such Distress, it shall be lawful for any such Justice or Justices to commit such Person to the Castle at *Lancaster*, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, unless Payment shall be sooner made of such Sum or Sums of Money as shall have been found to be due and in Arrear upon all or any such Assessment or Assessments as aforesaid, together with all Costs, Charges, and Expences attending the Recovery thereof; such Costs, Charges, and Expences to be ascertained and directed by the said Justice or Justices.

Rate for lighting, &c. not to exceed Sixpence, nor for paving, &c. Nine-pence in the Pound.

XXIX. Provided always, and be it further enacted, That it shall not be lawful for the said Commissioners to make any Rate or Rates, Assessment or Assessments, for the Purpose of defraying the Charges and Expences of lighting and watching the Markets, Streets, Squares, Ways, Lanes, Public Passages and Places within the said Borough and Town of *Lancaster*, and for erecting a Fire Engine House and providing Fire Engines and Firemen, and of putting this Act into Execution in respect thereof, exceeding the Sum of Sixpence in the Pound in any one Year; nor to make any Rate or Rates, Assessment or Assessments, for the Purpose of defraying the Charges and Expences of paving, widening, amending, repairing, cleansing, watering, improving, extending, and regulating the said Markets, Streets, Squares, Ways, Lanes, Footways, Public Passages and Places, and otherwise carrying this Act into Execution in respect thereof, exceeding the Sum of Nine-pence in the Pound, in any one Year.

Exempting Gardens from which the Occupier seeks his Livelihood.

XXX. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to authorize and empower the said Commissioners to rate or assess any Person or Persons whomsoever, towards the Charges and Expences of lighting and watching the said Markets, Streets, Squares, Ways, Lanes, Public Passages and Places within the said Borough and Town, or of erecting a Fire Engine House and providing Fire Engines and Firemen, or of putting this Act into Execution in respect thereof, for or in respect of any House *bonâ fide* occupied as a Farmhouse, Orchards, Nursery, or Garden or Gardens occupied by any Person or Persons whomsoever, seeking a Livelihood by the Occupation thereof.

Power for Commissioners to amend Rates.

XXXI. And be it further enacted, That if the Commissioners shall at any Time or Times neglect or omit to rate or assess any Person or Persons liable to pay, or be charged with any Rate or Assessment to be made by virtue of this Act, or shall in any such Rate or Assessment overrate or underrate any Person or Persons liable to pay any such Rate or Assessment, then and in every such Case it shall and may be lawful to and for the said Commissioners to rate and assess, in the said Rate or Assessment, such Person or Persons so omitted to be rated and assessed, and to lessen or raise the Rate or Rates, Assessment or Assessments, of such Person or Persons so overrated or underrated, or otherwise to alter or amend such Rate or Rates, Assessment or Assessments,

so

so as to make the same conformable to the true Intent and Meaning of this Act; and it shall and may be lawful to and for the said Commissioners, and they are hereby empowered to strike out the Name or Names of any Person or Persons not liable to the Payment of the Rates hereby directed to be made; and that all such Additions to, or Alterations or Amendments in such Rates or Assessments, shall be as valid and effectual as if the same had been Part of the Rates or Assessments originally made, and shall not be held to vitiate the original Rate or Rates,

Houses under 5*l.* a Year, not to be assessed.

XXXII. And be it further enacted, That no Rate or Assessment whatsoever shall be made in pursuance of this Act, upon any Person or Persons, for or in respect only of his, her, or their being the Occupier or Occupiers of any Dwelling House under the annual Value of Five Pounds.

For recovering Tenant's Proportion of Rates in case of Removal.

XXXIII. And be it further enacted, That in case any Tenant or Tenants, Occupier or Occupiers, shall remove out of or quit Possession of any House, Building, Land, Tithes, or other Hereditaments, before such Rate or Rates, Assessment or Assessments, shall be paid by him, her, or them, and shall reside out of the said Borough and Town of *Lancaster*, then and in every such Case, if he, she, or they shall neglect or refuse to pay the same for the Space of Seven Days next after the same shall be demanded by the Collector, or by any Person authorized by the said Commissioners for that Purpose, such Rate or Rates, Assessment or Assessments, shall and may be levied by Distress and Sale of the Goods and Chattels of such Tenant or Tenants, Occupier or Occupiers, by Warrant under the Hand and Seal or Hands and Seals of any One or more Justice or Justices of the Peace for the said Borough and Town, which Warrant such Justice or Justices is and are hereby empowered to grant (upon Proof made before him or them, upon Oath or Affirmation, of such Demand and Non-payment, together with the Costs and Charges attending the same), such Costs and Charges to be ascertained by such Justice or Justices; and the Goods and Chattels so distrained shall and may be sold and disposed of for and towards the Payment of the said Rates and Assessments, Costs and Charges, rendering the Overplus (if any) to the Owner or Owners thereof on demand; and in Default of such Distress it shall and may be lawful for such Justice or Justices to commit such Person to the Castle at *Lancaster*, there to remain without Bail or Mainprize for the Space of Six Calendar Months, or until Payment of all such Sum or Sums of Money as shall have been found due and in arrear upon all or any such Assessment or Assessments as aforesaid, together with all Costs, Charges, and Expences attending the Recovery thereof, such Costs, Charges, and Expences to be ascertained and directed by the Justice or Justices as aforesaid.

Persons removing to pay in proportion.

XXXIV. And be it further enacted, That in all Cases where any Person or Persons shall remove from or quit the Possession of any House, Building, Land, Ground, Tithes, or other Hereditaments, the Tenant or Occupier whereof shall be rated or assessed or be liable to be rated or assessed by virtue of this Act, every such Person or Persons so removing from or quitting Possession of the same, shall be liable to pay such Rate or Assessment in Proportion to the Time that such Person or Persons occupied or possessed the same respectively, and in like Manner as if such Person or Persons had not removed from or quitted the Pos-

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

Landlords to pay for furnished Houses.

XXXV. And be it further enacted, That every Person being Landlord or Tenant, who shall let his or her House in separate Apartments, or ready-furnished to any Lodger or Lodgers, or for any less Term than One Year, shall for the several Purposes of this Act be deemed and taken to be the Occupier thereof, and may be rated and assessed accordingly.

Commissioners Power to borrow Money.

XXXVI. And in order to enable the said Commissioners to light the said Borough and Town by Gas, and to provide Gasometers, Cisterns, Pillars, and other Apparatus, and to lay Pipes, Stopcocks, Syphons, Plugs, Branches, and Machinery for the Purpose aforesaid, and to carry this Act into immediate Execution in respect thereof, be it further enacted, That it shall and may be lawful to and for the said Commissioners, or any Five or more of them, from Time to Time to borrow and take up at Interest such Sum or Sums of Money, so as that the Sum borrowed shall not at any one Time exceed in the whole the Sum of Three thousand Pounds, as they shall judge necessary for the several Purposes of this Act, upon the Credit of the said Rates, Assessments, and Monies to be made, levied, collected, and received by virtue of this Act, for lighting, paving, and watching the said Borough and Town, and by Writing under their Hands and Seals to assign all or any Part of the said last-mentioned Rates, Assessments, or Monies to such Person or Persons as shall lend or advance any Money thereon, or to his, her, or their Trustee or Trustees, as a Security for the Principal Money to be advanced, with Interest for the same; and the Charges and Expences of such Assignment thereof (to be made as herein-after mentioned) shall be from Time to Time defrayed by the said Commissioners out of the Monies so borrowed; and every such Assignment shall be in the Words or to the Effect following:

Form of Assignment.

'WE, of the Commissioners acting in Execution 'of an Act of Parliament made in the Year of the Reign 'of King *George* the Fourth, intituled [*here set forth the Title of this* '*Act*], in consideration of the Sum of advanced and 'lent by , upon the Credit and for the Purposes of 'the said Act, do hereby grant and assign unto the said , 'his Executors, Administrators, and Assigns, such Proportion of the 'Rates, Assessments, and Monies to be raised, levied, collected, and

'received by virtue of the said Act, as the said Sum of
'doth or shall bear to the whole Sum which may at any Time be bor-
'rowed or become due and owing, or be charged upon the Credit of the
'said Rates, Assessments, or Monies; to be had and holden from this
'Day of , until the said Sum of
'with Interest at *per Centum per Annum* for the same,
'shall be repaid and satisfied. In witness whereof we the said Com-
'missioners have hereunto set our Hands and Seals, the
'Day of in the Year .'

And all such Assignments shall be numbered, commencing with Number One, and so proceeding in an Arithmetical Progression ascending, whereof the common Excess or Difference shall always be One; and every such Security shall be good, valid, and effectual, and shall entitle the Person or Persons to whom the same shall be made, his, her, or their Executors, Administrators, and Assigns to the Payment thereof, and to all Profit and Advantage thereof, according to the true Intent and Meaning of this Act.

Securities may be transferred.

XXXVII. And be it further enacted, That it shall and may be lawful to and for the Persons entitled to any of the Securities for the Money to be borrowed upon legal Interest as aforesaid, and their respective Executors, Administrators, or Assigns, (as the Case may be), at any Time by Writing under their Hands and Seals to transfer such Securities to any Person or Persons whomsoever; and every such Transfer may be in the Words or to the Effect following:

Form of Transfer.

'I being entitled to the Sum of secured
'to and his Assigns [*or* his Executors, Administrators,
'and Assigns], [*as the Case may be*], by virtue of an Assignment, bearing
'Date the Day of , under the Hands and Seals of
' of the Commissioners acting in the Execution of an Act
'of Parliament made in the Year of the Reign of King *George*
'the Fourth, intituled [*here set forth the Title of this Act*], upon the
'Credit of the Rates, Assessments, and Monies granted or payable by
'the said Act, do hereby transfer all my Right and Title in and to the
'same Sum, and all Interest and other Money now due and arising
'thereon, unto his Executors, Administrators, and
'Assigns. Dated the Day of .'

Power to transfer Assignments.

XXXVIII. And be it further enacted, That a Copy of every Security or Assignment, together with the Number or Numbers thereof, and an Extract or Memorial of every Transfer thereof respectively, shall be entered in a Book to be kept for that Purpose by the Clerk to the said Commissioners, which Extract or Memorial shall specify and contain the Date, Names of the Parties, and Sums of Money thereby transferred, to which Book any Person interested shall at all seasonable Times have Access, and shall have free Liberty to inspect the same without Fee or Reward; and for entering every such Transfer, the said Clerk shall be paid by the Person to whom such Transfer shall be made, the Sum of Five Shillings and no more; and every such Transfer, after Entry thereof as aforesaid, shall entitle the Person to whom the Transfer shall be made, and his or her Executors, Administrators, and Assigns, to the Benefit of

the

the Security thereby transferred, without any other Registry or Enrolment whatsoever.

Power to borrow Money at a lower Interest, &c.

XXXIX. Provided always, and be it enacted, That in case the said Commissioners can at any Time borrow or take up any Sum or Sums of Money at a lower Rate of Interest than the Assignments or Securities which shall be then in force shall bear, it shall and may be lawful to and for the said Commissioners to charge the said Rates, Assessments, or Monies in manner aforesaid with such Sum or Sums of Money as they shall think proper, and the Interest thereof, at such low Rate as aforesaid, and to pay off and discharge the Assignments or Securities bearing a higher Rate of Interest, according to the Directions and Regulations herein prescribed for paying off Assignments or Securities.

Application of Money.

XL. And be it further enacted, That all the Money to arise by the said several and respective Rates, Assessments, and other Monies hereby granted and allowed to be assessed and levied, or received under or by virtue of this Act, shall be paid to the Treasurer to the said Commissioners, or to such other Person or Persons as they shall appoint, and separate Accounts shall be kept of all such Rates and Assessments and Sums of Money, under the separate Heads of the several and respective Purposes for which the same have been levied or received, and shall be applied and disposed from Time to Time in defraying the Charges and Expences of lighting, watching, paving, repairing, cleansing, watering, extending, and amending the Markets, Streets, Squares, Ways, Lanes, and other public Passages and Places of and in the said Borough and Town, and in erecting the said Engine House, and finding and providing such Fire Engines and Firemen as aforesaid, and in paying and defraying all Expences which the said Commissioners and their Officers shall necessarily sustain or be put unto in carrying this Act into Execution, and in prosecuting or defending any Prosecutions, Actions, or Suits in any Manner relative to the Execution of this Act, or of any thing to be done under or by virtue thereof, and for such other Uses and Purposes as are herein expressed, all which said Monies shall be severally and separately applied to the several and respective Purposes for which the several and respective Rates and Sums shall be levied and raised, and to and for no other Purposes whatsoever.

Pavements &c. vested in the Commissioners.

XLI. And be it further enacted, That all the present and future Pavements in the several Markets, Streets, Squares, Ways, Lanes, and other public Passages and Places within the said Borough and Town, and the Stones, Gravel, and other Materials of which, as well the Footways as Carriageways of such Markets, Streets, Squares, Ways, Lanes, and other public Passages and Places, do and shall consist, and all the Dirt, Dust, Dung, Ashes, Soil, and Filth to be swept, gathered, and collected in or from those Places, or any of them; and also all Lamps, Lamp Irons, Lamp Posts, Fire Engines, and the Pipes, Buckets, and other Materials thereunto belonging, Watch Boxes, Watch Houses, Fire Engine Houses, and other Houses and Buildings, and all other Matters and Things which shall hereafter be used, erected, or fixed up by virtue of this Act; and all Materials, Implements, and other Things which shall be purchased or provided by the said Commissioners for the Purposes of this Act, shall belong

belong to, and be the Property of, and are hereby vested in the said Commissioners, and such Commissioners shall be known by the Name of "The Commissioners for the Improvement of the Borough and Town of *Lancaster* in the County Palatine of *Lancaster;*" and the said Commissioners shall and may cause to be brought any Action or Actions, Suit or Suits, or direct the preferring of any Bill or Bills of Indictment, as the Case may require, against any Person or Persons who shall steal, take, or carry away, detain, spoil, injure or destroy the several Articles and Things hereby vested in them the said Commissioners as aforesaid, or any of them, or any Part or Parts thereof; and in all such Actions, Suits, and Bills of Indictment respectively, it shall be deemed and taken to be sufficient to state generally that the Article or Articles, Thing or Things, for or on account of which such Action or Actions, Suit or Suits shall be brought, or Bill or Bills of Indictment preferred, is or are the Property of "The Commissioners for the Improvement of the Borough and Town of *Lancaster* in the County Palatine of *Lancaster*," without particularly stating or specifying the Name or Names of all or any of the said Commissioners; and the said Commissioners shall have Power and Authority from Time to Time to sell and dispose of, for the Purposes of this Act, all or any of the said Articles and Things, or any Part or Parts of the same respectively, to such Person or Persons, and in such Manner as they the said Commissioners shall think proper.

Commissioners to cause Streets, &c. to be repaired and paved.

XLII. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized, empowered, and required from Time to Time to cause the present or any future Markets, Streets, Squares, Ways, Lanes, and other public Passages and Places within the said Borough and Town of *Lancaster*, to be repaired, amended, raised, lowered, widened, extended, or altered, both in the Carriage and Footways, and to be from Time to Time amended and kept in good Repair, upon such Levels and in such Manner, and with such Sorts and Kinds of Materials as they shall judge necessary and proper, and also to cause the said Markets, Streets, Squares, Ways, Lanes, and other public Passages and Places to be cleansed, lighted, watched, and watered, in such Manner as the said Commissioners shall think proper, and all Encroachments, Obstructions, Nuisances, and Annoyances therein to be removed, and Drains, Sewers, Sinks, Gutters, and Watercourses to be made for conveying Water off and from the said Markets, Streets, Squares, Ways, Lanes, and other public Passages and Places, in such Manner as they the said Commissioners shall think proper; and that no Person shall, without the Consent of the said Commissioners, alter the Form or break up the Ground or Pavement of the Carriage or Footways, within any of the said Markets, Streets, Squares, Ways, Lanes, or other public Passages and Places, or make the same otherwise than as directed by the said Commissioners, upon pain of forfeiting any Sum not exceeding Ten Pounds for every Offence; and such Person so offending shall also pay to the Surveyor or other Person so appointed by the Commissioners to receive the same, all Costs, Charges, and Expences of restoring the Ground or Pavement of such Carriageway or Footway to its former State; and all such Penalties, Costs, Charges, and Expences shall be levied and recovered in like Manner as any Penalty is by this Act directed to be recovered.

Commissioners empowered to repair and cleanse Lanes, &c. not public Highways.

XLIII. And whereas there are several Lanes, Courts, Passages, and Places within the Borough and Town of *Lancaster* aforesaid, which are not public Highways, or repaired by virtue of the public Highway Acts, and the Occupiers of the adjoining Premises may neglect or refuse to comply with the Requisitions of this Act, and which Lanes, Courts, Passages, and Places, by reason of the Narrowness and bad State of Repair thereof, are offensive, and Nuisances to the Inhabitants of the said Borough and Town; be it therefore further enacted, That the said Commissioners shall and may and they are hereby empowered, (in case of any Neglect or Refusal), for the Space of Twenty-one Days after Notice, in writing or printed, signed by the Clerk to the said Commissioners and by their Order, and served upon the Owner or Owners of such Premises respectively, in manner by this Act directed, to repair, pave, cleanse, scour, and drain such Lanes, Courts, Passages, and Places, and to charge the several Owners of such adjoining Premises respectively with the Expences thereof, or of such Proportion thereof as to the said Commissioners shall seem reasonable; and on their Refusal to pay or reimburse the said Commissioners all such Charges and Expences which shall or may be occasioned thereby, the same shall and may be recovered in like Manner as any Penalty or Forfeiture is by this Act authorized to be recovered.

Commissioners may water the Highways, Streets, &c.

XLIV. And be it further enacted, That the said Commissioners shall have full Power and Authority to cause all or any of the Highways, Streets, Squares, Ways, Lanes, and other public Passages and Places within the said Borough and Town to be watered, when, where, and as often as Need or Occasion shall be or require, and for such Purpose to cause such Number of Wells and Pumps to be dug, sunk, and made, in any of the said Highways, Streets, Squares, Lanes, or other public Passages and Places as may be necessary, and from Time to Time to alter the same as there shall be Occasion, provided that no such Well or Pump shall be sunk or made so as to injure any House or other Building, or any Vault or Cellar under any of the said Highways, Streets, Squares, Lanes, or other public Passages or Places.

Power for Commissioners to declare new Streets to be public Highways.

XLV. And be it further enacted, That when any of the Streets, Ways, or Lanes within the said Borough and Town, which are already laid out, or which shall hereafter be laid out in any Part of the said Borough and Town, shall be well and sufficiently made and paved, or otherwise put in good Order and Repair, and completed to the Satisfaction of the said Commissioners, or any Five or more of them, assembled at any Meeting for putting this Act into Execution, it shall and may be lawful for the said Commissioners so assembled as aforesaid, or any Five or more of them, and they are hereby empowered from Time to Time to declare the same to be public Highways, and from and after such Declaration made, and not sooner, the same and every of them shall be deemed and taken to be public Highways to all Intents and Purposes; and it shall also be lawful for the said Commissioners to connect any such Streets, or open the same into any other Streets or public Highways, with the Consent of the Owner, Proprietor, and Occupier of the Lands, Houses, and Premises, which may intervene and be necessary to use for such Purpose: Provided always, that the said Commissioners shall not be empowered to make such Declaration of or concerning any front Streets

Commissioners, with Consent of Owners, may extend or connect such Streets.

which shall be of less Width than Ten Yards in the narrowest Part thereof, or of and concerning any back Street which shall be of less Width than Six Yards in the narrowest Part thereof, except such Streets as were actually laid out and begun to be built upon previous to the passing of this Act.

Builders to be compellable by the Commissioners to pave and complete Streets.

XLVI. Provided also, and be it further enacted, That all new Streets which shall hereafter be made in the said Borough and Town, and all public Streets already laid out, but not paved, shall be paved and completed by the Person or Persons laying out and appropriating the Land for such new Streets, in such Manner and in such Proportions as shall be ordered and directed by the said Commissioners, so as that such new Streets shall be made and completed with Pavement and Footways, in like Manner as the other Parts of the said Borough and Town, and shall thereafter become subject to the like Rules and Regulations as to the future Care and Repairs thereof, as the other Streets of the said Borough and Town.

In case Owners do not pave, Commissioners may, at the Owners Expence.

XLVII. Provided always, and be it further enacted, That in case the Person or Persons laying out and appropriating the Land for such new Street or Streets, shall not pave and complete the said new Street or Streets in manner aforesaid, within Two Calendar Months after Notice given so to do by the Clerk to the said Commissioners, it shall and may be lawful to and for the said Commissioners, by Writing under their Hands, to order any such Street to be paved and completed, and the Costs and Charges thereof shall be paid and reimbursed to the said Commissioners, or their Order, by the Person or Persons appropriating the Land for such new Street or Streets, and in Default of Payment thereof, on Demand, the same may be recovered in like Manner as any Penalties or Forfeitures are by this Act authorized to be recovered.

Streets, &c. heretofore repaired by the Corporation to be repaired under this Act, the Corporation paying to the Commissioners an annual Sum of 90*l.*

XLVIII. And whereas the Mayor, Bailiffs, and Commonalty of the Town of *Lancaster* in the County Palatine of *Lancaster*, have repaired the Pavements and Highways in divers Streets and Places within the said Borough and Town, and have also made, repaired, and cleansed certain public Pumps, Wells, and Fountains within the said Borough and Town, and they have occasionally lighted some of the Streets and public Places in the said Borough and Town: And whereas it would be more convenient for the Purposes of this Act if the said Streets and Places, public Pumps, Wells, and Fountains which have been so made, repaired, cleansed, and occasionally lighted by and at the Expence of the said Mayor, Bailiffs, and Commonalty, were hereafter made, repaired, cleansed, and lighted by and under the Powers of this Act, and the said Mayor, Bailiffs, and Commonalty were wholly exonerated therefrom, upon Payment by the said Mayor, Bailiffs, and Commonalty, and their Successors, unto the Commissioners to be appointed under this Act, of a certain clear yearly Sum, in the Manner herein-after mentioned; be it therefore enacted, That the said Mayor, Bailiffs, and Commonalty of the said Borough and Town, and their Successors, shall and they are hereby authorized and required to take Order for the paying and causing effectually to be paid yearly and every Year, by Two equal Half-yearly Payments from the passing of this Act, the clear Sum of Ninety Pounds to the said Commissioners, or their Treasurer for the Time being, or to

Commissioners to repair Markets.

such

such other Person or Persons as they shall direct, and such Sum shall be by them applied towards the paving, widening, amending, extending, cleansing, watering, improving, and regulating the said Markets, Streets, Squares, Ways, Lanes, public Passages and Places within the said Borough and Town; and in default of Payment of the said Sum of Ninety Pounds by such equal Half-yearly Payments as aforesaid, the same shall and may be levied and recovered from the said Mayor, Bailiffs, and Commonalty, and their Successors, by the same Means as are herein provided for the Recovery of any other Rate or Assessment; and in consideration of such annual Payment, they the said Mayor, Bailiffs, and Commonalty and their Successors shall be and they are hereby exonerated and for ever discharged from all future Charges and Expences of making, repairing, and cleansing any of the Pavements of the said Markets, Streets, Squares, Ways, Lanes, public Passages, and Places within the said Borough and Town, or any Part or Parts thereof, as well as all and every the public Pumps, Wells, and Fountains aforesaid, which they or any of them are now liable to make, repair, or cleanse, as also of lighting the said Streets and public Places; but that all such Parts of the same, as also all the said Pumps, Wells, and Fountains which have heretofore been made, repaired, cleansed, and lighted by the said Mayor, Bailiffs, and Commonalty as aforesaid, shall for ever hereafter be made, repaired, cleansed, and lighted under the Direction and at the Charge of the said Commissioners under the Powers and Authorities of this Act; and that it shall and may be lawful for the said Commissioners, whenever they shall see necessary, from Time to Time to remove all or any of such Pumps, and to fill up such Pump Wells, and to sink and place others in such Situations within the said Borough and Town as the said Commissioners shall direct, and to defray the Expences thereof, and of repairing and cleansing the same, and to make Satisfaction and Compensation to all Persons whatsoever for any Injury which the said Commissioners, their Servants or Agents, or any of them, may cause to be done to any such Persons or their Property, by reason of the removing such Pumps or filling up such Pump Wells, or in making any of the Alterations as aforesaid.

Power to remove Pumps, and place them elsewhere conveniently.

Streets to be named.

XLIX. And be it further enacted, That for the better carrying this Act into Execution, it shall and may be lawful to and for the said Commissioners, and they are hereby empowered from Time to Time as they shall see Occasion, to describe and determine the Limits and Extents of the several Markets, Streets, Squares, Ways, Lanes, public Passages and Places within the said Borough and Town, which shall be within their Jurisdiction under the Powers of this Act, in such Manner as they shall think proper, (subject nevertheless to the Power of the Mayor, Bailiffs, and Commonalty, and the Mayor for the Time being of the said Borough and Town, to remove, alter, vary, or extend the said Markets as hereinafter mentioned), and shall and may paint, engrave, or describe, or cause to be painted, engraved, or described, on a conspicuous Part of some House or other Building at or near the Corner of every such Market, Street, Square, Way, Lane, public Passage and Place, the Name or Number by which such Market, Street, Square, Way, Lane, public Passage or Place now is or shall be called, and may order and direct the several Houses, Shops, Warehouses, and Buildings within the said several Markets, Streets, Squares, Ways, Lanes, public Passages and Places, or

any

any of them, to be numbered with Figures painted or placed on the Door of every such House, Shop, Warehouse, or other Building, or such other Part thereof as the said Commissioners shall think proper; and if any Person shall wilfully destroy, obliterate, or deface any of such Names or Numbers, or any Part thereof, or cause or procure the same to be done, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds: Provided always, that nothing herein contained shall extend or be construed to extend to authorize the said Commissioners to interfere with or in any Manner to alter or affect any Power or Authority given or belonging to the said Mayor, Bailiffs, and Commonalty, or to the Mayor for the Time being of the said Borough and Town, by any Charter, Law, Custom, or Usage, to remove, alter, vary, and extend all or any of the public Markets and Market Places of the said Borough and Town, or to set out any new or other public Markets and Market Places, or to remove, alter, vary, and extend such new or other public Markets and Market Places, and to ascertain the Limits thereof in case of any Dispute or Question in relation thereto.

Commissioners not to prevent the Corporation from altering Markets.

L. And be it further enacted, That when any such Number or Numbers, Figure or Figures, painted or put on any House, Shop, Warehouse, or other Building, or on the Door or Doors thereof, within the said Borough and Town, shall be defaced or rubbed out, the Owner or Owners, Occupier or Occupiers of such House, Shop, Warehouse, or other Building, where the Number or Numbers, Figure or Figures shall have been so defaced or rubbed out, shall upon Personal Notice given to him, her, or them, or upon Notice in Writing left at such House, Shop, Warehouse, or other Building, signed by the Clerk to the said Commissioners, cause the same Number or Numbers, Figure or Figures, to be in the same Manner painted or put on such House, Shop, Warehouse, or other Building, or on the Door thereof respectively, within Seven Days after such Notice; and in case of Neglect or Refusal to comply with such Order, every such Owner and Occupier shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

Penalty on Owners not restoring the Numbers of Houses where defaced.

LI. And be it further enacted, That if any Person or Persons shall, upon any of the Footways or Foot Pavements within the said Borough and Town, run, draw, drive, or carry any Truck, Wheel, Sledge, Wheelbarrow, Handbarrow, Bier, or Carriage whatsoever, or any Wheel or other Part of any such Carriage, or carry any Sedan Chair (no Person being therein), or roll any Cask or Tub other than for the necessary loading or unloading thereof, unto, upon, from, or out of any Carriage, or for any longer Space than the Extent of the Premises in the Occupation of the Person from or to whose House or Building such Cask or Tub shall be rolled (such Premises adjoining to or having immediate Communication with such House or Building from or to which such Cask or Tub shall be rolled); or if any Person shall wilfully drive any Cart or Carriage whatsoever, or shall ride, lead, or drive any Horse or other Beast, or any Cattle whatever, on any of the said Footways or Foot Pavements, or set any Cask, Tub, Pail, Bucket, Stool, Bench, Stall, or any other Matter or Thing, so as in any Manner to cause any Obstruction or Impediment in the Footway, or on the Foot Pavement, or shall, in any Market, Street, Square, Way, Lane, or other public Passage or Place within the said Borough and Town, hoop, fire, cleanse, wash, or scald any Cask or Tub,

For preventing Annoyances in the Streets.

or hew, saw, or cut any Stone, Wood, or Timber, or bore any Timber, or make or repair any Coach, Chaise, Waggon, Sledge, or other Carriage (except such as may want immediate Repair from any sudden Accident on the Spot, or which cannot conveniently be removed for that Purpose, such unavoidable Repair to be done and completed with all convenient Speed); or if any Person shall hang out, or cause to be hung out, any Linen or Cloth, or any Article of Wearing Apparel, or other Article for the Purpose of Sale, or of airing the same, upon or from any Door or Window, or from the Front of any House, Shop, or Premises, adjoining or within any Market, Street, Square, Way, Lane, public Passage or Place within the said Borough and Town, or fix or tie up any Line, Rope, or Cord for any such Purpose, or shall fix up any Flower Pot or Bow Pot or Pots at any Window or Windows, without sufficiently guarding the same so as to prevent their being blown or thrown down; or if any Person shall, in or upon any Market, Street, Square, Way, Lane, public Passage or Place within the said Borough and Town, shoe, bleed, farry, or kill any Horse, or other Beast or Cattle; or if any Person shall, within any Market, Street, Square, Way, Lane, or other public Passage or Place within the said Borough and Town (except only in such Places as the said Commissioners shall direct), show or expose any Stallion or Stone Horse, or expose to Sale any Horse or other Beast, or turn or drive loose any Horse, Mare, Mule, or Ass, or ride or lead any Horse, Mare, Mule, or Ass for the Purpose of exercising or airing the same; or if any Person shall make or assist in making of any Bonfire, or let off or fire any Gun, Pistol, Blunderbuss, or other Fire Arms (except in Self-defence), or any Serpent or Rocket, or throw any Cracker, Squib, or other Fireworks, or play at Foot-ball, or any other Game or Games, to the Annoyance of any Passenger or Passengers, or shall blow any Horn or Trumpet, or use any other noisy Instrument to the Annoyance of any of the Inhabitants of the said Borough and Town, or for the Purpose of hawking, selling, or distributing any Article whatsoever, or for the Purpose of calling or collecting Passengers, Parcels, or Goods; or if any Person shall kill or slaughter, or shall scald, singe, dress, or cut up any Animal, either wholly or in part, in any such Markets, Streets, Squares, Lanes, public Passages or Places, or cause or permit any Blood to run from any Slaughter House, Butcher's Shop or Shambles, into the same or any of them, or shall slack, water, or mix any Lime, Mortar, or Cement, or shall hang up, place, or expose to Sale any Goods, Wares, or Merchandize whatsoever, or any Fruit, Vegetables, or Garden-stuff, Butcher's Meat, Pastry, Confectionary, or other Matter or Thing, in, upon, or projecting over any Part of the Footway or Carriageway of any such Markets, Streets, Squares, Ways, Lanes, public Passages or Places, so as to obstruct or incommode the Passage of any Person, Carriage, or Horse therein, or shall cause any Privy, Necessary House, or Middenstead within the said Borough and Town to be emptied, except within the Hours of Ten of the Clock at Night and Eight of the Clock in the Morning, or shall at any Time throw out of any Door or Window, upon any such Carriageway or Footway, any Water or Filth, or the Contents of any Utensil or Vessel whatsoever, or shall lay, deposit, or spill, or shall cause or permit to be laid, deposited, or spilt, the Contents of any such Privy, Necessary House, or Middenstead, or any Part thereof, upon any Carriageway or Footway within the said Borough and Town, or shall, for the Purpose of obtaining or collecting Manure, or for any other Purpose, stop up or impede the Passage of any Common Sewer,

Ditch, or Watercourse; or if any Person shall wilfully obstruct the Passage of any Person upon any Footway or Crossing in the said Borough and Town; or if any Person or Persons shall permit or suffer his, her, or their Mastiff, Bull Dog, or any other dangerous Animal to go at large without being safely and sufficiently muzzled, or shall permit or suffer any Dog whatsoever to go at large within the said Borough and Town, after any public Notice given for one Week by Hand Bills published within the said Borough and Town, by or under the Order and Direction of the said Commissioners, during such Time as such Notice shall direct such Dogs to be confined on account of any Suspicion of Canine Madness, or shall cause any Bull, Bear, or other Animal to be baited with Dogs within the said Borough and Town, or shall commit or permit any other Kind of Obstruction or Annoyance in or upon any such Street, Way, Lane, public Passage or Place within the said Borough and Town; then and in every such Case, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds; provided nevertheless, that nothing herein contained shall extend or be construed to extend so as to prevent or hinder any Person or Persons from placing, by lawful Authority, any Stall, Booth, Stool, Bench, or Form, for the Sale of any Goods or Wares, or from exposing to Sale any Meat, Poultry, Vegetables, Fruit, or any other Matter or Thing, in any Market Place or Street within the said Borough and Town, and in such Place, and on such Day or Days as are now or shall hereafter be permitted by the said Mayor, Bailiffs, and Commonalty, or their Successors, or by the Mayor for the Time being, so as such Stall, Booth, Stool, Bench, or Form be not placed upon any Footpath within the said Borough and Town, and so as there may be free Access to the Houses, Shops, and other Buildings in the said Market Place or Street.

Penalty for suffering Carts and Carriages to remain in the Streets.

LII. And be it further enacted, That if after the passing of this Act any Waggon, Cart, Dray, or other Carriage shall be left to stand or remain in or upon any Market, Street, Square, Way, Lane, public Passage or Place within the said Borough and Town, and with or without Horses or other Cattle, for any Time longer than shall be necessary for the unloading or loading thereof; or in case the same shall not be standing during the Time of the unloading or loading thereof as near to the Side of such Market, Street, Square, Way or Lane, Passage or Place; or if any Stage Coach, Diligence, Post Chaise, or other Carriage let to Hire, shall be left to stand or remain in any of the said Markets, Streets, Squares, Ways, Lanes, Passages, and Places as aforesaid, with or without Horses, or for any longer Time than shall be necessary for the taking-up or setting-down of the Passengers thereof, and for loading or unloading their Baggage; or if any Sacks of Grain, Potatoes, Fruit, or any Timber, Bricks, Lime, Limestones, Slates, Hay, Straw, Wood, Faggots, Coals, Boards, Tubs, Goods, Wares, or Merchandize, or other Materials or Things whatsoever, shall be laid or placed, or left to remain in or upon any of the said Streets, Squares, Ways, Lanes, public Passages or Places, either in the Carriageway or Footway, for any longer Time than shall be necessary for moving and housing the same; or if any broken Glass or Earthenware, Ashes, Rubbish, Dust, Dirt, Dung, Filth, or any other Nuisance or Annoyance whatsoever, shall be wilfully thrown or cast into or laid in or upon any of the said Markets, Streets, Squares, Ways, Lanes, public Passages or Places, then and in every such Case the Driver or other Person

Person so leaving every such Waggon, Cart, Dray, Coach, Diligence, Post Chaise or other Carriage, to stand or remain, and the Person or Persons who shall have so laid, placed, or left such Sacks of Grain, Potatoes, Fruit, or any Timber, Bricks, Lime, Lime Stones, Slates, Hay, Straw, Wood, Faggots, Coals, Boards, Tubs, Goods, Wares, or Merchandize, Materials or other Things, in or upon any of the said Markets, Streets, Squares, Ways, Lanes, public Passages or Places, and the Person or Persons who shall wilfully throw, cast, or lay, or cause to be thrown, cast, or laid, any broken Glass or Earthenware, Ashes, Rubbish, Dust, Dirt, Dung, Filth, or any other Nuisance or Annoyance into or upon any of the said Markets, Streets, Squares, Ways, Lanes, public Passages or Places, shall, for every Offence in any of the Cases aforesaid, forfeit and pay any Sum not exceeding Twenty Shillings.

Proviso in favour of Builders.

LIII. Provided nevertheless, That no Person shall be subject to any Penalty by virtue of this Act, for or on account of any Building Materials, Rubbish, or Dirt being in or upon any of the said Markets, Streets, Squares, Ways, Lanes, public Passages or Places, before or near the House or Building of such Person, occasioned by the building or pulling down, rebuilding or repairing such House or Building, so as there be convenient Room left for Carriages to pass, and a sufficient Way kept clear for Foot Passengers, and so as the Owner or Occupier of such House or Building do cause such Materials, Rubbish, and Dirt to be removed out of such Market, Street, Square, Way, Lane, public Passage or Place within a reasonable Time after such building, pulling down, or repairing shall be finished, or upon Notice to be given to him or her in manner herein-after directed for the Service of Notices, signed by the Clerk to the said Commissioners, and so that during the Time the same shall be lying in such Market, Street, Square, Way, Lane, public Passage or Place, such Owner or Occupier shall guard and fence off the same, either by a temporary Railing or otherwise, and also set up and maintain a sufficient Light or sufficient Lights during the whole of the Night-time, to the Satisfaction of the said Commissioners, to prevent Accidents and Mischief happening therefrom.

Drivers of Carriages punishable for Misbehaviour.

LIV. And be it further enacted, That if the Drivers of any Waggon, Cart, Car, Dray, or other Carriage shall ride upon any such Carriage in any Highway, Market, Street, Square, Way, Lane, public Passage or Place within the said Borough and Town, not having some other Person on Foot or on Horseback to guide the same (such Carriages as are usually conducted by some Person holding the Reins of the Horse or Horses drawing the same excepted); or if the Driver of any Carriage whatsoever shall in any such Highway, Market, Street, Square, Way, Lane, public Passage or Place, furiously drive the same, or shall by Negligence or wilful Misbehaviour cause any Hurt or Damage to any Person or Carriage, or shall wilfully be at such Distance from such Carriage whilst it shall be passing in any such Highway, Market, Street, Square, Way, Lane, public Passage or Place, that he cannot have the Direction and Government of the Horse or Horses, or other Cattle drawing the same, or shall by furious or over-driving the same, or by Negligence or wilful Misbehaviour, prevent, hinder, or interrupt the free Passage of any other Carriage, or of any of His Majesty's Subjects in any such Highway, Market, Square, Street, Way, Lane, public Passage or Place; or if the Driver

Driver of any empty or unloaded Waggon, Cart, or other Carriage, shall refuse or neglect to turn aside and make way for any Coach, Chariot, Chaise, loaded Waggon, Cart, or other Carriage, then and in every such Case every such Driver so offending, and being convicted of any such Offence, either by his own Confession, the View of a Justice of the Peace, or by the Oath of One or more credible Witness or Witnesses, before any Justice of the Peace for the said Borough and Town, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, in case the Driver shall not be the Owner of such Carriage, and in case such Driver be the Owner of such Carriage, then any Sum not exceeding Ten Pounds; and every such Driver offending in any of the said Cases shall and may, by Authority of this Act, with or without any Warrant, be apprehended by any Person or Persons who shall see such Offence committed, and it shall and may be lawful to and for the Person or Persons so apprehending such Driver to convey such Driver or to cause him to be conveyed or delivered to a Constable or other Peace Officer, in order to be conveyed before some Justice of the Peace for the said Borough and Town, to be dealt with according to Law; and if any such Driver in any of the Cases aforesaid shall refuse to disclose his Name, it shall and may be lawful to and for the Justice of the Peace to whom he shall be taken, or to whom such Complaint shall be made, to commit him to the Castle at *Lancaster* for any Time not exceeding Three Months, or to proceed against such Offender for the Penalty aforesaid, by a Description of the Person and the Offence, and expressing in such Proceedings that such Driver refused to disclose his Name.

For repairing the Pavement when broken up for Repair.

LV. And be it further enacted, That whenever the Pavements or Flagging of any of the said Markets, Streets, Squares, Ways, Lanes, public Passages or Places within the said Borough and Town shall be broken up for the making or repairing any Vault, Drain, or Sewer, or for the Purpose of laying, altering, or repairing any Pipe or Pipes, Aqueduct or Aqueducts, or any Plug or Plugs thereof, under the said Markets, Streets, Squares, Ways, Lanes, public Passages or Places, or any of them, or for any other lawful Purpose, the Person or Persons breaking up such Pavement or Flagging, or liable to the Repair of such Vault, Drain, Sewer, Pipe, Aqueduct, or Plug, and the Person or Persons for whom or by whose Order the same shall be so done, shall, and he, she, or they is and are hereby required at their own proper Costs and Charges to make or repair such Vault, Drain, Sewer, Pipe, Aqueduct, or Plug with the least Delay, and forthwith afterwards to relay, amend, and repair the Pavement or Flagging of the said Market, Street, Square, Way, Lane, public Passage or Place so broken up, in a good and substantial Manner, to the Satisfaction of the said Commissioners or the Surveyor appointed for the Purposes of this Act; and in default thereof it shall and may be lawful to and for the Surveyor to the said Commissioners, or any Person or Persons acting by or under the Authority of the said Commissioners, to repair, amend, and make good the Market, Street, Square, Way, Lane, public Passage or Place so broken up, and the Costs and Charges shall be borne and paid by the Person or Persons by whom or by whose Order such Market, Street, Square, Way, Lane, public Passage or Place, or any Part thereof, shall have been so broken up; and in default of Payment thereof for Seven Days next after Demand shall be made by such Surveyor or other Person acting by or under the Au-

thority of the said Commissioners, such Costs and Charges, together with any Sum not exceeding Ten Shillings by way of Penalty, shall and may be levied and recovered in such and the like Manner as any Penalty can or may be levied and recovered by virtue of this Act, from the Person or Persons so making default.

Situation of Water Pipes may be altered by and at the Expence of the Commissioners.

LVI. And be it further enacted, That it shall and may be lawful for the said Commissioners, and they are hereby empowered, when and as often and in such Manner and in such Place or Places as they shall think proper within the said Borough and Town, to raise, sink, or otherwise alter the Situation of any Water Pipe or Pipes, Plug or Plugs, Cock or Cocks, or any other Water Works within the said Streets, Squares, Ways, Lanes, public Passages or Places, or any of them, provided that the Water Pipe or Pipes, Plug or Plugs, Cock or Cocks, or other Water Works be not injured thereby, or the Water prevented from flowing in its proper Channel; and the Costs, Charges, and Expences attending such raising, sinking, and altering shall be paid out of the Money to be raised by virtue of this Act.

Penalty on damaging Materials.

LVII. And be it further enacted, That if any Person or Persons shall wilfully or maliciously break up, injure, destroy, or otherwise damage any of the Articles and Things hereby vested in the said Commissioners, or any of the Works done by them in pursuance of this Act, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Twenty Pounds, besides what shall be sufficient to repair such Damage.

Where Materials may be lodged.

LVIII. And be it further enacted, That during the Time any Market, Street, Square, Way, Lane, public Passage or Place shall be new paving, flagging, or repairing, or any of the Grates, Drains, Sewers, or other Works therein shall be altering or repairing, the said Commissioners shall have Power to order the necessary Materials to be lodged in that or any adjoining Market, Street, Square, Way, Lane, public Passage or Place, or Markets, Streets, Squares, Ways, Lanes, public Passages or Places, according to their Discretion, as also to stop up the Way through that or any adjacent Market, Street, Square, Way, Lane, public Passage or Place, so long as they shall judge necessary, and the said Commissioners, and all Persons acting under the Direction of the said Commissioners, are hereby indemnified from any Prosecution or Action whatsoever for so doing.

Paviors, &c. to be appointed.

LIX. And be it further enacted, That it shall and may be lawful for the said Commissioners from Time to Time to appoint such and so many Paviors, Artificers, Workmen, Labourers, Carters, and others, and also to purchase any Horses, Carts, Tools, Implements, and Materials as they shall judge necessary for the Purpose of carrying this Act into Execution.

Land to be provided for depositing Materials.

LX. And be it further enacted, That the said Commissioners shall have full Power to purchase or rent Lands, so that such Lands do not exeeed Half an Acre, for depositing of Stone and other Materials for the several Purposes of this Act, and for depositing Dirt, Dung, Soil, Ashes, Cinders, and Rubbish; and the Purchase Money or Rent thereof shall be

paid out of the Money or Fund raised or to be raised for paving, widening, amending, cleansing, watering, extending, and regulating the Markets, Streets, Squares, Ways, Lanes, public Passages and Places, by virtue of this Act; and the Property thereof shall be and is hereby vested in the said Commissioners for the Purposes of this Act.

Power to remove Projections and Encroachments.

LXI. And be it further enacted, That it shall be lawful for the said Commissioners to take down, remove, alter, or regulate, in such Manner as they shall from Time to Time judge proper, all Signs or other Emblems used to denote the Trade, Occupation, or Calling of any Person or Persons, and all Sign Irons, Sign Posts, and other Posts, Sheds, Penthouses, Spouts, Gutters, Steps, Stairs, Cellar Doors, Cellar Lids, Bow and other projecting Windows, Window Shutters, Window Flaps, Stumps, Trees, Rails, Pales, Palisadoes, Porches, Bulks, Shew Glasses and Shew Boards, Pools, Cesspools, Cisterns, and Reservoirs for Water, and other Encroachments, Projections, and Annoyances belonging or which shall hereafter be affixed or belong to any House or Houses or other Buildings, or which shall in any other Way be placed or fixed, and which do or shall in the Judgment of the said Commissioners obstruct the free and commodious Passage along the Carriage or Footways of any of the said Markets, Squares, Streets, Ways, Lanes, public Passages or Places, of or within the said Borough and Town; and also to cause the Water to be conveyed from the Roofs, Cornices, Eaves, and Penthouses of or belonging to such Houses or other Buildings respectively, by proper Pipes or Trunks to be affixed to the Sides of such Houses or other Buildings respectively, and to be brought down to the Ground; and that the Costs, Charges, and Expences attending the taking down, taking away, removing, altering, or regulating such Signs, Sign Irons, Sign Posts and other Posts, Sheds, Penthouses, Spouts, Gutters, Steps, Stairs, Cellar Doors, Cellar Lids, Bow or other projecting Windows, Window Shutters, Window Flaps, Stumps, Trees, Rails, Pales, Palisadoes, Porches, Bulks, Shew Glasses, Shew Boards, Pools, Cesspools, Cisterns, and Reservoirs for Water, and other Encroachments, Projections, and Annoyances, or any of them, and of making and affixing such Pipes or Trunks as aforesaid, shall be borne and defrayed out of the Money to be raised by virtue of this Act.

For preventing future Projections.

LXII. And be it further enacted, That if any House or other Building in or near any Market, Square, Street, Way, Lane, or other public Passage or Place within the said Borough and Town, shall, after the passing of this Act, be made, erected, or built in such Manner or Form as in the Front or in any of the Gables or Sides thereof to project into or over such Market, Square, Street, Way, Lane, or other public Passage or Place, or in any other Manner or Form than in a perpendicular Line or Direction upwards from the Foundation of such House or Building; or if any Spout, Pipe, or Trunk for conveying Water from the Roofs, Eaves, or Cornices of any House or other Building in any Market, Square, Street, Way, Lane, public Passage or Place in the said Borough and Town, shall be affixed otherwise than from the Roofs, Eaves, or Cornices thereof, by such Spouts, Pipes, or Trunks, on the Fronts or Sides of such Houses or Buildings respectively, and brought down to the Ground; or if any Sign, Sign Iron, Sign Post or other Post, Shed, Penthouse, Step, Stair, Cellar Door, Cellar Lid, Bow Window, or other projecting Window,

dow, Window Shutter, Window Flap, Stump, Rail, Palisadoe, Porch, Bulk, Shew Glass, Shew Board, Pool, Cesspool, Cistern or Reservoir for Water, or any other Encroachment or Projection against or in front or outside of any House or other Building within or adjoining to any Market, Square, Street, Lane, public Passage or Place within the said Borough and Town, shall be made, erected, or built so as to obstruct the free and commodious Passage along the Carriage or Footways of the same; then and in every such Case the Owner and Owners of every such House or other Building, Sign, Sign Iron, Sign Post or other Post, Shed, Penthouse, Step, Stair, Cellar Door, Cellar Lid, Bow or other projecting Window, Window Shutter, Window Flap, Stump, Rail, Pale, Palisadoe, Porch, Bulk, Shew Glass, Shew Board, Pool, Cesspool, Cistern or Reservoir for Water, or other Encroachment or Projection which shall be so made, erected, or built as aforesaid, or of any such Spout, Pipe, or Trunk, which shall be so made or affixed otherwise than aforesaid, contrary to this Act, shall for every such Offence forfeit and pay any Sum not exceeding Ten Shillings a Day for every Day such House or other Building, Sign, Sign Iron, Sign Post or other Post, Shed, Penthouse, Step, Stair, Cellar Door, Cellar Lid, Bow or other projecting Window, Window Shutter, Window Flap, Stump, Rail, Pale, Palisadoe, Porch, Bulk, Shew Glass, Shew Board, Pool, Cesspool, Cistern or Reservoir for Water, Spout, Pipe, or Trunk, or other Encroachment or Projection, shall continue in such State, shall be contrary to the Provisions and Directions of this Act; and it shall and may be lawful to and for the said Commissioners (whether any such Penalties or Forfeitures shall be levied or not) to cause all such Houses and other Buildings, Signs, Sign Irons, Sign Posts, Sheds, Penthouses, Steps, Stairs, Cellar Doors, Cellar Lids, Bow Windows, or other projecting Windows, Window Shutters, Window Flaps, Stumps, Trees, Rails, Pales, Palisadoes, Porches, Bulks, Shew Glasses, Shew Boards, Pools, Cesspools, Cisterns and Reservoirs for Water, Spouts, Pipes, Trunks, and other Encroachments and Projections, or any of them, to be taken down, removed, and taken away.

Extinction of Quit-rents for Bulks, &c. removed.

LXIII. And be it further enacted, That where any Bulk, Post, Porch, or other Projection or Obstruction, shall be removed by Authority of this Act, for the Purpose of widening or altering any Market, Street, Square, Way, Lane, or other public Passage or Place within the said Borough and Town, and for or in respect of which any annual Sum or Sums hath or have been usually paid by way of Quit-rent, Fee-farm Rent, or other Acknowledgment, to any Person or Persons, Body or Bodies Politic or Corporate, then and in every such Case such annual Sum or Sums of Money shall cease to be any longer paid or payable, and shall be considered as absolutely extinguished: Provided always, that the said Commissioners shall in every such Case make such Satisfaction and Compensation to the Person or Persons, Body or Bodies Politic or Corporate, to whom any annual Sum or Sums hath or have been so paid as aforesaid, by the Payment of a gross Sum or Sums of Money out of the Monies to be raised by virtue of this Act, as the said Commissioners shall judge to be of the Value of the annual Sum or Sums so paid; and in case of any Difference or Dispute between the said Commissioners, and any such Person or Persons, Body or Bodies Politic or Corporate, respecting the Sum or Sums of Money so to be paid by the said Commissioners, as a Satisfaction and Compensation for any such Quit-rent, Fee-farm Rent,

or

or other Acknowledgment as aforesaid, such Satisfaction and Compensation shall be settled and ascertained in such and the like Manner as the Satisfaction and Compensation to be made by the said Commissioners for the Purchase of any Lands, Tenements, or Hereditaments, for the Purposes of this Act are herein directed to be ascertained and settled; and such Sum and Sums of Money, when so settled and ascertained, shall be paid to or disposed of for the Use and Benefit of the Party or Parties entitled thereto, in such and the like Manner as any Sum or Sums of Money to be paid for the Purchase of any Lands, Tenements, or Hereditaments by the said Commissioners is and are herein directed to be paid or disposed of.

Protection for Corners of Buildings.

LXIV. Provided always, That if the said Commissioners shall cause to be taken up or removed any Stumps, Posts, or other Guards at the Corner of any House or Building, forming a Corner of any Street or Lane, for the Protection of such House from Injury by Carriages, they the said Commissioners shall by some other proper Ways or Means sufficiently guard or protect the same from Damage as aforesaid; and in case any Damage shall at any Time happen to any such House by reason of taking up or removing any such Stumps, Posts, or other Guards by the said Commissioners, they the said Commissioners shall from Time to Time make good such Damage out of the Monies to be raised by virtue of this Act, for paving and repairing the Streets of the said Borough and Town.

Power to make Cesspools, &c.

LXV. And be it further enacted, That it shall be lawful for the said Commissioners to make or cause to be made proper Cesspools, Sinks, Soughs, Sewers, Gutters, Drains, and Watercourses, for conveying the Water off and from the several Markets, Streets, Squares, Ways, Lanes, Passages, and Places, and the several Houses and Buildings within the said Borough and Town, into the present public and private Sewers within the said Borough and Town, making good any Damage that may be occasioned thereby; but the said present public and private Sewers shall be from Time to Time and at all Times repaired and renewed by the Person or Persons, and by and out of the Fund or Funds as is and are now liable to and chargeable with the repairing and renewing the same, save and except all such public Sewers as have heretofore been repaired by the Mayor, Bailiffs, and Commonalty of the said Borough and Town, and which are by this Act transferred to the Management and Direction of, and which are henceforward to be repaired by the said Commissioners under the Powers of this Act.

Regulating Cellar Doors or Flaps.

LXVI. And be it further enacted, That where any Opening is now or may be made in the Paving or Flagging of any of the said Markets, Streets, Squares, Ways, Lanes, public Passages or Places, as an Entrance into, or for the Purpose of conveying Coals or other Articles into any Vault or Cellar, whether such Vault or Cellar be inhabited or uninhabited, or for the Purpose of conveying Light into any Room or Cellar, or for any other Purpose, the Door, Lid or Lids, Flap or Flaps, Covering or Grating, to such Opening, shall be made at the Expence of the Person or Persons repairing the same, and shall be made of Iron or such other Materials, of such Dimensions and in such Manner and Form as the said Commissioners shall direct and approve of; and every such Door, Lid, Flap, Grating, and

and Covering, shall from Time to Time be repaired, varied, and altered at the like Expence of the Person or Persons for whose Use and Benefit the same shall be possessed and enjoyed, and in such Manner and Form as the said Commissioners shall direct or appoint; and in case any Person or Persons shall cause any such Grating or Covering to be made, repaired, varied, or altered, or shall neglect or refuse to make, repair, vary, or alter such Grating or Covering contrary to such Direction or Appointment as aforesaid, or shall cause or permit any such Cellar Door, Cellar Lid, Flap, or Cover, within the said Borough and Town, to be left open unnecessarily at any Time between Sun-setting in the Afternoon and Sun-rising in the Morning, on any Pretence whatsoever, without the same being well and sufficiently lighted and guarded, or shall at any Time permit the same to be or remain not properly fastened or secured, so as to prevent Accidents from happening, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Ten Shillings, as also any further Sum not exceeding Twenty Shillings for every Week the said Offence shall be continued.

Scavenger's Duty.

LXVII. And be it further enacted, That the Person or Persons employed by or contracting with the said Commissioners for cleansing the several Markets, Streets, Squares, Ways, Lanes, public Passages and Places within the said Borough and Town, or the Person or Persons employed by or acting under the Direction of such Person or Persons so contracting with the said Commissioners shall, once in every Week (that is to say), on every *Monday*, between such Hours of the Day, and also on such other Days, and at or between such Hours as the Commissioners aforesaid shall from Time to Time appoint, sweep and collect together all Dirt, Dust, Manure, Filth, or Rubbish in such Markets, Streets, Squares, Ways, Lanes, public Passages and Places, and shall also bring or cause to be brought a Cart or other proper Carriage into such Markets, Streets, Squares, Ways, Lanes, public Passages and Places, where such Cart or other Carriage can pass, and shall at his or their Approach with such Cart or other Carriage, and not before, by Sound of Bell, Voice, or otherwise, give Notice to the Inhabitants of his or their coming, and give the like Notice in every Court, Passage, or Place, into which such Cart or Carriage cannot pass; and such Person or Persons aforesaid shall immediately take the Dust, Dirt, Manure, Rubbish, Cinders, Ashes, or other Filth, (except Filth from any Privy or Necessary House), from the respective Premises in such several Markets, Streets, Squares, Ways, Lanes, public Passages and Places, and put the same into such Cart or Carriage; all which Dust, Dirt, Manure, Rubbish, Cinders, Ashes, and Filth, (except as aforesaid), as well as all such Dirt, Dung, Ashes, and other Filth as shall be swept up and collected together as aforesaid, such Person or Persons shall then immediately or as soon as may be carry away or cause to be carried away, to the Place or Places appointed for depositing the same, upon pain of forfeiting any Sum not exceeding Forty Shillings for every Offence or Neglect therein; and the Person or Persons so employed as aforesaid shall cause the Words "Scavengers' Cart" to be painted in large Roman Letters, at least One Inch in Length each, on the Front or some other conspicuous Part of every Cart or Carriage used for the Purposes aforesaid, on pain of forfeiting any Sum not exceeding Ten Shillings for every Neglect therein; and if any such Person so employed as aforesaid shall sweep or throw away any Dust, Dirt, Manure, Ashes,

or Filth, into any Drain, Sewer, Sink, or Watercourse, within the said Borough and Town, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Twenty Shillings.

No Person to take away Dirt, &c. but Contractors.

LXVIII. And be it further enacted, That if any Person or Persons whomsoever other than the Person or Persons employed by or contracting with the said Commissioners, for cleansing the several Markets, Streets, Squares, Ways, Lanes, public Passages or Places within the said Borough and Town, or the Person or Persons employed by or acting under the Direction of the Person or Persons so contracting as aforesaid, shall take and carry away, or cause to be taken and carried away, any Dust, Dung, Manure, Dirt, Ashes, or other Filth, out of any such Markets, Streets, Squares, Ways, Lanes, or other public Passages or Places as aforesaid, every such Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Twenty Shillings.

Persons may keep the Dust, &c. occasioned within their own Premises.

LXIX. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to any Ashes, Cinders, Dust, Dirt, Manure, Filth, Soil, Dung, or Rubbish, which any of the Inhabitants of the said Borough and Town shall have occasion and think fit to preserve and keep within their own respective Houses, Yards, and Gardens, but the same shall respectively belong to and be at the Disposal of the Person or Persons so reserving the same, so as such Ashes, Cinders, Dust, Dirt, Manure, Filth, Soil, Dung, or Rubbish, be not laid down or placed in any of the said Markets, Streets, Squares, Ways, Lanes, public Passages or Places in the said Borough and Town, for any longer Time than shall be necessary for the loading and carrying away the same, and so as the same do not annoy the Neighbour or Neighbours of such Person or Persons, nor the Public in general; and in case such Person or Persons so reserving such Ashes, Cinders, Dust, Dirt, Manure, Filth, Soil, Dung, or Rubbish, shall wilfully or negligently permit or suffer the same to lie in any of the said Markets, Streets, Squares, Ways, Lanes, public Passages or Places in the said Borough and Town, for any longer Time than Three Hours, for the Purpose of loading and carrying away the same, or shall suffer the same to annoy his or their Neighbour or Neighbours, or the Public in general, or permit or suffer the Soil or Contents of any Privy or Necessary House to remain in any of the said Markets, Streets, Squares, Ways, Lanes, public Passages and Places, after the Hour of Eight in the Morning, such Person or Persons shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings; and it shall and may be lawful for the Person or Persons to be appointed by or contracting with the said Commissioners for cleansing the said Markets, Streets, Squares, Ways, Lanes, public Passages and Places, and they are hereby authorized and directed to take and convert such Ashes, Cinders, Dust, Dirt, Manure, Filth, Soil, Dung, and Rubbish to his or their own Use and Uses, and to sell and dispose of the same without rendering any Satisfaction for the same.

The Occupiers of Houses, &c. Churchwardens, &c. and others,

LXX. And be it further enacted, That the respective Occupiers of Houses or other Buildings, with the Appurtenances, within the several Markets, Streets, Squares, Ways, Lanes, public Passages and Places within the said Borough and Town, the Churchwardens and Chapelwardens of every Church and Chapel, or any One or more of them, the

to sweep the Footways in Front of their Houses, Churches, Walls, &c.

the Owner or Owners, and Proprietor and Proprietors of every dead Wall and vacant Piece of Land, or any One or more of them, the Proprietor and Proprietors, Trustee and Trustees, Treasurer and Minister of every Meeting House or other Place of public Worship, or any One or more of them, and the Person or Persons who for the Time being shall be the ostensible Director or Directors, Manager or Managers, of every Hospital, Prison, School, and other public Building respectively, situate or being in the several Markets, Streets, Squares, Ways, Lanes, public Passages and Places within the said Borough and Town, shall and they are hereby required to cause to be well and sufficiently swept and cleansed the Footways and Foot Pavements the whole Length of the Front of their respective Houses, Buildings, Churches, and Churchyards, Chapels and Chapelyards, dead Walls, vacant Pieces of Ground, Meeting Houses, Hospitals, Prisons, Schools, and other public Buildings, Tenements, Yards, Gardens, or other Hereditaments, and the Channels and Watercourses opposite the same respectively, to the full Extent of the said Footways and Foot Pavements, before, behind, and on the Side or Sides of the same respectively, previous to the Hour of Nine of the Clock in the Morning on every *Monday*, *Wednesday*, and *Friday* in every Week, and oftener, on such other Days, and at such other Times, if the said Commissioners shall from Time to Time order or require the same, and shall also cause the Dirt and Soil to arise from such sweeping and cleansing to be collected and put together (so as not to obstruct either the Carriage or Footway, or the Channel or Watercourse aforesaid) in order that the same may be removed by the said Scavenger or other Person to be employed for that Purpose, upon pain of forfeiting any Sum not exceeding Five Shillings for every Neglect therein.

Commissioners may erect Weighing Machines.

LXXI. And be it further enacted, That it shall and may be lawful to and for the said Commissioners to provide, erect, and fix such and so many Machines for the weighing of Carriages, Goods, and Merchandize, in such convenient Place or Places within the said Borough and Town as they shall think fit; and also to provide or purchase a proper House or Houses for Machine Houses, and to appoint such Person or Persons for the weighing of Carriages, Goods, and Merchandize, which shall be brought to any such Machine; and from Time to Time to remove such Persons as they shall think proper, and to appoint and regulate the Tolls and Fees to be paid upon the weighing of all such Carriages, Goods, and Merchandize; which Tolls and Fees shall be paid either wholly or in part to the Persons having the Charge of such Weighing Machines, or it shall be lawful to and for the said Commissioners to pay and allow any Salary to the Person or Persons having the Charge of any such Weighing Machine, as they shall think proper.

Penalty on Drivers refusing to go to Weighing Machines.

LXXII. And be it further enacted, That 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 and the Goods and Merchandize with which the same shall be loaded to such public Weighing Machine as herein-before is directed, or shall refuse to assist in the weighing of the same in such Manner as the Drivers of Carts and Waggons are used and accustomed to do; every Person so offending, and being thereof convicted before any One Justice of the Peace for the said

said Borough and Town, shall forfeit and pay to the Person or Persons requiring such Waggon, Cart, or Carriage, or Goods and Merchandize to be weighed as aforesaid, any Sum of Money which such Justice shall direct, not exceeding Forty Shillings nor less than Twenty Shillings, and the Party aggrieved and entitled to such Penalty shall be deemed a competent Witness for the Proof of such Offence.

Penalty on Carters or Engine Keepers committing Frauds as to the weighing of Carts, &c.

LXXIII. And be it further enacted, That if any Owner or Driver, Owners or Drivers of any Cart or Carts, or other Carriage or Carriages, conveying Coals, Hay, or other Goods, Wares, or Merchandize, to the said Borough and Town, at any Time after the Commencement of this Act, whose Cart or Carts, or other Carriage or Carriages shall be weighed at any Weighing Machine or Engine to be erected or provided as aforesaid, or at any other Machine or Engine within the said Borough and Town, shall, at or before the Time of weighing the same, place or knowingly have any Article, Matter, or Thing in or about any such Cart or Carriage, other than and besides the proper Loading thereof, or shall alter any Ticket denoting the Weight of any such Cart or Carriage, or of the Loading of the same, which shall be delivered at any such Engine; or shall make or use, or be privy to the making or using any false or fraudulent Ticket respecting the Weight of any such Cart or Carriage, or the Loading thereof, or after the weighing of any such Cart or Carriage, with the Loading of the same, shall dispose of or remove any Part of such Loading, and shall afterwards deliver or dispose of or attempt to deliver or dispose of the Residue of such Loading, as being the full Loading denoted by such Ticket, or shall be guilty of any other fraudulent Contrivance touching the Weight of any such Cart or Carriage, or of the Loading thereof, or shall after the same and the Loading thereof have been so weighed change the Wheels thereof, and put or place on lighter Wheels, or make any Alteration, or do any other Matter or Thing to the said Cart or Carts, Carriage or Carriages, before the same shall be brought back to the same Machine or Engine to be again weighed without the Loading thereof; or if such Owner or Driver, Owners or Drivers, of any such Waggon or Waggons, Cart or Carts, Carriage or Carriages, which shall have been weighed, with the Loading thereof, at any Machine or Engine as aforesaid, shall neglect or refuse to bring back the same without Alteration, to be again weighed at the same Machine or Engine; or if the Purchaser or Purchasers of any Coal or other Goods, Wares, or Merchandize, conveyed in any Cart or Carts, or other Carriage or Carriages, to the said Borough and Town, and which shall have been weighed at any Machine or Engine within the said Borough and Town, shall, after the same Cart or Carts, or other Carriage or Carriages, with the Loading thereof, have been so weighed as aforesaid, change the Wheels thereof, or cause the same to be changed, and put or place on or caused to be put or placed on heavier Wheels, or make any Alteration, or do any other Matter or Thing to the said Cart or Carts, Carriage or Carriages, before the same shall be brought back to the same Machine or Engine to be again weighed without the Loading thereof; or if the Master or Keeper of any Weighing Machine or Engines in the said Borough and Town, whether erected or provided by virtue hereof or otherwise, shall weigh any Cart or Carts, or other Carriage or Carriages, knowing that any thing had been added to the proper Loading thereof, so as to increase the Weight of the same, or that the Wheels thereof have been changed or altered between the Time

of the same and the Loading thereof being last weighed, and the Time of the same coming back to be again weighed, without giving immediate Notice thereof to the Person or Persons interested therein; or if the Master or Keeper of any such Machine or Engine shall wilfully neglect to weigh any Cart or Carts, or other Carriage or Carriages, that shall come to his or their Machine or Engine to be weighed, according to the Turns in which Application shall be made for that Purpose, or shall not fairly and truly weigh the same, with or without the Loading thereof, as the Case may be, and deliver to the Purchaser or Purchasers of such Coals, Hay, or other Goods, Wares, or Merchandize, or any other Person interested therein, or the Agents of any such Person, on Application for that Purpose, a Ticket or Account containing the true Weight of the said Cart or other Carriage, and also the Weight of the Contents thereof, or shall give to the Driver of such Cart or other Carriage a false Ticket or Account of the said Cart or other Carriage, or shall knowingly assist in or connive at any Fraud to be committed or attempted in or concerning the weighing of any such Cart or Carriage, or the Loading thereof, or any false Report or Representation of the Weight of the same; or if any other Person or Persons whosoever shall knowingly act or assist in the committing of any Fraud respecting the Weight of any such Cart or Carriage to be weighed, or stated and represented to be weighed at any such Machine or Engine, or the Loading thereof, or in committing any of the Offences herein-before mentioned, respecting any such Cart or Carriage which shall be weighed or brought to be weighed at any such Machine or Engine, or which shall be alledged to have been weighed at any such Machine or Engine; then and in every such Case or Cases the Person or Persons from Time to Time offending, and being convicted thereof, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Power to impound Beasts wandering in the Streets.

LXXIV. And be it further enacted, That if any Sort of Cattle or Swine shall at any Time be found wandering about any of the Markets, Streets, Squares, Ways, Lanes, or other public Passages or Places within the said Borough and Town, the Owner or Owners thereof shall for every such Head of Cattle or Swine forfeit and pay any Sum not exceeding Ten Shillings, and moreover it shall and may be lawful to and for any Person or Persons appointed by the said Commissioners, if he or they shall think proper, to seize and impound such Cattle or Swine in the Common Pound of the said Borough and Town, or in such other Place as the said Commissioners shall appoint; and the same there to remain until the Owner or Owners thereof shall, for every such Head of Cattle or Swine so impounded, pay the Sum of Five Shillings to the Person impounding the same, together with the reasonable Charges and Expences of impounding and keeping the same; and in case the said Sum, Charges, and Expences shall not be paid within Four Days after such impounding, it shall and may be lawful to and for the said Commissioners to sell or cause to be sold the same, and the Money arising from such Sale, after deducting the said Sum of Five Shillings, and the Charges and Expences of impounding, keeping, and selling such Cattle or Swine, shall be paid to the Person or Persons whose Property the Cattle or Swine so sold shall appear to have been.

Lamps to be set up.

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

Time to Time, and at any Time or Times after the passing of this Act, to purchase and provide such and so many Glass Lamps, of such Sorts and Sizes, and such and so many Lamp Irons and Lamp Posts, and all such other Matters and Things for lighting such Lamps, either by Oil or Gas, or otherwise, as they shall judge necessary, and to direct the same to be affixed and set up on or against the Walls or Palisadoes of all or any of the Houses, Tenements, or Buildings, or against any other Walls, or for supplying such Lamps with Oil, Gas, or otherwise, under any of the Markets, Streets, Squares, Ways, Lanes, public Passages and Places within the said Borough and Town, or in any other Manner they shall think proper and convenient, and to be taken down, altered, or removed when and as often as they shall think fit, and to cause such Lamps, or any of them, to be lighted at such Seasons of the Year, on such Evenings, in such Manner, and at such Hours of the Evening, and to be kept burning for so many Hours, as to them the said Commissioners shall seem necessary or proper, for the well and sufficient lighting of all or any of the said Markets, Streets, Squares, Ways, Lanes, public Passages and Places within the said Borough and Town: Provided always, that it shall be lawful for the said Commissioners to make any Contract or authorize the making of any Contract or Contracts for the lighting the said Borough and Town with Gas, and to prepare or permit the preparing, or lay down or prepare the laying down of all necessary Iron Pipes or Reservoirs, or Matters or Things necessary for the lighting the said Borough and Town with Gas: Provided always, that nothing herein contained shall authorize or empower the said Commissioners, or any other Person or Persons, to carry, lay, or fix, or continue any Pipe or Pipes, or any other Thing, for the Conveyance of the said Gas or Inflammable Air, through or against any Dwelling House or private Building, or any private Lands, Hereditaments, or Premises, without the Consent of the Owner and Occupier thereof respectively, for that Purpose: Provided also, that if any Injury or Damage shall be occasioned to any Rail, Palisadoe, Building, or Wall, by the affixing, setting up, taking down, altering, or removing any such Lamp or Lamps, or any Lamp Iron or Lamp Irons, or other Fastener thereof, the Commissioners shall immediately cause the said Injury and Damage to be well and sufficiently repaired out of the Money to be raised by virtue of this Act.

Commissioners to repair Damage done to Walls or Rails by fixing or altering Lamp Irons.

LXXVI. And be it further enacted, That if any Person or Persons shall wilfully break, take away, throw down, or otherwise destroy or damage any Lamp or Lamps already erected, or which shall be erected by Order of the said Commissioners, or by the said Mayor, Bailiffs, and Commonalty, or their Successors, or by any Person or Persons, at his or their own Expence, for the Purpose of lighting any of the said Markets, Streets, Squares, Ways, Lanes, public Passages and Places, or any Post, Iron, Cover, or other Furniture thereof, or shall wilfully extinguish the Light or Lights of any Lamp or Lamps, it shall and may be lawful to and for any Justice of the Peace for the said Borough and Town, and he is hereby required, upon Complaint to him made by any One or more credible Witness or Witnesses of any such Offence, to issue a Warrant for apprehending the Party or Parties accused; or it shall and may be lawful to and for any Person or Persons who shall see such Offence committed to apprehend, and also for any Person or Persons to assist in apprehending the Offender or Offenders, and by Authority of this Act, without any other Warrant, to deliver him or them into the Custody of a Peace Officer, in order

Penalty for wilfully breaking Lamps.

order to be secured and conveyed before some Justice of the Peace of the said Borough and Town; and on the Party or Parties accused being brought before such Justice, such Justice shall proceed to examine upon Oath any Witness or Witnesses who shall appear or be produced to give Evidence touching such Offence; and if the Party or Parties accused shall be convicted of such Offence, either by his, her, or their Confession, or upon such Evidence as aforesaid, then and in every such Case he, she, or they shall, for each and every such Offence respectively, and if more than One shall severally forfeit and pay any Sum not exceeding Five Pounds, and shall besides make a full Satisfaction (to be ascertained by such Justice) to the said Commissioners, or other Party injured, for the Damage so done; and in case such Offender or Offenders shall not upon Conviction forthwith pay such Penalty by him, her, or them incurred, and also such Satisfaction as aforesaid, such Justice is hereby required to commit such Offender or Offenders to the Castle at *Lancaster*, there to be kept to hard Labour for any Time not exceeding Six Calendar Months, unless such Penalty and Satisfaction as aforesaid shall be sooner paid.

Penalty for negligently breaking Lamps.

LXXVII. And be it further enacted, That if any Person or Persons shall carelessly, negligently, or accidentally break, throw down, or otherwise destroy or damage any such Lamp or Lamps so being hung out or set up as aforesaid, or any Post, Iron, Cover, or Furniture thereof respectively, and shall not, upon Demand, make Satisfaction for the Damage so done, then and in every such Case it shall and may be lawful to and for any Justice of the Peace for the said Borough and Town, and he is hereby required, upon Complaint thereof made by One or more credible Witness or Witnesses, by Warrant under his Hand to summon before him the Party or Parties complained of for doing such Damage, and upon his, her, or their appearing, or making Default to appear (Oath being made that the Party complained against had been served with such Summons, or that the same had been left at his, her, or their usual Dwelling or Place of Abode, if known, or that he, she, or they could not be found), such Justice shall proceed to examine the Cause of such Complaint, and upon Proof thereof, either upon Confession of the Party or the Oath of One or more Witness or Witnesses, shall award and order such Satisfaction to be made by the Party or Parties complained against, for the Damage so done to the said Commissioners, or other Owner or Owners of such Lamp or Lamps, as to such Justice shall appear just and reasonable; and in case the Sum so awarded shall not be paid forthwith, it shall and may be lawful to and for such Justice, and he is hereby required to cause the same to be levied and recovered as any Fine or Penalty can or may be levied by virtue of this Act.

Commissioners to make and use Gas Works under Advice of some Person skilled in such Works.

LXXVIII. Provided also, and be it further enacted, That for the greater Security against Accidents by such Gas Works, the said Commissioners, and all other Persons with whom they may contract, are hereby directed and required to erect, or cause to be erected, all such Gasometers, Cisterns, Pillars, and all other the necessary Apparatus, and to lay all such Pipes, Stopcocks, Syphons, Plugs, Branches, and Machinery as aforesaid, by the Advice and Direction of some Person or Persons thoroughly skilled and experienced in the Nature of such Works, whose entire Approbation thereof, as to Safety and otherwise, shall be had before the same shall be used for the Purposes of this Act.

LXXIX. And

Works to be inspected Twice in every Year.

LXXIX. And be it further enacted, That the said Commissioners, and the Person or Persons with whom they shall contract, shall and they are hereby required to have the said Works inspected at least Twice in every Year, by One or more experienced Person or Persons, to see that the same are in a fit State, and properly conducted and managed; and in case of any Error, want of Repair, Insufficiency, or other Mismanagement being pointed out, to cause the same to be forthwith corrected, amended, and repaired, according to the Opinion of such Person or Persons.

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

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

Recovery of Rent.

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

Service Pipes to be kept fully charged with Gas.

LXXXII. And be it further enacted, That the Branch or Service Pipes which shall be put down for lighting the said Markets, Streets, Squares, Ways, Lanes, and other public Passages and Places, shall be kept fully charged with Gas; and the Stopcocks shall be so turned as not to impede

or prevent the said Branch or Service Pipes being completely filled with Gas during the Time the same shall be lighted.

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

LXXXIII. And be it further enacted, That all and every the Pipes or other Conduits to be laid or used for the Conveyance of Gas, in, under, through, long, across, or round any Market, Street, Square, Way, Lane, or other Passage or Place within the Limits of this Act, shall be so laid at the greatest practicable Distance, and whenever the Width of the Carriage-way in such Street or Place will allow thereof, at the Distance of Three Feet at least from the nearest Part of any Water Pipe, Sough, or Watercourse already laid down, or hereafter to be laid down, for the Conveyance of Water in, under, through, along, across, or round any of the said Markets, Streets, Squares, Ways, Lanes, or other Passages or Places within the Limits of this Act, except in Cases where it shall be unavoidably necessary to lay the Gas Pipes across any of the said Water Pipes, Soughs, or Watercourses, in which Cases the said Gas Pipes shall be laid over and above the said Water Pipes, Soughs, and Watercourses, at the greatest practicable Distance therefrom, and shall form therewith a right Angle; and in such Case the said Gas Pipes, so crossing the said Water Pipes, Soughs, and Watercourses, shall be at least Three Feet in Length, so that no Joint of any of the said Gas Pipes shall be nearer to any Part of the said Water Pipes, Soughs, or Watercourses, than Three Feet at least, and that in laying down the said Gas Pipes the said Commissioners, Contractors, or other Persons supplying Gas, shall in no case join Three or more Gas Pipes together previous to their being laid in the Trench, but shall lay each Pipe as near as may be in its Place in the Trench, and shall in such Trench properly form the Jointing with the other Pipes to be added thereto, with proper and sufficient Materials, and shall also make and keep all and every such Pipes, and all Pipes connected or communicating therewith, and all the Screws, Joints, Inlets, Apertures, or Openings therein respectively air-tight, and in all and every respect prevent the said Gas from escaping therefrom, upon pain of forfeiting for every Offence the Sum of Five Pounds.

For protecting the Water Works and Pipes.

LXXXIV. And be it further enacted, That nothing herein contained shall extend or be construed to extend to authorize or empower the said Commissioners in any way whatsoever to interfere with or abridge the Rights or Privileges of the Mayor, Bailiffs, and Commonalty of *Lancaster*, or any Person or Persons whomsoever, having the Right, Privilege, and Power to supply the Inhabitants of the said Borough and Town, or the Neighbourhood thereof with Water; and the said Commissioners shall be and they are hereby made answerable for any Damage, Spoil, Injury, or Mischief which shall be done to any of the Pipes, Works, or Property of the said Mayor, Bailiffs, and Commonalty, or the Pipes or Branches of any Person or Persons communicating with such Pipes, Works, or Property, or which shall or may be sustained by them or any or either of them, by reason or in consequence of any Act, Matter, or Thing to be done or executed by the said Commissioners, or any of their Agents, Servants, or Workmen; and the said Commissioners shall and they are hereby required to pay the Amount of such Damage, Spoil, Injury, or Mischief on Demand, such Amount to be ascertained by any Justice of the Peace for the said Borough and Town, and to be recovered in

the same Manner as any Expences or Penalty under this Act may be recovered.

For preventing the Escape of Gas.

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

Penalty on damaging Pipes, &c.

LXXXVI. And be it further enacted, That if any Person or Persons shall wilfully or maliciously remove, take away, destroy, damage, or injure any or any Part of any Pipe, Plug, Post, or other Apparatus, Article, Matter, or Thing belonging to the said Commissioners, or to any Body or Bodies Politic or Corporate, or Person or Persons contracting as aforesaid, or shall wilfully or maliciously waste, or beyond his, her, or their Contract consume any of the inflammable Air or Gas supplied by the said Commissioners, or any Body or Bodies Politic or Corporate, or Person or Persons as aforesaid, every Person so offending in any of the respective Premises, and being thereof lawfully convicted, either by Confession or on the Oath or Affirmation of One credible Witness, before One or more Justice or Justices of the Peace for the said Borough and Town, shall forfeit and pay to the said Commissioners, or the Body or Bodies Politic or Corporate, or Person or Persons aforesaid, any Sum not exceeding Five Pounds, and Three Times the Amount of the Damage done or occasioned by such Conduct, the same to be ascertained by such Justice or Justices; and such Penalty and Damage, together with reasonable Costs, shall be levied by Distress and Sale of the Goods and Chattels of such Offender, returning the Overplus (if any) on Demand to the Owner of such Goods and Chattels, or such Offender shall and may be committed to the Gaol of the said Borough and Town, or to the Castle of *Lancaster*, for the County Palatine of *Lancaster*, at the Discretion of such

such Justice or Justices, there to remain for any Time not exceeding Three Calendar Months.

Ingredients used in manufacturing Gas not to be conveyed into any River, Stream, &c.

LXXXVII. And be it further enacted, That it shall not be lawful for the said Commissioners, or Body or Bodies Politic or Corporate, or any Person or Persons whomsoever, to carry or convey, or cause to be carried or conveyed, any Washings or Liquids, or any Lime or other Ingredients, Matters or Things whatsoever, which shall arise or be made in manufacturing or preparing any Gas or inflammable Air whatsoever, or in the Prosecution of any of the Gas Works, into the River *Loyne*, or into any Pond, Ditch, Brook, or Canal, or any Sewer, Drain, Conduit, or other Place whatsoever, by which it may ultimately be carried or conveyed into the said River, or into any other Stream or Brook, or into any Pond, Ditch, Brook, Canal, Sewer, Drain, or Conduit.

Penalty for conveying Washings into any Stream, &c.

LXXXVIII. Provided always, and be it further enacted, That if the said Commissioners, or Body or Bodies Politic or Corporate, or any Person contracting to light or lighting with Gas the said Streets, Lanes, Entries, and other public Passages and Places, shall at any Time drain or carry, or cause or suffered to be drained, carried, or conveyed, or to run or flow, any Washings or other waste Liquids, Substances, or Things whatsoever, which shall arise or be made in the Prosecution of the said Gas Works, into the River *Loyne*, or into any River, Brook, or running Stream, Reservoir, Canal, Aqueduct, Feeder, Pond, or Spring-head, or do or cause to be done any Annoyance, Act, or Thing to the Water contained in any such River, Brook, or running Stream, Reservoir, Canal, Aqueduct, Waterway, Feeder, Pond, or Spring-head, whereby the said Water or any Part thereof shall or may be soiled, fouled, or corrupted, then and in every such Case the said Commissioners, or such Body or Bodies Politic or Corporate, or such Person or Persons as aforesaid, shall forfeit and pay for every such Offence the Sum of Two hundred Pounds; and such Penalty or Forfeiture shall and may be sued for and recovered, together with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Plaint, or Information, wherein no Essoign, Protection, Privilege, Wager of Law, nor more than One Imparlance shall be allowed; and such Penalty shall be paid to the Person or Persons who shall inform or sue for the same: Provided always, that no such Penalty or Forfeiture shall be recoverable unless the same be sued for within Six Calendar Months after the Time when such Annoyance, Act, and Thing shall have ceased: Provided also, that in addition to the said Penalty of Two hundred Pounds, (and whether such Penalty shall or shall not be recovered) in case any of the said Washings or other waste Liquids, or noisome or offensive Liquids, Substances, or Things, shall be drained, conducted, or conveyed, or caused or suffered to run or flow in manner aforesaid into the said River *Loyne*, or into any River, Brook, or running Stream, or any Reservoir, Canal, Aqueduct, Waterway, Feeder, Pond, or Spring-head, 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 Commissioners, or any of them, or to such Body or Bodies Politic or Corporate, or Person or Persons as aforesaid, and the said Commissioners or other Person or Persons shall not within Twenty-four Hours after such Notice given stop and prevent all and every

every such Washings, waste Liquids, or noisome or offensive Liquids, Substances, or Things, from being drained, conducted, or conveyed, or from running or flowing in manner aforesaid, and every such other Annoyance, Act, or Thing from being done as aforesaid, then and in every such Case the said Commissioners, or Body or Bodies Politic or Corporate, or other Person or Persons, shall forfeit and pay the Sum of Twenty Pounds for each Day such Washings, waste Liquids, or noisome or offensive Liquids or Things, shall be so drained, conducted, or conveyed, or caused or suffered to run or flow in manner aforesaid, or such other Annoyance, Act, or Thing shall be so done or caused to be done as aforesaid; and such last-mentioned Penalty shall and may be recovered and levied, and shall be paid to the Informer or to the Person or Persons who, in the Judgment of the Justice or Justices before whom the Conviction shall take place, shall have sustained any Annoyance, Injury, or Damage, by any such Act so done or committed.

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

LXXXIX. And be it further enacted, That whenever the Water of any Company of Proprietors of Water Works shall be contaminated or affected by the Gas of any Gas Light Company, such Gas Light Company shall forfeit and pay for every such Offence a Sum not exceeding Twenty Pounds, to be sued for and recovered as any Penalty is hereby directed to be sued for and recovered, and shall be applied to and for the Use and Benefit of the Company of Proprietors of the Water Works affected thereby; and in case any such Water shall be contaminated or affected by Gas in any way whatsoever, then and in every such Case and Cases, such Gas Light Company, their Successors and Assigns, shall, within Twenty-four Hours next after Notice thereof in Writing, signed by the Clerk or Surveyor to the said Company, to be left at the usual Office or Place of transacting Business of such Gas Light Company, cause the most proper and effectual Measures to be taken effectually to stop and prevent Gas from escaping from their Works, Mains, or Pipes, or contaminating or affecting the Water of the said Company of Proprietors; and in case the said Gas Light Company, their Successors or Assigns, shall not, within Twenty-four Hours next after each and every such Notice so left as aforesaid, effectually stop and prevent Gas from so escaping, and wholly and satisfactorily remove the Cause of every such Complaint, and prevent all and every such Contamination whereof Notice shall be given as aforesaid, that then and in every such Case the said Gas Light Company, their Successors or Assigns, shall, on each and every Complaint whereof Notice shall be given as aforesaid, forfeit and pay to the Treasurer for the Time being or to any One of the Directors for the Time being of the said Water Company, for the Use and Benefit of the same Proprietors, over and above the before-mentioned Penalty of Twenty Pounds to be recovered as aforesaid, the Sum of Ten Pounds for each and every Day during which the Water of the said last-mentioned Company shall be and remain contaminated, tainted, or affected by the Gas of the said Gas Light Company; and in Default of Payment thereof as aforesaid, such Penalty or Penalties shall and may be recovered by Information to be exhibited on the Oath of One credible Witness, by and in the Name of the Treasurer, or by and in the Name of any One or more of the Directors of the said Water Company, at the Option of the Party or Parties prosecuting such Information against the said Gas Light Company, their Successors or Assigns, before any Justice of the Peace for the

Borough and Town, with Costs to be assessed by such Justice, and to be levied by Distress and Sale of the Goods and Chattels of the said Gas Light Company, their Successors or Assigns, together with the Charges of such Distress and Sale, by Warrant under the Hand and Seal of such Justice, which Warrant such Justice is hereby empowered to grant; such Penalty or Penalties and Costs, when so levied shall be paid to the Treasurer, or to One of the Directors for the Time being of the Water Company which shall be contaminated or affected by such Gas.

For ascertaining if Water is contaminated.

XC. And whereas it may be or become a Question upon such Complaint as aforesaid, whether the said Water be contaminated or affected by the Gas of the said Gas Light Company; be it therefore enacted, That in every such Case it shall and may be lawful to and for any such Water Company to dig to and about and search and examine the Mains, Pipes, Conduits, and Apparatus of the said Gas Light Company, for the Purpose of ascertaining whether such Contamination proceed or be occasioned by the Gas of the said Company; and if it shall appear that the said Water has been contaminated by any Escape of Gas of the said Gas Light Company, the Costs and Expences of the said Digging, Search, and Examination, and Repair of the Pavement of the Street or Streets which shall be taken up or disturbed, shall be borne and paid by the said Gas Light Company; which Costs and Expences shall be ascertained and determined, if necessary, by such Justice as aforesaid, and be recovered in like Manner as any Penalty may be recovered by virtue of this Act: Provided always, that if upon such Examination it shall appear that such Contamination has not arisen from any such Escape of Gas from any of the Mains, Pipes, or Conduits of the said Gas Light Company, then and in such Case the said Water Company shall bear and pay all the Costs and Expences of such Examination, Repair, and Search, and shall also make good to the said Gas Light Company any Loss, Injury, or Damage which may be occasioned by the said Mains, Pipes, Conduits, or Apparatus of the said Gas Light Company, in and by such Search and Examination, and also to the Pavement of the said Streets so broken or disturbed in such Search or Examination, the Amount of such Injury, Loss, or Damage to be ascertained and determined, if necessary, by some Justice or Justices of the Peace as aforesaid.

This Act not to prevent Commissioners being proceeded against for a Nuisance, &c.

XCI. Provided always, and be it further enacted, That nothing herein contained shall extend, or be construed to extend, to prevent any Person or Persons from proceeding, by Indictment or otherwise, against the said Commissioners, or the Body or Bodies Politic or Corporate, or the Person or Persons contracting so to light, or their respective Officers, Servants, or Workmen, in respect of public or private Nuisances by them committed, through the Means which shall be adopted in obtaining, making, preparing, or using the said Gas or inflammable Air.

Commissioners to direct Streets to be cleansed, making Recompence for cleansing, in pursuance of Contract.

XCII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, and they are hereby required to nominate and appoint any Person or Persons, and to purchase or hire any Cart or Carts or other Carriage or Carriages, and also any Horse or Horses, for the Purpose of cleansing and watering the several Markets, Streets, Squares, Ways, Lanes, public Passages or Places within the said Borough and Town, and of carrying away the Dust, Dung, Manure, Dirt, and Soil

Soil thereof; and it shall and may be lawful to and for the said Commissioners to contract with any Person or Persons for cleansing and watering the same, and for carrying away the Dust, Dung, Manure, Dirt, and Soil thereof, upon such Terms as they shall deem necessary, and to do and perform every Act for carrying such Contract into complete Execution.

Fire Engines may be provided.

XCIII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners to erect or build, or cause to be erected and built, One or more Fire Engine House or Houses within the said Borough and Town, and to provide One or more Fire Engine or Engines, together with all such Pipes, Buckets, and other Articles and Things, as may be necessary for working and using the same, and to defray the Expences thereof out of the Rates to be raised by virtue of this Act.

Power for Commissioners to contract for Purchase of Buildings, &c.

XCIV. And be it further enacted, That it shall and may be lawful to and for the said Commissioners to contract and agree with any Person or Persons, Body or Bodies Politic, Corporate, Collegiate, or Sole, as shall be or be deemed to be the Owner or Owners, Proprietor or Proprietors, or otherwise, interested in the Buildings, Lands, Tenements, or Hereditaments within the said Borough and Town, or of any Door or Doors of any Cellar or Cellars, or of any Steps belonging thereto, or in any other Building whatsoever, which the said Commissioners shall judge necessary and proper to be purchased, for the Purpose of opening, improving, and widening any Markets, Streets, Lanes, Roads, public Passages or Places within the said Borough and Town, or for the Purpose of opening any Communication between any One or more Markets, Squares, Streets, Ways, Lanes, public Passages and Places, and for otherwise improving the said Borough and Town, for the absolute Purchase of all such Buildings, Erections, Doors, Cellars, Steps, Projections, Encroachments, Lands, Tenements, or Hereditaments, or any of them, or for the Damage to be done thereto respectively in the Execution or for the Purposes of this Act; and to take down or alter all or any of such Buildings, Erections, Steps, Projections, Encroachments, Tenements, and Hereditaments so to be purchased, or any Part or Parts of the same respectively, and also to appropriate all or any Part of the Lands, Tenements, or Hereditaments so to be purchased, for all or any of the Purposes aforesaid, as they the said Commissioners shall think fit.

Powers for Bodies Politic to sell.

XCV. And be it further enacted, That it shall and may be lawful to and for all Bodies Politic, Corporate, or Collegiate, and all Corporations, whether Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees of or for Lunatics and Idiots, and other Trustees whomsoever, not only for and on behalf of themselves and their Heirs and Successors, but also for and on behalf of their respective Cestuique Trusts, whether Infants or Issue unborn, Lunatics, Idiots, or Femes Covert, and also to and for all Femes Covert who are or shall be seised in their own Right, and to and for all Persons, whether Tenants for Life or Tenants in Tail, General or Special, or for Years determinable on any Life or Lives, and to and for all and every Person or Persons whomsoever who are or shall be seised, possessed of, or interested in any Lands, Houses, Erections, Cellars, Steps, Projections, Encroachments, Lands, Tenements, or other Hereditaments, or any Part thereof, which the said Commissioners are by this Act enabled to purchase

chase for any of the Purposes of this Act, to treat, contract, and agree with the said Commissioners for the Sale thereof or any Part thereof, and to sell or convey all or any Part thereof, and all Estate, Right, Title, and Interest whatsoever of, in, and to the same to the said Commissioners and their Successors, for any of the Purposes of this Act; and that all Contracts, Agreements, Bargains, Sales, and Conveyances which shall be made by virtue and in pursuance of this Act, shall, without any Fine or Fines, Recovery or Recoveries, or other Conveyance or Assurances in the Law whatsoever, be good, valid, and effectual to all Intents and Purposes, not only to convey all Estate, Right, Interest, Use, Property, Claim, and Demand whatsoever of the said several and respective Cestuique Trusts, and all claiming or to claim by, from, or under them, any Law, Statute, Usage, or any other Matter or Thing whatsoever to the contrary thereof notwithstanding; and all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, Trustees, and all other Persons whomsoever, are and shall be hereby indemnified for what they shall do by virtue and in pursuance of this Act.

Provisions in case of Refusal or Inability to sell.

XCVI. And be it further enacted, That if any Body Politic, Corporate, or Collegiate, or any Corporation, whether Aggregate or Sole, or any Feme Covert, or any Tenant for Life, or any Tenant in Tail, General or Special, or for Years determinable on any Life or Lives, Owner or Owners, Occupier or Occupiers, or other Person or Persons whomsoever, interested in any Building or Buildings, Erection or Erections, projecting in or upon any of the Carriageways or Footways within the said Borough and Town, or of any Door or Doors of any Cellar or Cellars, or of any Steps belonging thereto, or in any other Projection or Encroachment upon any such Carriageway or Footway whatsoever, or in any Lands, Houses, or other Buildings, Tenements, or Hereditaments which the said Commissioners are enabled by this Act to purchase or treat for, shall refuse to treat, contract, or agree as aforesaid, or by reason of Absence or otherwise shall be prevented from treating, contracting, or agreeing, or shall decline or refuse to sell, convey, and dispose of the Premises whereof or wherein or whereunto they respectively shall be so seised, possessed, interested, or entitled as aforesaid, or their respective Rights, Titles, Claims, or Interests into or upon the same or any Part thereof, unto the said Commissioners, or to such Person or Persons as they shall nominate for the Purposes and according to the Tenor, true Intent, and Meaning of this Act, or shall not or cannot produce or make out a clear Title to the Premises they are in the Possession of, or to the Interest they claim therein, to the Satisfaction of the said Commissioners, or if any Dispute or Difference shall arise touching such Purchase or Purchases, then and in every such Case the said Commissioners are hereby empowered and authorized, before any General or Quarter Sessions of the Peace to be holden for the said Borough and Town, or any Adjournment thereof, to give or cause to be given to such Owner or Owners, or the principal Officer or Officers of such Bodies Politic, Corporate, or Collegiate, or to leave or cause to be left at the House of the Tenant in Possession, Ten Days Notice in Writing, denoting and particularly describing the Lands, Buildings, Houses, Tenements, or other Hereditaments intended to be purchased, and purporting that the Value thereof shall be adjusted and settled by a Jury at the said Sessions or Adjournment thereof;

and

and the Justices at the said Sessions, or any Adjournment thereof, upon Proof to them made of such Notice having been given or left, are hereby authorized and required to charge the Grand Jury at such Sessions assembled, or the Jury to try Prisoners at such Sessions, well and truly upon their Oaths to assess the Value of the said Lands, Buildings, Houses, Tenements, or other Hereditaments comprized in the Notices so given, and the Damages and Recompence to be awarded or given for the same to the respective Owner or Owners thereof, according to their respective Interests therein; and to which said Jury the said Commissioners, and all Persons interested in the said Lands, Buildings, Houses, Tenements, or other Hereditaments, shall have their lawful Challenges; and the Jury being so sworn and charged as aforesaid, and after proper Evidence on Oath to them given concerning the Nature, Quality, or Value of the Lands, Houses, Buildings, Tenements, or other Hereditaments so to be sold or conveyed as aforesaid, shall by their Verdict assess the Damages and Recompence to be given for the same to the respective Owner or Owners, Occupier or Occupiers thereof, according to their respective Interests therein; and such Verdict of the said Jury, and the Judgment of the said Justices upon the same, shall be final, binding, and conclusive to the said Commissioners, and to all Person and Persons interested in the said Lands, Buildings, Houses, Tenements, and other Hereditaments; and such Verdict, and the Judgment of the Justices thereupon, shall be fairly entered and kept among the Records of the Sessions for the said Borough and Town, and the same, or true Copies thereof, shall be taken to be good and effectual Evidence and Proof in any Court of Law or Equity whatsoever, and all Persons may have Recourse to the same *gratis*, and take Copies thereof, paying Eight-pence for every Seventy-two Words, and so in proportion for any greater or less Number of Words: Provided always, that in case the Sum or Sums so assessed by the said Jury, and ordered and adjudged to be paid by the said Commissioners, as a Satisfaction to the Owners, Occupiers, or others, for their respective Interests in the said Premises, shall not be paid, tendered, left, or deposited, according to the true Intent and Meaning of this Act, within Three Calendar Months after the same shall have been so assessed, ordered, and adjudged, then and in such Case the Verdict of the said Jury shall not be binding upon the said Parties, any thing herein contained to the contrary thereof in anywise notwithstanding.

The Verdict of the Jury not to be binding unless the Money be paid within Three Calendar Months.

XCVII. And be it further enacted, That in every Case where a Verdict shall be given by any such Jury for more Money than shall have been previously offered by or on Behalf of the said Commissioners, as a Price, Recompence, or Satisfaction for any such Buildings, Lands, Tenements, or Hereditaments as aforesaid, or for any Estate, Right, or Interest therein, all the Costs and Expences to be incurred in summoning, impannelling, and returning such Jury, taking such Inquisition, and the Attendance of Witnesses, and recording the Verdict or Judgment thereon, shall be borne by the said Commissioners out of the Monies to be raised by virtue of this Act; and in case such Costs and Expences shall not be paid to the Party or Person entitled to receive the same within Fourteen Days after the Time appointed for Payment thereof, then the same shall and may be levied and recovered by Distress and Sale of any Goods or Chattels vested in the said Commissioners or their Treasurer or Treasurers, (unless the Treasurer or Treasurers of the said Commissioners

By whom Expences of Juries to be paid.

shall pay such Costs and Expences out of any Monies received by him by virtue of this Act, which he is hereby authorized to do), under a Warrant to be issued for that Purpose by any Justice of the Peace for the said Borough and Town, which Warrant any such Justice is hereby authorized and required to issue under his Hand and Seal, on Application made to him for the Purpose by the Party or Person entitled to receive such Costs and Expences; and in every Case where a Verdict shall be given by any such Jury for no more or for less Money than shall have been previously offered by or on the Behalf of the said Commissioners, as such Price, Recompence, or Satisfaction as aforesaid, all the Costs and Expences to be incurred as aforesaid shall be borne by the Party or Parties refusing or neglecting to treat and agree as before-mentioned, or with whom the said Commissioners shall have had any Disagreement or Dispute concerning such Price, Recompence, or Satisfaction as aforesaid; but in all Cases where any Person or Persons, Party or Parties, shall have been prevented by Absence from entering into any Treaty with the said Commissioners, the Costs and Expences so incurred shall be borne by the said Commissioners in manner aforesaid; and in all Cases where any Difference shall arise touching the Amount of such Costs and Expences, the same shall be settled and ascertained by any Two Justices of the Peace for the said Borough and Town, not interested in the Matter in question, who are hereby authorized and required to examine into and settle the same at a Time and Place to be by them appointed, after summoning the Parties interested therein to attend them for that Purpose, and to appoint a Time and Place for Payment thereof; and where the Costs shall be payable by the Party or Parties having had such Disagreement or Dispute with the said Commissioners as aforesaid, the Amount thereof, having been first paid by the said Commissioners, may be deducted by them out of the Monies awarded to be paid to such Party or Parties, as so much Money advanced for his, her, or their Use, and the Payment or Tender of the Balance of such Money shall be deemed and taken to all Intents and Purposes whatsoever, to be a Payment or Tender of the whole Money awarded and adjudged to such Party or Parties; or otherwise, if such Costs and Charges be not paid upon demand, after being so ascertained as aforesaid, the same may be recovered by the said Commissioners from the Party or Parties liable to the Payment thereof, by Action of Debt, or on the Case, in any of His Majesty's Courts of Record, together with full Costs of Suit.

Application of Compensation Money if amounting to 200*l.*

XCVIII. And be it further enacted, That if any Money shall be paid or agreed or awarded to be paid for the Purchase of any Lands, Tenements, or Hereditaments, purchased, taken, or used by virtue of this Act, for the Purposes thereof, which shall belong to any Body Politic, Corporate, or Collegiate, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee or other Trustee, for or on behalf of any Infant, Lunatic, Idiot, Feme Covert, or other Cestuique Trusts, or to any Person whose Lands, Tenements, or other Hereditaments are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever, such Money shall, in case the same shall be equal to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account there *ex parte* the Commissioners for executing

cuting this Act, pursuant to the Method prescribed by an Act passed in the First Year of the Reign of His present Majesty King *George* the Fourth, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at* Westminster *on account of the Suitors of the said Court, for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Orders of the said Court, and without Fee or Reward, and shall, when so paid in, be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments, in the Purchase or Redemption of the Land Tax, or Discharge of any Debt or Debts, or such other Incumbrance or Part thereof as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, or Hereditaments, which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking effect; and in the meantime and until such Purchase shall be made, the said Money shall, by Order of the said Court upon such Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and Annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments so hereby directed to be purchased in case such Purchase or Settlement were made. 1 G 4. c. 35.

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

XCIX. Provided always, and be it enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments to be purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount to or exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy, Idiotcy, or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General of the Court of Exchequer, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same shall be paid at the like

like Option to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by Five or more of the said Commissioners for executing this Act (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money and the Dividends arising thereon may be applied in manner herein-before directed, so far as the Case may be applicable, without obtaining, or being required to obtain the Direction or Approbation of the Court of Exchequer.

Application of Compensation if less than 20*l.*

C. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as last before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Commissioners shall think fit; or in case of Infancy, Idiotcy, or Lunacy, then such Money shall be paid to his or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of not making out Titles, or if Persons cannot be found, Purchase Money to be paid into the Bank.

CI. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Hereditaments to be purchased by virtue of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises, to the Satisfaction of the said Commissioners, or in case such Person or Persons to whom such Sum or Sums of Money shall be awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, and Hereditaments be not known or discovered, then and in every such Case it shall and may be lawful to and for the said Commissioners, or any Five or more of them, to order the said Sum or Sums of Money so awarded as aforesaid to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments (describing them), subject to the Order, Controul, and Disposition of the said Court of Exchequer; which said Court of Exchequer, on the Application of any Person or Persons making claim to such Sum or Sums of Money or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, for such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

Where any Questions shall arise as

CII. Provided always, and be it further enacted, That when any Question shall arise touching the Title of any Person to any Money to be paid

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

to the Title to Money, &c.

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

Court of Exchequer may order Expences, &c.

CIV. And be it further enacted, That all Sales, Conveyances, and Assurances of any Lands, Tenements, or Hereditaments, to be made to the said Commissioners, shall be in the Form or to the Effect following; *videlicet*,

Form of Conveyance.

'I of in consideration of the Sum of to me paid by the Commissioners acting by virtue 'of an Act of Parliament made in the Fifth Year of the Reign of King 'George the Fourth, intituled [*here set forth the Title of this Act*], do 'hereby grant and convey to the said Commissioners and their Succes-'sors, and all my Right, Title, and Interest in and to the same, and every 'Part thereof; to hold to the said Commissioners and their Successors for 'ever. In witness whereof I have hereto set my Hand and Seal, this 'Day of in the Year of our Lord '.

And every such Sale, Conveyance, and Assurance so made shall be good, valid, and effectual, to all Intents and Purposes whatsoever; any Law, Statute, Usage, or Custom to the contrary thereof notwithstanding.

Provision for Payment of Purchase Money.

CV. And be it further enacted, That every Sum of Money to be agreed for or awarded, or assessed as aforesaid, shall be paid out of the Monies to be received by virtue of this Act, and upon Payment or Tender thereof to the Party or Persons respectively entitled to such Monies or their Agents, or depositing the same in the Bank of *England* (as the Case may be) in manner by this Act directed and required, all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand, in Law and Equity, of the Person or Persons respectively, to whose Credit or Use the same shall have been paid, in, to, and out of such Lands, Buildings, Houses, Tenements, or other Hereditaments, shall vest in the said Commissioners, in trust for effecting the Purposes of this Act, and they shall be deemed in Law to be in the actual Seisin and Possession thereof, to all Intents and Purposes whatsoever, as fully and effectually as if every Person having any Estate in the Premises had actually conveyed the same by Lease and Release, Bargain and Sale inrolled, Feoffment with Livery of Seisin, Fine, Common Recovery, Surrender, or any other Conveyance or Assurance whatsoever; and such Payments shall not only bar all Right, Title, Interest, Claim, and Demand, of the Person or Persons to whose Use or Credit such Payments shall have been made as aforesaid, but also extend to and be deemed and construed to bar Dower of the Wife and Wives of such Person and Persons, and all Estates Tail and other Estates in Possession, Reversion, Remainder, or Expectancy, and the Issue of such Person and Persons claiming under them, as effectually as Fines or Common Recoveries would do if levied or suffered by the proper Parties in due Form of Law.

Possession to be delivered up.

CVI. And be it further enacted, That all and every Person and Persons, Body and Bodies Politic, Corporate, and Collegiate, in Possession of any Houses or Buildings, Lands, Tenements, or Hereditaments, which shall be purchased by and vested in the said Commissioners by virtue of this Act, or of any Part thereof, shall, at the End of Twelve Calendar Months next after Notice shall be given to him, her, or them for that Purpose, under the Hands of Five or more of the said Commissioners, peaceably and quietly deliver up the Possession of the said Premises to such Person or Persons as shall be authorized by the said Commissioners to take Possession thereof, they the said Commissioners making such Satisfaction to every such Person or Persons, Bodies Politic, Corporate, or Collegiate, in case he, she, or they shall be required to quit before the Expiration of his, her, or their Term in the Premises, as the said Commissioners shall deem just and reasonable; and in case any Dispute or Difference shall arise touching or concerning the same, such Satisfaction or Compensation shall be settled and ascertained by a Jury in manner herein-before mentioned; and in case any such Person, or Body Politic, Corporate, or Collegiate, shall refuse to give up such Possession as aforesaid, it shall and may be lawful to and for the said Commissioners to issue their Precept or Warrant, signed by any Five or more of the said Commissioners, to the Serjeants at Mace of and for the said Borough and Town, to deliver Possession of the Premises to such Person or Persons as shall in such Precept or Warrant be nominated to receive the same; and the said Serjeants are hereby required to deliver such Possession accordingly, and to levy such Costs as shall accrue upon the Issuing or Execution of such Precept or Warrant on the Person or Persons so refusing to give Possession as aforesaid, by

Distress and Sale of his, her, and their Goods, returning the Overplus (if any) to the Owner thereof on Demand.

Power for Commissioners to sell such Lands as shall not be wanted by them.

CVII. And whereas by reason of the Purchases which the said Commissioners are hereby empowered to make, they may happen to be possessed of some Building or Buildings, Piece or Pieces of Ground, over and above what may be necessary for effecting the Improvements hereby directed to be made, or for other the Purposes of this Act; be it further enacted, That it shall be lawful for the said Commissioners to sell and dispose of such Building or Buildings, Piece or Pieces of Ground, either together or in Parcels, as they shall find most advantageous and convenient, to such Person or Persons as shall be willing to contract for and purchase the same; and the Money to arise by Sale of such Building or Buildings, Piece or Pieces of Ground, shall be applied to the respective Purposes of this Act; but the Purchaser or Purchasers thereof shall not be answerable or accountable for the Misapplication or Nonapplication thereof.

Persons from whom such Lands shall have been purchased to have the First Offer thereof.

CVIII. Provided always, and be it further enacted, That the said Commissioners, before they shall sell and dispose of any such Buildings or Grounds, shall first offer the same for Sale to the Person or Persons respectively from whom they shall have purchased such Buildings or Grounds; and in case such Person or Persons shall not then and thereupon agree, or shall refuse to re-purchase the same, then and in every such Case an Affidavit to be made and sworn before a Master Extraordinary in the High Court of Chancery, or before One or more of His Majesty's Justices of the Peace for the said Borough and Town, by some Person or Persons no way interested in the said Buildings or Grounds, stating that such Offer was made by or on behalf of the said Commissioners, and that such Offer was not then and thereupon agreed to, or was refused by the Person or Persons to whom the same was so offered, shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made and was not agreed to, or was refused by the Person or Persons to whom it was made (as the Case may be); but in case such former Owner or Owners shall be desirous of re-purchasing the same, and cannot agree with the said Commissioners in regard to the Price to be paid for the Purchase thereof, then and in such Case the Price or Value thereof shall be settled and ascertained by a Jury in like Manner as the Price or Value of any Hereditaments to be purchased or taken by the said Commissioners for the Purposes of this Act is herein-before directed to be settled and ascertained; and the Costs and Charges of ascertaining and determining the same shall be borne and paid in like Manner as herein-before is directed with respect to Purchases made by the said Commissioners, *mutatis mutandis*; and all Monies to arise by any Sales which may be made by the said Commissioners of the said Premises, or any Part or Parts thereof, shall be applied to the Purposes of this Act, but the Purchasers thereof, having paid his, her, or their Purchase Monies to the Treasurer or Treasurers of the said Commissioners, and obtained his or their Receipt or Receipts for the same, shall not be liable to see to the Application of the said Monies, or answerable or accountable for the Misapplication or Nonapplication of the same.

Commissioners may contract;

CIX. And be it further enacted, That it shall and may be lawful to and for the said Commissioners to enter into any Contract or Contracts for lighting, watching, paving, flagging, widening, amending, cleansing, watering,

watering, improving, extending, and regulating the several Markets, Squares, Streets, Ways, Lanes, public Passages and Places within the said Borough and Town, or any of them, or for furnishing Materials or other Matters or necessary Things whatsoever, or for any other the Purposes of this Act; but before any such Contract or Contracts shall be entered into, Fourteen Days Notice at least shall be given in some public Newspaper circulated in the said County of *Lancaster*, and such other public Notice as the said Commissioners shall for that Purpose order or direct, expressing the Purpose or Purposes of such Contract or Contracts, in order that any Person or Persons willing to undertake the same may make Proposals for that Purpose, to be offered to the said Commissioners, at a certain Time and Place in such Notice to be mentioned, and the said Commissioners shall and they are hereby required to take Security from any such Contractor for the due Performance of his or her Contract.

and compound for Breach of Contract.

CX. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, from Time to Time and at all Times hereafter, to compound and agree with any Person or Persons on account of any Breach or Nonperformance of such Contract or Contracts, for such Sum or Sums of Money, or upon such Terms and Conditions as they the said Commissioners shall think proper.

Contracts to be signed by Commissioners.

CXI. And be it further enacted, That every such Contract or Contracts shall specify the several Works to be done, and the Prices to be received or paid for the same, and the Time or Times when the said Works are to be completed, and the Penalties to be suffered in case of Nonperformance thereof, and shall be signed by the said Commissioners, or any Three or more of them, and also by the Person or Persons contracting to perform such Work respectively, which Contract or Contracts shall be entered in a Book or Books to be kept for that Purpose by the Clerk to the said Commissioners.

Commissioners not answerable in their private Capacity;

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

but to be subject to Rates.

Commissioners to make Bye Laws for regulating

CXIII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners to make, constitute, ordain, and provide, from Time to Time, such Bye Laws, Rules, and Orders as they shall think

think fit, (such Bye-laws, Rules, and Orders not being repugnant to the Provisions of this Act, and the Laws of that Part of the United Kingdom called *England*), for licensing and authorizing a sufficient Number of Sedan Chairs, Hackney Coaches and Chaises, within the Borough and Town of *Lancaster* aforesaid, and in what Manner the Carriers, Coachmen, or Drivers thereof shall conduct and behave themselves in their Employments, and also in what Manner such Sedan Chairs and Hackney Coaches and Chaises shall be furnished and provided, and for punishing the Misconduct and Misbehaviour of Chairmen or Carriers of Sedan Chairs, and of Coachmen or Drivers of Hackney Coaches or Chaises, within the said Borough and Town, and for ascertaining what Fares and Prices, as well for Time as Distance, shall be allowed to be taken by such Chairmen, Coachmen, or Drivers, and to what Distance such Chairmen, Coachmen, or Drivers shall be obliged to go and come, in, over, round, and about every Part of the said Borough and Town, and the Precincts thereof, and the Rates and Fares to be taken for the same; and the said Commissioners may from Time to Time, as they shall think fit, repeal, alter, or amend such Bye-laws, Rules, and Orders, or any of them, and shall set down what pecuniary Penalties or Forfeitures shall be incurred by Persons breaking or evading the same, or any of them, provided no such Penalty or Forfeiture shall exceed the Sum of Twenty Shillings for any One Offence.

Sedan Chairs, Hackney Coaches, and Chaises, plying in Lancaster.

CXIV. And be it further enacted, That the said Commissioners shall cause the Rules, Orders, and Bye-laws by this Act authorized to be made, to be from Time to Time printed and distributed, and a Copy thereof, signed by the Clerk of the said Commissioners, to be affixed up in his Office, for the free and open Inspection of all Persons at convenient Hours, without Fee or Reward, and shall be painted on Boards and signed by the Clerk to the said Commissioners, and shall be placed or affixed in such conspicuous Places in the said Borough and Town as the said Commissioners shall direct, and shall be renewed from Time to Time as often as the same shall be obliterated or defaced or destroyed; and if any Person shall pull down any such Boards, or obliterate or deface any Writing thereon, he shall for every such Offence forfeit and pay any Sum not exceeding Twenty Shillings; provided also, that all such Bye-laws, Rules, and Orders shall be subject to Appeal, in manner hereinafter mentioned.

Bye-laws to be printed and affixed up.

CXV. And be it further enacted, That every Licence to be granted for the Purposes aforesaid under this Act shall be granted without Fee or Reward, and shall be signed by Five of the said Commissioners at the least, present at some Meeting to be held under this Act, and every Licence not so signed shall be void; and every such Licence shall continue and be in force for One Year from the Day of the Date of such Licence, and shall be made out by the Clerk for the Time being to the said Commissioners, and be duly entered into the Book of Proceedings of the said Commissioners; and that for each and every such Licence, on the first granting thereof, shall be paid to the Clerk to the said Commissioners, the Sum of Five Shillings, and on every Renewal thereof the Sum of One Shilling.

Licences to be in force for a Year, and to be signed by Five Commissioners.

CXVI. And be it further enacted, That if the Carrier or Carriers of any Sedan Chair, or the Coachman or Coachmen, Driver or Drivers, of any

Penalty on Persons using Sedan Chairs without Licence.

any Hackney Coach or Chaise, shall be found using any Sedan Chair, Hackney Coach or Chaise in the said Borough and Town without such Licence as aforesaid, or having such Licence shall be found using any Sedan Chair, Hackney Coach or Chaise in the said Borough and Town, contrary to the Rules or Regulations of the said Commissioners for licensing and regulating Sedan Chairs, Hackney Coaches or Chaises, and the Carriage Rates or Fares of the same; or if any Person or Persons shall refuse or neglect to pay on Demand any licensed Chairman or Chairmen, Coachman or Coachmen, Driver or Drivers, the Money justly due to him or them for the Fares, Hire, or Service done under any Licence or Bye-law made in pursuance of this Act; all and every such Offences, and also all and every other Offences, Misbehaviours, Punishments, Penalties, and Forfeitures whatsoever that may arise, happen, or be incurred, committed, or done by any Carrier or Carriers of any Sedan Chair, or any Coachman or Coachmen, Driver or Drivers of any Hackney Coach or Chaise, whether licensed or not, against any of the Provisions of this Act, or any of the Bye-laws to be made in pursuance thereof, for licensing of and regulating Sedan Chairs, Hackney Coaches or Chaises, and the Carriers, Coachmen, or Drivers thereof, shall be heard and determined by any One or more Justice or Justices of the Peace for the Borough and Town of *Lancaster* aforesaid; who, on Complaint made thereof to him or them, is and are hereby authorized and required to grant his or their Summons against the Person or Persons complained of, to appear before him or them at some Time and Place to be mentioned in such Summons, to answer the Matter of the said Complaint; and on Proof on Oath of the Service thereof, such Justice or Justices shall proceed to hear the Matter of the said Complaint on Oath, whether the Person summoned shall appear or not, and to make such Order therein as to such Justice or Justices shall appear to be just, touching such Complaint, and for paying the Costs attending the Application, Hearing, and Determination of the same; and in case of any Disobedience to such Order, or in case any such Person or Persons shall be convicted before such Justice or Justices of any Offence under this Act, or any Rule, Order, or Bye-law to be made as aforesaid, and shall not immediately pay the Money or Penalty in which he or they shall be convicted, that then in case of Nonpayment thereof it shall be lawful for such Justice or Justices to grant his or their Warrant of Distress against the Goods and Chattels of such Person or Persons, and to seize and distrain the same, and the same to sell and dispose of for raising such Monies or Penalties, and all Costs attending the same, and after Payment thereof to return the Overplus (if any), on Demand, to the Owner of the Goods and Chattels so distrained; and if no sufficient Distress can be found, or in case of any Disobedience of such Order, then to commit the Person or Persons so convicted as aforesaid to the Castle at *Lancaster* aforesaid for any Time not exceeding Three Calendar Months, there to remain without Bail or Mainprize, unless the Money mentioned in such Order, if it be an Order for Payment of Money, shall be sooner paid.

Not to prevent the Use of private Sedan Chairs.

CXVII. Provided always, and be it further enacted, That this Act, or any thing herein contained, or any Bye-law, Rule, or Order to be made by the said Commissioners for any of the Purposes aforesaid, shall not extend or be construed to extend to prohibit or hinder any Person or

Persons for having or using his, her, or their own Sedan Chair, Coach, or Chaise, so as the same be not used for Hire or plying for Hire within the Borough and Town of *Lancaster* aforesaid.

Penalty on obstructing Officers, &c.

CXVIII. And be it further enacted, That if any Person or Persons shall at any Time or Times hereafter obstruct, hinder, or molest any Collector or Collectors, Surveyor or Surveyors, or other Officer or Officers, or any Workmen, or other Person or Persons whomsoever, who shall be employed by virtue of this Act, or in any Manner concerned in the Execution thereof, in the Performance or Execution of his or their Duty or Work, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Twenty Pounds.

Recovery and Application of Penalties.

CXIX. And be it further enacted, That all Offences whatsoever which by virtue or under the Authority of this Act, or by or under any Bye-law, Rule, Order, or Regulation to be made in pursuance or by the Authority of this Act, are or shall be subject to or punishable with any pecuniary Penalties, Fines, or Forfeitures, for the Recovery of which no express Provision is herein-before made, shall and may in every Case be heard, adjudged, and determined by or before any Justice or Justices of the Peace in and for the Borough and Town of *Lancaster*, in a summary Way, upon Information or Complaint made and exhibited in Writing (and which shall in every Case be made and exhibited within Three Calendar Months at furthest next after the committing of such Offences respectively, and not afterwards); and upon any such Information or Complaint as aforesaid, the said Justice or Justices shall examine into the Matter thereof, and if upon the Confession of the Party or Parties accused, or on the Oath of any One or more credible Witness or Witnesses, the Party or Parties accused shall be convicted of having committed such Offence or Offences, then and in every such Case the Penalty or Penalties, Fine or Fines, Forfeiture or Forfeitures hereby made payable in respect of such Offence or Offences, together with the Costs of Conviction, to be ascertained by such Justice or Justices, shall be forthwith paid by the Party or Parties so convicted as aforesaid; and in case such Party or Parties so convicted shall refuse or neglect to pay the same forthwith, then, except in Cases otherwise provided by this Act, the same shall and may, by Warrant or Warrants under the Hand and Seal or Hands and Seals of any such Justice or Justices (which he and they is and are hereby empowered and required to grant), be levied and recovered, together with the Costs of Conviction and Recovery thereof, to be ascertained by such Justice or Justices, by Distress and Sale of the Goods and Chattels of such Offender or Offenders, rendering the Overplus of the Money arising by such Sale (if any) to the Party or Parties whose Goods and Chattels shall be distrained, one Moiety of which Penalties, not herein directed to be otherwise applied, shall be paid to the Informer, and the other Moiety shall be paid to the Overseers of the Poor of the said Town of *Lancaster*, and applied towards the Relief of the Poor thereof; and it shall and may be lawful for the said Justice or Justices to order the Offender or Offenders so convicted to be detained in safe Custody until Return can be conveniently made to such Warrant or Warrants of Distress, unless the said Offender or Offenders shall give sufficient Security, to the Satisfaction of such Justice or Justices, for his, her, or their Appearance before the said

Justice

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 Ten Days from the Time of taking any such Security, and which Security the said Justice or Justices is and are hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant or Warrants it shall appear that no sufficient Distress can be had whereupon to levy the said Penalty or Penalties, Fine or Fines, Forfeiture or Forfeitures, and such Costs as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to the Satisfaction of such Justice, either by the Confession of the Offender or Offenders, or otherwise, that the Offender or Offenders hath or have not sufficient Goods and Chattels whereon such Penalties, Forfeitures, Fines, Costs, and Charges may be levied, were a Warrant of Distress issued, such Justice shall not be required to issue such Warrant of Distress; and thereupon it shall be lawful for the said Justice or Justices, and he and they is and are hereby required and empowered, by Warrant or Warrants under his Hand and Seal or their Hands and Seals, to commit such Offender or Offenders to the Gaol for the said Borough and Town, or to the Castle of *Lancaster*, there to remain without Bail or Mainprize for any Term not exceeding Three Calendar Months, or until such Offender or Offenders shall have fully paid such Penalty or Penalties, Fine or Fines, Forfeiture or Forfeitures, and all Costs attending such Proceedings as aforesaid, to be ascertained by such Justice or Justices, or shall otherwise be discharged by due Course of Law.

Form of Conviction.

CXX. And be it further enacted, That all and every Justice and Justices before whom any Person or Persons shall be convicted of any Offence against this Act shall and may cause such Conviction to be drawn in the Form or to the Effect following; *videlicet*,

'BE it remembered, That on the Day of in the Year of our Lord
'is convicted before of His Majesty's Justices
'of the Peace for the of having [*here state the Offence*]; and I [*or* we] the said Justice [*or* Justices] do adjudge him [her *or* them] to forfeit and pay the Sum of
'Given under my Hand and Seal [*or* Hands and Seals] the Day and Year aforesaid.'

Distress not unlawful for want of Form.

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

Appeal.

CXXII. Provided always, and be it enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Rate

or

or Assessment which shall be made or be demanded in pursuance of this Act, or by any Bye-law, or any other Order, Judgment, or Determination of the said Commissioners, or by any Penalty imposed, or by any Conviction made, or by any other thing done in pursuance of this Act (save and except in such Cases where any Order, Judgment, or Determination is herein directed to be final and conclusive, and save and except in such Cases for which any particular Method of Relief is herein appointed), such Person or Persons may appeal to the Justices of the Peace at the General Sessions of the Peace to be holden for the County *Lancaster* next after the Causes of Complaint shall have arisen, or at any Adjournment of such Sessions, the Person or Persons appealing first giving or causing to be given to the Person or Persons appealed against, or to the Clerk to the said Commissioners in case such Appeal shall be made against any Rate or Assessment, Bye-law, Rule, Order, Judgment, or Determination, Matter or Thing made or done by the said Commissioners, Fourteen Days Notice in Writing of his, her, and their Intention to bring such Appeal, and the Cause and Matter thereof, and within Six Days next after such Notice entering into a Recognizance before some Justice of the Peace for the said County, with Two sufficient Sureties conditioned to try such Appeal and abide the Order of and to pay such Costs as shall be awarded by the Justices at such Sessions, or Adjournment thereof; and the Justices at such Sessions, upon due Proof of such Notice having been given, and of such Recognizance having been entered into as aforesaid, shall hear and finally determine every such Appeal in a summary Way, and award such Costs to the Party appealing or appealed against as the said Justices shall think proper, and shall and may at their Discretion discharge or mitigate any Fine, Penalty, or Forfeiture, and may order any Money to be returned which shall be levied in pursuance of any such Bye-law, Rule, Order, Judgment, or Determination of the said Commissioners, and may also order and award such further Satisfaction to be made to the Party injured as they shall think reasonable; and the Determination of the said Justices, in their said General Quarter Sessions or Adjournment thereof, shall be final, binding, and conclusive to all Intents and Purposes whatsoever.

Justices may amend the Rates without quashing the same.

CXXIII. Provided always, and be it further enacted, That on any Appeal from any Rate or Assessment to be made for the Purposes of this Act, the Justices at the Sessions where such Appeal shall be heard shall and may amend the same in such Manner as may be necesaary for giving Relief, without quashing or altering such Rate or Assessment with respect to the other Persons mentioned in the same; but if upon Appeal from the whole Rate or Assessment it shall be found nesessary to set aside the same, then and in such Cases the said Justices shall and may order a new Rate or Assessment to be made in the Manner herein directed.

Inhabitants may be Witnesses.

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

Provisions for bringing and defending Actions in the Name of the Clerk.

CXXV. And be it further enacted, That the said Commissioners may sue and be sued in the Name of their Clerk for the Time being; and all Actions and Suits which may be necessary or expedient to be brought for the Recovery of any Penalty or Sum or Sums of Money due or payable by virtue of this Act, or for or in respect of any other Matter or Thing relating to this Act, may be brought in the Name of the said Clerk; and that no Action or Suit which may be brought, commenced, or prosecuted by or against the said Commissioners, or any of them, by virtue or on account of this Act, in the Name of their Clerk, shall abate or be discontinued by the Death, Suspension, or Removal of such Clerk, or by any Act or Default of such Clerk done or suffered without the Consent or Direction of the said Commissioners, but the Clerk to the said Commissioners for the Time being shall be always deemed Plaintiff or Defendant in every such Action or Suit (as the Case may be), except in such Action or Actions as shall be prosecuted between the said Commissioners and their Clerk for the Time being, in which Action or Suit any One of the said Commissioners shall or may be Plaintiff or Defendant, as the Case may be: Provided always, that every such Clerk or Commissioner, in whose Name any Action or Suit shall be commenced, prosecuted, or defended in pursuance of this Act, shall always be reimbursed and paid out of the Monies to arise by virtue of this Act all such Damages, Costs, Charges, and Expences as such Clerk or Commissioner shall be put to or become chargeable with by reason of his being so made Plaintiff or Defendant therein, and no such Clerk or Commissioner shall be personally answerable or liable for the Payment of the same or any Part of the same, unless such Action or Suit shall arise in consequence of his own wilful Neglect or Default, or have been brought or commenced without the Order or Direction of the said Commissioners, or any Five or more of them.

For ascertaining and compelling Payment of Costs, Damages, and Expences.

CXXVI. And be it further enacted, That in all Cases where any Costs, Charges, Damages, Compensations, or Expences are by this Act directed to be paid or received by the said Commissioners to or from any Body Corporate or Politic, Commissioners, Trustees, or other Person or Persons, and the Amount of such Costs, Charges, Damages, Compensations, or Expences shall not be agreed on by or between the Parties, and is not herein or hereby otherwise directed or authorized to be ascertained and recovered, the same shall be settled and determined by any Two or more Justices of the Peace of the said Borough and Town of *Lancaster*, who are hereby authorized and required, within Seven Days next after Complaint or Application shall be made to them for that Purpose by the Party aggrieved or entitled to claim Compensation, to inquire into, and upon the Oath or Affirmation of One or more credible Witness or Witnesses, ascertain and determine the same in a summary Way; and in case the Amount of such Costs, Charges, Damages, Compensations, and Expences so to be ascertained and determined as aforesaid shall not be paid and discharged within Ten Days next after the same shall have been so ascertained and determined, and Demand of Payment having been duly made, the Amount thereof, or of so much thereof as shall then remain unpaid, together with any Penalties which may then have been incurred in consequence of such Nonpayment, shall and may, upon Proof, by the Oath or

Affirmation of One or more credible Witness or Witnesses, of such Demand and Neglect of Payment, be levied and recovered by Distress and Sale of the Goods and Chattels of the Party or Parties to whom it shall belong to pay the same, together with the Costs of such Distress and Sale, by Warrant under the Hands and Seals of Two or more Justices of the Peace for the said Borough and Town, which Warrant they are accordingly hereby authorized and directed to grant; and the Amount which shall be recovered and received under such Warrant shall be paid to the Party or Parties authorized to claim and receive the same under the Provisions herein contained, who, after deducting the necessary Charges of making such Distress and Sale, shall pay over the Surplus thereof (if any) to the Party or Parties so refusing or neglecting, or the Amount may be recovered in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance shall be allowed.

Plaintiff not to recover after Tender of Amends.

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

Limitation of Actions.

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

Judgment

Judgment shall be given against the Plaintiff or Plaintiffs, then and in every such Case the Defendant or Defendants shall recover Treble Costs, and have such Remedy for recovering the same as any other Defendant or Defendants hath or have in other Cases by Law.

Commissioners may direct Prosecutions for Nuisances.

CXXIX. And be it further enacted, That it shall and may be lawful to and for the said Commissioners from Time to Time to direct any Prosecution or Prosecutions at the Assizes or Quarter Sessions for the County of *Lancaster*, or for the said Borough and Town, for any Public Nuisance whatsoever which shall be committed or suffered or permitted within the said Borough and Town, and to direct and order the Expences of such Prosecution or Prosecutions to be paid and borne by and out of the Funds to be raised and provided for the Purposes of this Act.

No Proceedings to be removed by Certiorari.

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

Commissioners may reward Informers.

CXXXI. And be it further enacted, That it shall and may be lawful to and for the said Commissioners to reward any Informer or Informers, as they shall think proper, so as such Reward shall not exceed the Amount of the Penalty or Forfeiture proved by the Information of such Informer or Informers to have been incurred, any thing herein contained to the contrary notwithstanding.

Directing the Manner of serving Orders, Summonses, and Notices.

CXXXII. And be it further enacted and declared, That all Orders or Notices which are directed or required to be given by this Act, or which are or may be directed and required to be given, by any Rules, Orders, or Bye-laws made or to be made in pursuance of this Act, or which shall or may be necessary for carrying into Execution any of the Powers of the same, or any such Rules, Orders, or Bye-laws of which the Manner of serving the same is not particularly directed by this Act, the Service of any such Order or Notice, either on the Person to whom the same ought to be given, or leaving the same, or a true Copy thereof signed by the Clerk for the Time being to the said Commissioners, at the Dwelling House or usual or last Place of Abode of such Person, shall be good and sufficient Service of any such Order or Notice.

Directions as to Service of Notices, Writs, &c.

CXXXIII. And be it further enacted, That in all Cases wherein it may be requisite to serve any Notice or Notices upon the said Commissioners, or any Writ or Writs or other legal Proceedings, the Service thereof upon the Clerk or Clerks of the said Commissioners, or at the Office of such Clerk or Clerks, or left at his or their last or usual Place of Abode, or at the Office of the said Commissioners, or upon any Agent or other Officer employed by the said Commissioners, or left at his last or usual Place

Place of Abode, shall be deemed good and sufficient Service of the same respectively on the said Commissioners.

Not to prejudice the Rights of the Corporation of the Borough and Town.

CXXXIV. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend in any way to change, lessen, abridge, impeach, annul, prejudice, or destroy any Rights, Privileges, Jurisdictions, Immunities, Rents, Tolls, Stallage, Dues, Duties, and Customs, belonging, due, or in anywise appertaining to, or which at the passing of this Act are received by the said Mayor, Bailiffs, and Commonalty, either as Lords of the Manor or reputed Manor of *Lancaster* aforesaid, or as Lords or Owners of the said Borough and Town, or of the Fairs and Markets within the same, or in or by any other Right, Title, or Capacity whatsoever, or of the Mayor for the Time being of the said Borough and Town, as Clerk of the Markets therein, or in any other lawful Capacity; but all and every such Rights, Privileges, Jurisdictions, Immunities, Rents, Tolls, Stallage, Dues, Duties, and Customs, may be exercised, demanded, exacted, received, and enjoyed in as full and ample a Manner to all Intents and Purposes as the same are enjoyed, or as the Mayor, Bailiffs, and Commonalty are entitled to enjoy at the passing of this Act.

Money advanced for Expences to be repaid with Interest.

CXXXV. And be it further enacted, That if any Person or Persons shall advance and pay any Money in discharge of the Expences of applying for and obtaining this Act, such Person or Persons shall be repaid the same with Interest after the Rate of Five Pounds *per Centum per Annum*, out of the Monies which shall be first raised to defray the Expences of this Act.

Rate to be made for Expences of Act.

CXXXVI. And be it further enacted, That the Costs, Charges, and Expences preparatory to and attending the passing and obtaining of this Act shall be borne and defrayed by the Owners of the Lands, Tenements, Tithes, Houses, Factories, Shops, Warehouses, Coachhouses, Yards, Gardens, Stables, Cellars, Vaults, and other Buildings and Hereditaments within the said Borough and Town, for which Purpose the said Commissioners shall levy one or more separate Rate or Rates, Assessment or Assessments, upon such Owners respectively; and that such Rate or Rates, Assessment or Assessments, shall in the first Instance be paid by the respective Tenants or Occupiers of such Lands, Tenements, Tithes, Houses, Factories, Shops, Warehouses, Coachhouses, Yards, Gardens, Stables, Cellars, Vaults, and other Buildings and Hereditaments, who shall and may and they are hereby empowered to deduct the same from the first Rent which shall become due from them to such Owners respectively, next after Payment of such Rate or Rates, Assessment or Assessments.

Commissioners of Loyne Navigation to repair Saint George's Quay.

CXXXVII. And be it further enacted, That nothing in this Act contained shall exonerate the Commissioners or Trustees for improving the Navigation of the River *Loyne*, from any Charge or Liability to make, pave, amend, and keep in repair any Part of *Saint George's Quay*, extending Westward from the old Bridge at the westerly End of *Bridge Lane* within the said Borough and Town.

Public Act.

CXXXVIII. 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.

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