ANNO QUADRAGESIMO OCTAVO

GEORGII III. REGIS.

Cap. 148.

An Act for incloſing Lands in the Borough of *Leominſter*, in the County of *Hereford*, and in the Townſhip of *Luſton*, in the Pariſh of *Eye*, in the ſaid County; and for paving and otherwiſe improving the Streets and other publick Places within the Town of *Leominſter*, in the ſaid County.

[30th *June* 1808.]

WHEREAS there are within the Liberties of the Town or Borough of *Leominſter*, in the County of *Hereford*, certain Meadows, Commons, and Parcels of Waſte Lands, containing in the Whole by Eſtimation One hundred and twenty Acres or thereabouts: And whereas the Proprietors and Owners, or their Tenants and Occupiers of Houſes, Lands, and Hereditaments ſtanding, lying, and being within the ſaid Borough of *Leominſter* (having Lands annexed or belonging thereto), claim to be entitled to the ſole and excluſive Right of Common over a certain Part of the ſaid Waſte and Commonable Lands, (that is to ſay), that Part of *Portna Moor* otherwiſe *Portman's Moor* which lies within the ſaid Borough, and over *Marſh Broad*, *Etnam Street Broad* and *Eaton Broad*; and the ſaid Proprietors and Owners, or their Tenants and Occupiers of ſuch Houſes, Lands, and Hereditaments within the

ſaid Borough claim to be entitled to the Graſs and Herbage of certain Meadows called *Lammas Meadows*, *Midſummer Meadows*, and the *Peps Moors* within the ſaid Borough (that is to ſay) of and in the Lammas Meadows every Third Year during the Whole of that Year, and of and in the Midſummer Meadows from *Midſummer* to *Candlemas* Old Style yearly, and of and in the Lammas Meadows and *Peps Moors*, from *Lammas* to *Candlemas* Old Style yearly and every Year, except One Year in Three as aforeſaid, during which Third Year the ſaid Lammas Meadows alone are Common during the Whole of that Year (except in *Peps Moor*, which is not Commonable the Whole of every Third Year): And whereas there is within the Townſhip of *Luſton* in the Pariſh of *Eye*, in the County of *Hereford*, Part of a certain Common or Parcel of Waſte Land called *Portna Moor*, otherwiſe *Portman's Moor*, containing Thirty-five Acres or thereabouts (the other Part of the ſaid Common lying and being within the ſaid Borough of *Leominſter*), and alſo a Part of the aforeſaid Waſte or Common called *Marſh Broad*, lies within the ſaid Townſhip of *Luſton*, and the other Part lies in the ſaid Borough of *Leominſter*: And whereas the Right Honourable *George* Earl of *Eſſex* is or claims to be Lord of the Manor and Borough of *Leominſter*, and as ſuch is or claims to be entitled to the Right of Soil in and over the ſaid Waſte and Commonable Lands within the ſaid Manor and Borough of *Leominſter*: And whereas *Somerſet Davies* Eſquire is Lord of the Manor of *Luſton*, and as ſuch is entitled to the Right of Soil in and over the ſaid Common or Parcel of Waſte Land lying within the ſaid Townſhip of *Luſton*; and the ſaid *Somerſet Davies* is Proprietor of a conſiderable Part of the Lands and Grounds within the ſaid Townſhip of *Luſton*, and as ſuch is entitled to Right of Common in, over, and upon the ſaid Commons and Parcels of Waſte Lands; and the Right Honourable *Ann* Lady *Rodney*, the Reverend Sir *John Dutton Colt* Baronet, *John Wall* Clerk, *Thomas Smith*, *William Wall*, *John Weaver*, and *Edward Evans* Eſquires, *John Scarlet*, *James Proudman*, *William Miles*, and divers other Perſons, are Owners or Proprietors of other Lands and Grounds, having Right of Common in, over, and upon the ſaid Commons or Parcels of Waſte Lands: And whereas an Act was paſſed in the Forty-firſt Year of the Reign of His preſent Majeſty King *George* the Third, intituled, *An Act for conſolidating in One Act certain Proviſions uſually inſerted in Acts of Incloſure, and for facilitating the Mode of proving the ſeveral Facts uſually required on the paſſing of ſuch Acts*: And whereas the ſaid Meadows, Commons, and Parcels of Waſte Lands, are at certain Times of the Year ſubject to be overflowed, and in their preſent State yield but little Profit or Advantage to the ſeveral Perſons intereſted therein and entitled to the Feed thereof; and it would be very advantageous to them if the ſame were embanked, drained, and allotted, and ſuch Allotments incloſed; and if certain Parts of the ſaid Commons and Parcels of Waſte Lands were ſold or demiſed or leaſed on an annual Rent, and the Money thereby to be raiſed and the yearly Rent thereof applied for the Improvement of the ſaid Town or Borough of *Leominſter*, and for widening and otherwiſe improving the Bridges in or near to the ſaid Town or Borough; and for widening, paving, lighting, watching, cleanſing, and watering the Streets, Lanes, and other publick Paſſages and Places within the ſaid Town; and for removing and preventing Nuiſances, Annoyances, and Encroachments within the ſaid Town or Borough; and it would be of great publick Benefit and Utility, as well to the ſaid ſeveral Owners of Lands and Grounds within the ſaid

Townſhip

Townſhip of *Luſton*, as alſo to the ſeveral Owners and Occupiers of Meſſuages, Lands, and Tenements within the ſaid Town or Borough, and be very advantageous to the ſeveral Perſons intereſted in the ſaid Commons and Waſte Lands lying within the Townſhip of *Luſton*, if the ſame were drained, divided, and allotted amongſt them, and ſuch Allotments incloſed; but ſuch Diviſion, Allotment, Incloſure, Drainage, and Erections cannot be effected and eſtabliſhed without the Aid and Authority of Parliament: And whereas the ſaid Town or Borough of *Leominſter* is a large, populous, and a trading Town, and daily increaſing, and it would tend greatly to the Safety, Preſervation, and Benefit of the Inhabitants of the ſaid Town or Borough, and to all Perſons reſorting thereto, if the Water in Times of Flood was carried off, or Embankments made to prevent the Streets, Paſſages, and other Places within the ſaid Town or Borough from being overflowed; and if the ſaid Streets, Lanes, publick Paſſages, and other Places were properly cleanſed, lighted, watched, watered, regulated, and kept free from Nuiſances, Annoyances, Encroachments, and Obſtructions; and if the Bridges in or near the ſaid Town or Borough, and ſome of the Streets therein and Roads leading thereto, were widened and improved and made more ſafe and ſecure for Travellers and Paſſengers; and if Walls, Poſts, and Rails, and ſuch other Erections as ſhall be neceſſary for the Protection and Security of Paſſengers reſorting to and paſſing from the ſaid Town of *Leominſter*, were erected and ſet up; but ſuch beneficial Purpoſes 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, That *John Cheeſe* of *Lyons Hall* in the ſaid County, and *Robert Tench* of *Bromfield* in the County of *Salop* Gentlemen, and their Succeſſors, to be elected in Manner herein-after mentioned, ſhall be and they are hereby appointed Commiſſioners for embanking, draining, dividing, allotting, and incloſing the ſaid Meadows, Commons, and Parcels of Waſte Lands, and for carrying into Execution ſo much and ſuch Part or Parts of this Act as relates to the ſaid Embankment, Drainage, and Incloſure; and alſo for carrying into Execution the ſeveral Powers, Authorities, Directions, Clauſes, and Proviſions of the ſaid recited Act.

Commiſſioners of Incloſure.

II. And be it further enacted, That if the ſaid *John Cheeſe*, or any Commiſſioner to be appointed in his Stead, ſhall, before the Execution of all the Powers and Authorities hereby veſted in him, die, refuſe, or become incapacitated to act, then and in every ſuch Caſe it ſhall be lawful for the High Steward, Recorder, Bailiff, and Juſtices of the Peace for the ſaid Town or Borough of *Leominſter* for the Time being, and the Lords of the ſaid Manors of *Leominſter* and *Luſton* reſpectively for the Time being, within Twenty Days next after ſuch Death, Refuſal, or Incapacity ſhall be made known to him or them by Notice in Writing from the ſurviving or remaining Commiſſioner (and which Notice ſuch Commiſſioner is hereby required to give), to appoint a new Commiſſioner (not intereſted in the ſaid Incloſure) in the Stead of the ſaid *John Cheeſe*, or ſuch Commiſſioner ſo dying, refuſing, or becoming incapacitated to act; and in caſe no ſuch Appointment of a Commiſſioner ſhall be made by the ſaid High Steward, Recorder, Bailiff, and Juſtices, and the Lords of the

For appointing new Commiſſioners.

ſaid

ſaid Manors for the Time being as aforeſaid, the ſurviving or remaining Commiſſioner ſhall and may and he is hereby required, at a Meeting to be held for that Purpoſe, by Writing under his Hand, to appoint One other Commiſſioner for the Purpoſes of this Act, in the Room and Stead of ſuch Commiſſioner ſo dying, refuſing, ur becoming incapacited to act; and if the ſaid *Robert Tench*, or any Commiſſioner to be appointed in his Stead in Manner herein-after mentioned, ſhall die or refuſe or become incapable of acting as a Commiſſioner for the Purpoſes of this and the ſaid recited Act, then and in every ſuch Caſe the major Part in Value of the ſeveral Proprietors or Perſons intereſted in the ſaid Meadows, Commons, and Waſte Lands (except the ſaid High Steward, Recorder, Bailiff, and Juſtices, and the Lords of the ſaid Manors for the Time being), who ſhall be preſent at ſome publick Meeting to be holden in the ſaid Town or Borough of *Leominſter* aforeſaid, of which Meeting, and the Intent thereof, Notice ſhall be given by the Clerk to the ſaid Commiſſioners, at leaſt Twenty Days previous to ſuch Meeting, by affixing ſuch Notice on the Doors of the Churches of the Pariſhes of *Leominſter* and *Eye*, and by inſerting the ſame in ſome Newſpaper circulated in the ſaid County of *Hereford*, ſhall and they are hereby empowered by Writing under their Hands to elect and appoint ſome other Perſon (not intereſted in the ſaid intended Embankment, Drainage, Diviſion, and Incloſure) to be a Commiſſioner in the Place or Stead of ſuch Commiſſioner ſo dying, refuſing, or becoming incapable to act as aforeſaid; and every Commiſſioner ſo to be nominated and appointed ſhall, after taking the Oath preſcribed in that Behalf, have the like Power and Authority for carrying this and the ſaid recited Act into Execution, and ſhall be ſubject and liable to the like Rules, Regulations, and Reſtrictions, as if he had been originally nominated a Commiſſioner in and by this Act.

Commiſſioners to take an Oath.

III. Provided always, and be it further enacted, That no Perſon ſhall be capable of acting as a Commiſſioner in the Execution of this and the ſaid recited Act, until he ſhall have taken and ſubſcribed an Oath in the Form or to the Effect following; (that is to ſay),

Oath.

'I Do ſwear, That I will faithfully, impartially, and honeſtly, according to the beſt of my Skill and Judgement, execute and perform the ſeveral Powers and Authorities veſted and repoſed in me as a Commiſſioner, by virtue of an Act paſſed in the Forty-eighth Year of the Reign of King *George* the Third, intituled, *An Act* [*here ſet forth the Title of this Act*], according to Equity and good Conſcience, and without Favour or Affection, Prejudice, or Partiality to any Perſon or Perſons whomſoever.

'So help me GOD.'

By whom to be adminiſtered.

Which Oath the ſaid Commiſſioners are and either of them is hereby authorized and required to adminiſter to the other of them; and the ſeveral Writings appointing ſuch new Commiſſioner or Commiſſioners ſhall be added or annexed to and enrolled and depoſited with the Award of the ſaid Commiſſioners, and a Copy of the Enrolment thereof ſhall be admitted as legal Evidence.

Power to appoint an Umpire.

IV. And, for the Purpoſe of ſettling and determining any Diſpute or Difference that may ariſe between the ſaid Commiſſioners touching or concerning any Matter or Thing to be by them done or executed in purſuance

Tyance of this or the ſaid recited Act, be it further enacted, That *Valentine Vickers* the younger of *Cranmere* in the County of *Salop* Gentleman, and his Succeſſors to be appointed as herein-after mentioned, ſhall be and he is hereby appointed as Umpire to decide between the ſaid Commiſſioners, if Occaſion ſhall require; and all Differences and Diſputes that may ariſe between the ſaid Commiſſioners, touching or concerning any of the Matters or Things to be by them done or performed in the Execution of the ſaid recited Act and this Act, ſhall be by them referred to the ſaid Umpire; and in caſe the ſaid *Valentine Vickers* ſhall die or refuſe or neglect to act as ſuch Umpire, within the Space of Fourteen Days next after Application made to him for that Purpoſe, or ſhall become incapable of acting in the Execution of this Act, then and in every ſuch Caſe it ſhall be lawful for the ſaid Commiſſioners to nominate and appoint by any Writing under their Hands any other Perſon not intereſted in the ſaid Embankment, Drainage, Diviſion, or Incloſure, to be ſuch Umpire, and ſo from Time to Time as often as any Perſon ſo nominated and appointed an Umpire ſhall die, refuſe, or neglect to act, or become incapable of acting in the Execution of this and the ſaid recited Act; and every ſuch Umpire ſo nominated and appointed is hereby authorized and required to hear and determine all ſuch Differences and Diſputes, and the Judgement and Determination of the ſaid Umpire therein ſhall be deemed and conſidered and taken to be the Determination of the ſaid Commiſſioners, and ſhall be final and concluſive upon the ſaid Commiſſioners, and upon all other Perſons concerned in the ſaid Embankment, Drainage, Diviſion, and Incloſure, ſo far as the Judgement and Determinations of the ſaid Commiſſioners are in ſuch and the like Caſes by the ſaid recited Act or this Act declared to be final or concluſive.

Umpire to take an Oath.

V. Provided always, and be it further enacted, That no Perſon ſhall be capable of acting as an Umpire in the Execution of this or the ſaid recited Act, until he ſhall have taken and ſubſcribed an Oath in the Form or to the Effect following; (that is to ſay),

Oath.

'I Do ſwear, That I will faithfully, impartially, and honeſtly, according to the beſt of my Skill and Judgement, execute and perform the ſeveral Powers and Authorities veſted and repoſed in me as an Umpire, by virtue of an Act paſſed in the Forty-eighth Year of the Reign of King *George* the Third, intituled, *An Act* [*here ſet forth the Title of this Act*], according to Equity and good Conſcience, and without Favour or Affection, Prejudice, or Partiality to any Perſon or Perſons whomſoever.

'So help me GOD.'

Which Oath the ſaid Commiſſioners, or either of them, are and is hereby authorized and required to adminiſter to the ſaid Umpire, and the ſeveral Writings appointing ſuch new Umpire or Umpires, ſhall be added or annexed to and enrolled and depoſited with the Award of the ſaid Commiſſioners, and a Copy of the Enrolment thereof ſhall be admitted as legal Evidence.

VI. And be it further enacted, That out of the Money that ſhall be raiſed for defraying the Expences of obtaining and executing this Act, there ſhall be paid to each of the ſaid Commiſſioners and Umpire, as a Recompence for his Pains and Trouble, the Sum of Two Pounds Twelve

Shillings and Sixpence for each Day he ſhall act or travel for the Purpoſe of acting, or be returning Home from acting in the Execution of this Act, and no more; and that at all Meetings to be held in purſuance of this Act, the ſaid Commiſſioners and Umpire ſhall defray their own Expences.

Commiſſioners to give Notice of their Meetings.

VII. And be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby required to give or cauſe to be given publick Notice in ſome Newſpaper printed or circulated within the ſaid County of *Hereford*, and alſo Notice in Writing ſigned by them, by affixing or cauſing to be affixed the ſame on the Door of the Pariſh Church of *Leominſter* and Pariſh Church of *Eye*, on ſome *Sunday* immediately before Divine Service, of the Time and Place of their Firſt and every ſubſequent Meeting for executing the ſaid recited Act, and alſo ſo much of the Powers of this Act as relates to the ſaid Embankment, Drainage, Diviſion, and Incloſure, Seven Days at leaſt before every ſuch Meeting (Meetings by Adjournment only excepted); and all the Meetings of the ſaid Commiſſioners ſhall be holden within the ſaid Town or Borough of *Leominſter*, or within Eight Miles of the Boundaries thereof; and in caſe both the ſaid Commiſſioners ſhall not attend at the Time and Place appointed for any ſuch Meeting, or to which ſuch Meeting ſhall be adjourned as aforeſaid, then and in every ſuch Caſe it ſhall be lawful for the Commiſſioner who ſhall attend, and for the Clerk to the ſaid Commiſſioners, in caſe neither of the ſaid Commiſſioners ſhall attend, to adjourn ſuch Meeting to any future Day, not exceeding Fourteen Days from the Day of ſuch Adjournment, to be holden at the ſame Place, or at ſome other Place within the Diſtance of Eight Miles from the ſaid Town or Borough of *Leominſter*, as to the Commiſſioner or Clerk making ſuch Adjournment ſhall ſeem moſt convenient; and the ſaid Commiſſioner or Clerk making ſuch Adjournment is hereby required to give Notice to the abſent Commiſſioner or Commiſſioners Ten Days at leaſt before the Day appointed for ſuch Meetings.

Other Notices how to be given.

VIII. Provided always, and be it further enacted, That all other publick Notices neceſſary or requiſite to be given by the ſaid Commiſſioners in purſuance of this or the ſaid recited Act (the Manner of giving which is not hereby or by the ſaid recited Act directed) ſhall be given by Advertiſement in ſome One Newſpaper printed or circulated in the ſaid County of *Hereford*.

Survey and Plan to be made.

IX. And, for the Purpoſe of aſcertaining the Compaſs and Admeaſurement of the ſaid Commons and Parcels of Waſte Lands, and alſo of the old incloſed Lands within the ſaid Townſhip of *Luſton* and Borough of *Leominſter*, be it further enacted, That a true, exact, and perfect Survey, Admeaſurement, and Plan of the ſaid Commons and Parcels of Waſte Lands (and if the ſaid Commiſſioners ſhall think neceſſary of the old incloſed Lands within the ſaid Townſhip of *Luſton* and Borough of *Leominſter*), ſhall, as ſoon after the paſſing of this Act as conveniently may be, be made by the ſaid Commiſſioners; in which Survey, Admeaſurement, and Plan, the whole Contents in Acres, Roods, and Perches, and alſo the Abuttals, Metes, and Boundaries of all the ſaid Commons and Parcels of Waſte Lands and old Incloſures, ſhall be accurately ſet forth and aſcertained.

X. And

X. And be it further enacted, That all Incloſures and Encroachments taken in or made upon, from, or out of any Part of the ſaid Commons and Parcels of Waſte Lands, in Form and Compaſs as they ſeverally have been taken, incloſed, and erected, held, and enjoyed, within Twenty Years next before the Commencement of this Act, ſhall be deemed Part and Parcel of the ſaid Commons and Parcels of Waſte Lands from which the ſame was or were reſpectively taken by any Perſon or Perſons whomſoever having or not having Right of Common, and ſhall be deemed and conſidered Part of the ſaid Commons and Parcels of Waſte Lands hereby intended to be embanked, drained, divided, allotted, and incloſed. Encroachments.

XI. And be it further enacted, That if any Diſpute or Difference ſhall ariſe between any of the Perſons, or Body or Bodies Politick, Corporate or Collegiate, intereſted or claiming to be intereſted in the ſaid Commons and Parcels of Waſte Lands, or any Part or Parts thereof, or in the ſaid Diviſion and Allotments, or touching or concerning the reſpective Rights and Intereſts which they or any of them ſhall have or claim to have in, over, or upon the Lands and Grounds to be embanked, drained, divided, allotted, and incloſed by virtue of this Act, or touching or concerning any other Matter or Thing relating to the ſaid Embankments, Drainage, Diviſion, Allotment, and Incloſure, it ſhall be lawful for the ſaid Commiſſioners, and they are hereby empowered to examine into, hear, and determine the ſame: Provided always, that nothing in this Act contained ſhall authorize and empower the ſaid Commiſſioners to determine the Title to any Meſſuages, Cottages, Lands, Tenements, or Hereditaments whatſoever. Commiſſioners to ſettle Diſputes.

XII. And be it further enacted, That in caſe the ſaid Commiſſioners ſhall, upon the Hearing and Determination of any Claim or Claims, Objection or Objections, to be delivered to them in purſuance of this or the ſaid recited Act, ſee Cauſe to award any Coſts, it ſhall be lawful for the ſaid Commiſſioners to ſettle, aſſeſs, and award ſuch Coſts and Charges to be paid by and to ſuch Perſon or Perſons and at ſuch Time as they ſhall direct; and in caſe the Perſon or Perſons directed to pay ſuch Coſts and Charges ſhall neglect or refuſe to pay the ſame at the Time appointed for the Payment thereof, then it ſhall be lawful for the ſaid Commiſſioners, and they are hereby required, by Warrant or Warrants under their Hands directed to any Perſon or Perſons whomſoever, to cauſe ſuch Coſts and Charges to be levied 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) upon Demand to the Perſon or Perſons whoſe Goods and Chattels ſhall have been ſo diſtrained and ſold, after deducting the Coſts and Charges attending ſuch Diſtreſs and Sale. Commiſſioners to aſſeſs Coſts.

XIII. Provided always, and be it further enacted, That in caſe any Perſon or Perſons (intereſted in the ſaid intended Embankment, Drainage, Diviſion, and Incloſure) ſhall be diſſatisfied with any Determination of the ſaid Commiſſioners or Umpire, touching or concerning any Rights or Intereſts in, over, or upon the Lands and Grounds hereby directed to be embanked, drained, divided, allotted, and incloſed, or any Part thereof, it ſhall be lawful for the Perſon or Perſons ſo diſſatisfied to proceed to a Trial at Law of the Matter ſo determined by the ſaid Commiſſioners or Umpire, at the then next Aſſizes to be holden for the ſaid County of Allowing Parties to try their Rights at Law.

Hereford,

Hereford, if the ſame ſhall not take Place within Two Calendar Months after ſuch Determination; but if the ſaid next Aſſizes ſhall happen within Two Calendar Months after ſuch Determination, then at the following Aſſizes to be holden for the ſaid County; and for that Purpoſe, the Perſon or Perſons who ſhall be ſo diſſatisfied with the Determination of the ſaid Commiſſioners or Umpire ſhall cauſe an Action to be brought upon a feigned Iſſue againſt the Perſon or Perſons in whoſe Favour ſuch Determination ſhall have been made, or againſt the ſaid Commiſſioners, within One Calendar Month next after ſuch Determination of the ſaid Commiſſioners or Umpire, and ſhall alſo within Ten Days after ſuch Determination give Notice in Writing to the ſaid Commiſſioners of his, her, or their being ſo diſſatisfied; and the Defendant or Defendants in ſuch Action or Actions ſhall, and he, ſhe, or they is and are hereby required to name an Attorney or Attornies, who ſhall appear thereto or file Common Bail, and accept One or more Iſſue or Iſſues, whereby ſuch Claim or Claims, and the Right or Rights thereby inſiſted on, may be tried and determined, ſuch Iſſue or Iſſues to be ſettled by the proper Officer of the Court in which ſuch Action or Actions ſhall be commenced, in caſe the Parties ſhall differ about the ſame; and the Verdict or Verdicts which ſhall be given in ſuch Action or Actions ſhall be final, binding, and concluſive upon all and every Perſon and Perſons whomſoever, Body or Bodies Corporate or Collegiate, unleſs the Court wherein ſuch Action or Actions ſhall be brought ſhall ſet aſide ſuch Verdict or Verdicts, and order a new Trial to be had therein, which it ſhall be lawful for the Court to do in caſe the ſaid Court ſhall think proper; and it ſhall alſo be lawful for the Court, on ſufficient Cauſe ſhewn, to put off the Trial of ſuch Iſſue as is uſual in other Caſes; and after ſuch Verdict or Verdicts ſhall be obtained, and not ſet aſide by the Court, the ſaid Commiſſioners ſhall and they are hereby required to act in Conformity thereto, and to allow or diſallow the Claim or Claims thereby determined, according to the Event of ſuch Trial or Trials, which Allowances and Diſallowances ſhall be final and concluſive upon all Parties: Provided always, that every Determination of the ſaid Commiſſioners or Umpire, touching any Rights or Intereſts in, over, or upon the ſaid Lands and Grounds hereby directed to be embanked, drained, divided, allotted, and incloſed, or any Part thereof, which ſhall not be objected to, or being objected to, the Party or Parties objecting not cauſing ſuch Action at Law to be brought and proceeded in as aforeſaid, ſhall be final and concluſive upon all Parties.

Parties dying Actions not to abate.

XIV. And be it further enacted, That if any of the Parties in any Action to be brought in purſuance of this Act ſhall die pending the ſame, ſuch Action ſhall not abate by reaſon thereof, but ſhall be proceeded in as if no ſuch Event had happened.

In caſes of Deaths of Parties before Actions brought, the ſame to be carried on and defended in their Names,

XV. Provided always, and be it further enacted, That if any Perſon or Perſons in whoſe Favour any ſuch Determination as aforeſaid ſhall have been made, and againſt whom any ſuch Action or Actions might have been brought if living, ſhall die before any ſuch Action or Actions ſhall have been brought, and before the Expiration of the Time herein-before limited for bringing ſuch Action or Actions, it ſhall be lawful for the Perſon or Perſons, Bodies Politick or Corporate, who might have brought ſuch Action or Actions againſt the Perſon or Perſons ſo dying, to bring the ſame within the Time ſo limited as aforeſaid againſt ſuch Perſon or

Perſons as if actually living, and to ſerve the Clerk to the ſaid Commiſſioners with Proceſs for commencing ſuch Action or Actions in the ſame Manner as the Party or Parties might have been ſerved therewith if living; and it ſhall thereupon be incumbent on the Heir or Heirs, or other Perſon or Perſons who ſhall claim the Benefit of ſuch Determination as aforeſaid, to appear and defend ſuch Action or Actions in the Name or Names of the Perſon or Perſons ſo dead, and Proceedings ſhall be had therein in the ſame Manner as if ſuch Perſon or Perſons had been actually living; and the Rights of all Parties ſhall be equally bound and concluded by the Event of ſuch Action or Actions.

Perſons in Poſſeſſion not to be moleſted without due Courſe of Law.

XVI. Provided alſo, and be it further enacted, That nothing in this Act contained ſhall extend to enable the ſaid Commiſſioners to determine any Right between any Parties contrary to the Poſſeſſion of any of ſuch Parties, except in Caſes of Encroachments made within the Period of Twenty Years as herein-before mentioned; but in caſe the ſaid Commiſſioners ſhall be of Opinion againſt the Right of the Perſon or Perſons ſo in Poſſeſſion, they ſhall forbear to make any Determination thereupon until the Poſſeſſion ſhall have been given up by or recovered from ſuch Perſon or Perſons by Ejectment, or other due Courſe of Law.

Allotments to the Lord of the Manor and Borough of Leominſter.

XVII. And be it further enacted, That (after the ſaid Commiſſioners ſhall have ſet out the neceſſary Roads, Ways, and Drains as directed by the ſaid recited Act) they the ſaid Commiſſioners ſhall and they are hereby authorized and required to ſet out, allot, and award unto the Lord of the ſaid Manor and Borough of *Leominſter*, ſo much and ſuch Part and Parts of the Lands and Grounds hereby directed to be embanked, drained, divided, allotted, and incloſed, within the ſaid Manor and Borough of *Leominſter*, as ſhall be equal in Value to the Right and Intereſt of the Lord of the Soil in and over the ſaid Manor and Borough of *Leominſter*, in lieu of and as a full Compenſation for his Rights in and to the Soil of the ſaid Commons and Waſte Lands within the ſame Manor and Borough.

Allotments to the Lord of the Manor of Luſton.

XVIII. And be it further enacted, That (after the ſaid Commiſſioners ſhall have ſet out the neceſſary Roads, Ways, and Drains as directed by the ſaid recited Act) the ſaid Commiſſioners ſhall and they are hereby authorized and required to ſet out, allot, and award unto the ſaid *Somerſet Davies* Eſquire, as Lord of the ſaid Manor of *Luſton*, ſo much and ſuch Part of the Lands and Grounds hereby directed to be embanked, drained, divided, allotted, and incloſed, within the ſaid Townſhip of *Luſton*, as ſhall be equal in Value to One-fourteenth Part thereof, in lieu of and as a full Compenſation for his Rights in and to the Soil of the ſaid Commons and Parcels of Waſte Lands.

Allotments of the Reſidue of the Lands in Luſton.

XIX. And be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby required to ſet out, allot, and award the Reſidue and Remainder of the ſaid Lands and Grounds in the ſaid Townſhip of *Luſton*, hereby intended to be divided, allotted, and incloſed, unto and amongſt the ſeveral Perſons and Parties having Rights of Common thereon, in Proportion and according to their Rights and Intereſts therein, ſuch Rights and Intereſts to be aſcertained by ſuch Ways and Means as to the ſaid Commiſſioners ſhall ſeem moſt juſt, reaſonable, and expedient.

Power to extend Drains and Watercourses.

XX. And be it further enacted, That the said Commissioners shall and they are hereby authorized and empowered, if they shall think it necessary or expedient, for effectually draining the said Lands and Grounds called *Portna Moor*, otherwise *Portman's Moor*, to make, maintain, and extend any Drain or Drains through the Lands and Grounds of any Person or Persons, from the said Moor called *Portna Moor*, so as to communicate with the River *Lug* below the said Town of *Leominster*.

Expences of making Drain from Portna Moor, to be paid and borne by the Luston Proprietors and the Trustees of Leominster proportionably.

XXI. Provided always, and be it further enacted, That the Expence attending the making and maintaining the said Drains shall be paid and borne by the Proprietors of Lands and Hereditaments claiming Right of Common within the Township of *Luston*, and the Trustees of the said Borough of *Leominster*, in Proportion to their respective Rights and Interests in the said Common called *Portna Moor*, to be ascertained by such Ways and Means as the said Commissioners shall think just and reasonable.

Power to compensate for Injuries done by making Drains.

XXII. And be it further enacted, That in case any Injury shall be done to the Lands or Grounds of any Person or Persons through which such Drains shall extend, for the Purpose of draining the said Moor called *Portna Moor*, it shall be lawful for the said Commissioners, and they are hereby authorized to make a reasonable Compensation to the Owner or Owners of such Lands or Grounds so injured by making such Drains.

Power to call upon Proprietors of Lands for a Compensation for Improvements made to them by draining.

XXIII. And be it further enacted, That in case the Lands and Grounds of any Person or Persons lying on either Side of any Drains or Watercourses to be made through the Lands and Grounds hereby directed to be divided, allotted, and inclosed, or through any other Lands and Grounds within the said Parish or Township such Drain or Drains shall extend, shall appear to the said Commissioners to have been benefited or improved thereby, then and in such Case it shall be lawful for the said Commissioners to assess or rate the Owner or Owners of such Lands or Grounds so benefited or improved thereby, in any Sum of Money not exceeding Two Shillings in the Pound, as the said Commissioners shall think reasonable, which Money shall be applied by the said Commissioners in repairing and keeping in Repair the said Drains or Watercourses.

Saving all Roads, Floodgates, and Watercourses.

XXIV. Provided always, and be it further enacted, That this Act nor any Thing therein contained shall not deprive any Person or Persons whatsoever from using and exercising the same Right to any Roads, Ways, Floodgates, or Watercourses now used for the Benefit or Improvements of Lands situate near or adjoining the said Town or Borough of *Leominster*, but that such Person or Persons shall use and exercise such Right in such and the same Manner, and with such and the same Privileges, as before the passing of this Act.

Lands to be sold to defray Expences.

XXV. And be it further enacted, That the said Commissioners shall and they are hereby authorized and empowered to set out and allot such Part or Parts of the said Commons and Parcels of Waste Lands, and also so much and such Part or Parts of the said Moor called *Portna Moor*, as will by Sale thereof, in the Judgement of the said Commissioners, raise Money sufficient to defray and discharge all the Costs, Charges, and Expences incident to and attending the obtaining and passing of this Act,

and of preparing and depoſiting the Award of the ſaid Commiſſioners, and of ſurveying, admeaſuring, planning, valuing, embanking, draining, dividing, fencing (as herein directed), and allotting the ſaid Commons and Parcels of Waſte Lands to be divided, allotted, and incloſed by virtue of this Act; and all the Charges of the ſaid Commiſſioners and Umpire, their Aſſiſtants and Servants, and all the other neceſſary Expences of the ſeveral Perſons to be employed by the ſaid Commiſſioners in and about the ſaid Commons and Parcels of Waſte Lands; and all the Expences of forming, completing, and repairing the publick Carriage Roads and Highways to be ſet out and appointed by the ſaid Commiſſioners to, over, or upon the ſaid Commons and Parcels of Waſte Lands; and the ſaid Commiſſioners ſhall and they are hereby required to ſell the Lands and Grounds ſo ſet out and allotted, in ſuch Share or Allotment, Shares or Allotments, as to them ſhall ſeem right and proper, to any Perſon or Perſons, for the beſt Price or Prices that can be gotten for the ſame, by publick Auction or Auctions to be had and holden for that Purpoſe, of which Auction or Auctions reſpectively Twenty-one Days previous Notice ſhall be given in ſome One or more publick Newſpaper or Newſpapers printed or circulated in the ſaid County of *Hereford*; and the Perſon or Perſons ſo purchaſing the ſame at ſuch publick Auction or Auctions ſhall immediately pay (by Way of Depoſit) into the Hands of the ſaid Commiſſioners, or to ſuch Perſon or Perſons as they ſhall direct or appoint, One-tenth Part of his, her, or their Purchaſe Money, and ſhall pay the Remainder thereof within Six Calendar Months next after the Day of ſuch Sale, or at ſuch other Time as the ſaid Commiſſioners ſhall appoint, and in Default thereof the Money ſo depoſited ſhall be forfeited, and ſhall be applied in carrying this Act into Execution; and the Allotment or Allotments for which the Whole of ſuch Purchaſe Money ſhall not have been ſo paid, or for which there ſhall be no Bidding at ſuch Auction or Auctions, ſhall be again put up to Sale and ſold by publick Auction or Auctions in Manner aforeſaid, for the beſt Price or Prices that can be gotten for the ſame; and every Allotment, for which the full Purchaſe Money ſhall be paid, ſhall immediately thereupon be abſolutely diſcharged of and from all Common and other Rights thereon or therein, and be veſted in Fee Simple in and be incloſed, and thenceforth held in Severalty by ſuch Purchaſer or Purchaſers thereof reſpectively, as his, her, or their own private and abſolute Property, and ſhall be allotted accordingly by the ſaid Commiſſioners; and the Purchaſe Money ſhall be applied by the ſaid Commiſſioners in defraying ſuch Coſts, Charges, and Expences as aforeſaid.

Application of the Surplus Money (if any).

XXVI. And be it further enacted, That in caſe ſuch Part or Parts of the ſaid Commons and Parcels of Waſte Lands lying within the Borough of *Leominſter* hereby directed to be ſold as herein-before mentioned, ſhall be ſold for more Money than will be required to defray ſuch Coſts, Charges, and Expences as aforeſaid, then and in ſuch Caſe ſuch Surplus ſhall be paid by the ſaid Commiſſioners into the Hands of the Truſtees herein-after mentioned, or to the Treaſurer to be by them appointed, and to be applied for the Purpoſes herein-after mentioned; and in caſe there ſhall be any Surplus Money ariſing from the Sale of the Commons and Waſte Lands in *Luſton* directed to be ſold, ſuch Surplus ſhall be paid by the ſaid Commiſſioners to and divided amongſt the Perſons having Right of Common on the Waſte Lands in *Luſton*, in Proportion to their reſpective

tive Rights and Intereſts, or be applied by the ſaid Commiſſioners in draining or otherwiſe improving the ſaid Waſte Lands in *Luſton*.

Proviſion for paying Expences in caſe the Lands to be ſold ſhall not produce Money enough.

XXVII. And be it further enacted, That all the Coſts, Charges, and Expences (in caſe the Money raiſed by the Sale of the Lands herein directed to be ſold ſhall be inſufficient to defray the ſame), incident to and attending the obtaining and paſſing of this Act, and of ſurveying, meaſuring, planning, valuing, embanking, draining, dividing, and allotting the Lands and Grounds to be divided and allotted by virtue of this Act, and of preparing the Award of the ſaid Commiſſioners, and all the Charges and Expences of the ſaid Commiſſioners, their Aſſiſtants and Servants, and all other neceſſary Expences of the ſeveral Perſons to be employed by the ſaid Commiſſioners in and about the Premiſes; and all the Expences of forming, completing, and repairing the publick Carriage Roads and Highways to be ſet out and appointed by the ſaid Commiſſioners, and all other Expences of carrying this and the ſaid recited Act into Execution by the ſaid Commiſſioners, ſhall be borne and defrayed by the ſeveral Perſons to whom any Allotment or Allotments ſhall be made by virtue of this Act; which ſaid ſeveral Coſts, Charges, and Expences, together with the Proportions thereof to be paid by the ſeveral Perſons hereby made liable to the Payment thereof, ſhall be adjuſted and apportioned by the ſaid Commiſſioners, and ſhall be paid at ſuch Time and Place, and to ſuch Perſon or Perſons, as the ſaid Commiſſioners ſhall nominate or appoint, either before or after the Execution of their ſaid Award; and in caſe any Perſon or Perſons ſhall refuſe or neglect to pay his, her, or their Share or Proportion of ſuch Coſts, Charges, and Expences, according to ſuch Direction or Appointment as aforeſaid, then and in ſuch Caſe the ſame ſhall and may be levied and recovered in the Manner directed or preſcribed by the ſaid recited Act.

Allotments to the Truſtees of ſuch Lands as lie within the Borough of Leominſter.

XXVIII. And be it further enacted, That the ſaid Commiſſioners ſhall then ſet out and allot the Reſidue and Remainder of ſo much and ſuch Part or Parts of the ſaid Commons and Parcels of Waſte Lands hereby directed to be divided, allotted, and incloſed, as lie within the ſaid Town or Borough, unto the Truſtees herein-after nominated and appointed, or the Survivor of them, by the Name and Style of *The Truſtees for the Proprietors of Lands and Hereditaments within the Town or Borough of* Leominſter *in the County of* Hereford, *appointed by an Act paſſed in the Forty-eighth Year of the Reign of King* George *the Third*; and ſuch Lands and Grounds ſo ſet out and allotted ſhall be, and the ſame are hereby declared to be veſted in the ſaid Truſtees and their Succeſſors, to be appointed by virtue or in purſuance of this Act, for ever freed and diſcharged of and from all Right, Title, Intereſt, Claim, and Demand whatſoever, which the Burgeſſes of the Town or Borough of *Leominſter* for the Time being, or any other Perſon or Perſons, could or might have in, upon, or to the ſame, or any Part or Parts thereof, upon ſuch Truſt nevertheleſs, and to and for ſuch Uſes, Intents, and Purpoſes as are mentioned, expreſſed, or declared of and concerning the ſame in and by this Act.

Power to leaſe the laſt-mentioned Allotments which are within the Borough.

XXIX. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, and they are hereby authorized and empowered (firſt giving Thirty Days Notice thereof on the Door of the Pariſh Church of *Leaminſter*,

minſter, and advertiſing the ſame Three Times at the leaſt in ſome One or more Newſpaper or Newſpapers circulating in the ſaid County of *Hereford*, from Time to Time, to demiſe or leaſe the ſaid laſt-mentioned Allotments by publick Auction to the beſt Bidder for any Term of Years not exceeding Fourteen Years at any one Time, commencing from the Day of the Date of ſuch Demiſe or Leaſe, for the beſt annual Rent that can be had or gotten for the ſame, clear of all Levies, Taxes, or other Deductions; and the ſaid Commiſſioners ſhall, under the Authority of this Act, demiſe or leaſe ſuch Allotments for the aforeſaid Term or any leſs Term, free from all Claims whatſoever (except Mines and Minerals): Provided always, that there be contained in every ſuch Demiſe, Leaſe, or Deed ſo to be made, ſuch Covenants for the Payment of the Rent by the Leſſee or Leſſees to the Truſtees herein-after named, or to ſuch Perſon or Perſons as ſhall be by them authorized to collect and receive the ſame, and ſuch Power of Re-entry by the ſaid Truſtees entitled to receive the ſaid Rents, on Non-payment of the ſame or any Part thereof, as the ſaid Truſtees ſhall think proper, and that the Leſſee or Leſſees thereof ſhall execute a Counterpart or Counterparts of his or their ſeveral Leaſe or Leaſes.

Power to extinguiſh Rights of Common.

XXX. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, and they are hereby authorized and empowered, at any Time or Times before the Execution of their ſaid Award, by Notice in Writing under their Hands, to be affixed upon the principal outer Doors of the Pariſhes Churches of *Leominſter* and *Eye* reſpectively, to order and direct all or any Part of the Rights of Common in, over, or upon the ſaid Commons and Parcels of Waſte Lands, or any Part or Parts thereof, to be extinguiſhed, or the Exerciſe thereof to be ſuſpended; and that all ſuch Rights of Common as the ſaid Commiſſioners ſhall by ſuch Writing order and direct to be extinguiſhed, or the Exerciſe thereof to be ſuſpended as aforeſaid, ſhall from the Time of affixing ſuch Notice on the ſaid reſpective Church Doors, ceaſe, determine, and be extinguiſhed, or the Exerciſe thereof be ſuſpended accordingly, any Law, Uſage, or Cuſtom to the contrary thereof notwithſtanding.

Exchanges.

XXXI. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners to ſet out, allot, and award any Lands, Tenements, or Hereditaments whatſoever within the ſaid Pariſh of *Leominſter* and Townſhip of *Luſton*, in lieu of and in Exchange for any other Lands, Tenements, and Hereditaments whatſoever, in lieu of Lands within the ſaid Pariſh and Townſhip, or within the ſaid Pariſh of *Eye*, or within any adjoining Pariſh, Townſhip, Manor, Hamlet, or Place; provided that all ſuch Exchanges be aſcertained, ſpecified, and declared in the Award of the ſaid Commiſſioners, and be made with the Conſent of the Owner or Owners of the Lands, Tenements, or Hereditaments which ſhall be ſo exchanged, whether ſuch Owner or Owners ſhall be a Body or Bodies Politick, Corporate or Collegiate, or Tenant or Tenants in Fee Simple or for Life, or in Fee Tail, General or Special, or by the Courteſy of *England*, or for Years determinable on any Life or Lives, or with the Conſent of the Guardians, Truſtees, Feoffees for charitable or other Purpoſes, Huſbands, Committees, or Attornies of or acting for any ſuch Owners as aforeſaid, who, at the Time of making ſuch Exchange or Exchanges, ſhall be reſpectively Infants, Femes Covert, Lunaticks, or under any other legal Diſability, or who ſhall be beyond the Seas, or

otherwiſe diſabled to act for themſelves, himſelf, or herſelf, ſuch Conſent to be teſtified in Writing under the Common Seal of the Body Politick, Corporate or Collegiate, and under the Hands of the other conſenting Parties reſpectively; and all and every ſuch Exchange and Exchanges ſo to be made ſhall be good, valid, and effectual in the Law to all Intents and Purpoſes whatſoever: Provided nevertheleſs, that no Exchange ſhall be made of any Lands, Tenements, or Hereditaments held in Right of any Church, Chapel, or other Eccleſiaſtical Benefice, without the Conſent (teſtified as aforeſaid) of the Patron thereof, and of the Lord Biſhop of the Dioceſe in which ſuch Lands, Tenements, or Hereditaments ſo to be exchanged ſhall lie and be ſituate.

Expences of Exchanges by whom to be paid.

XXXII. And be it further enacted, That the Expences attending every Exchange or Partition of the Lands and Grounds by this Act intended to be divided, allotted, and incloſed, which ſhall be made by virtue of this Act, ſhall be borne and defrayed by the reſpective Parties making ſuch Exchanges or Partitions, diſtinct and apart from the other Expences attending the Execution of this Act, in ſuch Manner as the ſaid Commiſſioners ſhall order and direct.

Money advanced to be repaid with Intereſt.

XXXIII. And be it further enacted, That if any Perſon ſhall advance and pay any Money in Diſcharge of the Expences of obtaining, paſſing, and executing this Act, the Money ſo paid or advanced ſhall be repaid and ſatisfied by the Direction of the ſaid Commiſſioners together with lawful Intereſt for the ſame.

Commiſſioners to account.

XXXIV. And be it further enacted, That once at leaſt in each and every Year during the Execution of this Act, ſo far as the ſame relates to the ſaid Diviſion, Allotment, and Incloſure (ſuch Year to be computed from the Day of paſſing thereof), the ſaid Commiſſioners ſhall and they are hereby required to make a true and juſt Statement or Account of all Sums of Money by them received and expended or due to them for their own Trouble and Expences in the Execution of this Act and the ſaid recited Act, ſo far as the ſame relates to the ſaid intended Diviſion, Allotment, and Incloſure; and ſuch Statement or Account when ſo made, together with the Vouchers relating thereto, ſhall be by them laid before One of His Majeſty's Juſtices of the Peace for the Time being for the ſaid County of *Hereford*, to be by him examined and balanced, and ſuch Balance ſhall be by ſuch Juſtice ſtated in the Book of Accounts to be kept in the Office of the Clerk or Clerks to the ſaid Commiſſioners, and no Charge or Item in ſuch Accounts ſhall be binding on the Parties concerned or valid in Law unleſs the ſame ſhall have been duly allowed by ſuch Juſtice.

Proprietors to pay their own Expences at Meetings.

XXXV. And be it further enacted, That the ſaid Proprietors, their Attornies and Agents, ſhall pay and defray their own Charges and Expences when they or any of them ſhall attend the ſaid Commiſſioners at any of their Meetings to be holden in purſuance of this Act.

Wills and Settlements not to be affected.

XXXVI. And be it further enacted, That nothing in this or the ſaid recited Act contained ſhall extend or be conſtrued to extend to revoke, make void, alter, or annul any Will or Settlement, or to prejudice any Perſon or Perſons having any Right or Claim of Dower, Jointure, Portion,

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tion, Debts, Rents, or Incumbrances out of, upon, or affecting any of the Meſſuages, Buildings, Lands, or Grounds to be divided, allotted, incloſed, or exchanged in purſuance of this or the ſaid recited Act, or any Part or Parts thereof reſpectively; but that the reſpective Perſons, to whom any Lands or Hereditaments ſhall be allotted or given in Exchange by virtue of this or the ſaid recited Act, ſhall be ſeiſed thereof to ſuch and the ſame Uſes, and for ſuch and the ſame Eſtates, and ſubject to ſuch and the ſame Wills, Jointures, Rents, Charges, and Incumbrances, and no other, as the Meſſuages, Buildings, Lands, Grounds, Tenements, and Hereditaments, whereof ſuch Perſon was ſeiſed or poſſeſſed at or immediately before the Execution of the Award of the ſaid Commiſſioners, or for which or in reſpect whereof ſuch Allotments or Exchanges ſhall be made, would have been ſubject to, charged with, or affected by, in caſe this Act had not been made.

Award to be depoſited in the Pariſh Church of Leominſter.

XXXVII. And be it further enacted, That the Award to be made by the ſaid Commiſſioners, when enrolled in Manner directed by the ſaid recited Act, ſhall be depoſited in the Pariſh Church of *Leominſter* aforeſaid.

Allowing an Appeal.

XXXVIII. And be it further enacted, That if any Perſon or Perſons ſhall think himſelf, herſelf, or themſelves aggrieved by any Thing done in purſuance of this or the ſaid recited Act by the ſaid Commiſſioners, or by any Matter or Thing relating to the ſaid Embanking, Draining, Diviſion, Incloſure, or Allotments (other than and except ſuch Orders and Determinations of the ſaid Commiſſioners as are by the ſaid recited Act or this Act directed to be final or concluſive, and except in ſuch Caſes where an Iſſue at Law is herein-before directed to be tried), then and in every ſuch Caſe he, ſhe, or they may appeal to the General Quarter Seſſions of the Peace which ſhall be holden for the ſaid County of *Hereford*, within Four Calendar Months next after the Cauſe of Complaint ſhall have ariſen, on giving to the ſaid Commiſſioners and the Party or Parties concerned Ten Days Notice in Writing of ſuch Appeal and of the Matter thereof; and the Juſtices (not intereſted in the Premiſes), at their ſaid General Quarter Seſſions, are hereby required to hear and determine the Matter of every ſuch Appeal, and to make ſuch Order therein, and award ſuch Coſts and Damages, as to them in their Diſcretion ſhall ſeem reaſonable, and by their Order or Warrant to levy the Coſts and Charges which ſhall be ſo awarded by Diſtreſs and Sale of the Goods and Chattels of the Party or Parties liable to pay the ſame, rendering the Overplus (if any) on Demand to the Owner or Owners of ſuch Goods and Chattels, after deducting the reaſonable Charges of ſuch Warrant, Diſtreſs, and Sale; and the Determination of the ſaid Juſtices ſhall be final and concluſive to all Parties concerned, and ſhall not be removed or removable by *Certiorari*, or any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at *Weſtminſter*, or elſewhere; but in caſe ſuch Appeal ſhall appear to the ſaid Juſtices to be frivolous, vexatious, or without Foundation, then and in ſuch Caſe the ſaid Juſtices ſhall award ſuch Coſts to be paid by the Appellant or Appellants as to them in their Diſcretion ſhall ſeem reaſonable, and to be levied in Manner aforeſaid.

Saving the Right of Lords of Manors to Seigniories, Royalties, &c.

XXXIX. Provided always, and be it further enacted, That nothing in this Act ſhall prejudice, leſſen, or defeat the Right, Title, or Intereſt of the

the Lords of the ſaid Manors aforeſaid, or any future Lords of the ſaid Manors, in and to the Seigniories, Royalties, Rights, and Services belonging thereto, but the ſaid ſeveral Lords, and all future Lords of the ſaid Manors, ſhall and may from Time to Time, and at all Times for ever hereafter, hold and enjoy all Mines, Minerals, Goods, and Chattels of Felons and fugitive Felons of themſelves, and Perſons put in exigent, Deodands, Waifs, Eſtrays, Forfeitures, and all other Rights, Royalties, Juriſdictions, and Pre-eminences whatſoever to the ſaid Manors appendant or appertaining, in as full, ample, and beneficial Manner, as he or they might or could have held and enjoyed the ſame, in caſe this Act had not been made.

General Saving.

XL. Saving always to the King's moſt Excellent Majeſty, His Heirs and Succeſſors, and to the Company of Proprietors of the *Leominſter* Canal Navigation, and to all and every Perſon and Perſons, and Bodies Politick, Corporate or Collegiate, his, her, and their Heirs, Succeſſors, Executors, and Adminiſtrators, all ſuch Right, Title, and Intereſt (other than and except ſuch as is and are hereby meant and intended to be barred, deſtroyed, and extinguiſhed), as they, every, or any of them had or enjoyed, or could or ought to have had and enjoyed, of, in, to, or out of the Lands or Grounds hereby directed to be divided, allotted, and incloſed, before the paſſing of this Act, or in caſe the ſame had never been made.

Truſtees for the Purpoſes relating to the Improvement of the Borough.

XLI. And be it further enacted, That the High Steward, the Recorder, the Bailiff, and Juſtices of the Peace for the ſaid Town or Borough of *Leominſter* for the Time being reſpectively, the Lord of the Manor and Borough of *Leominſter* for the Time being, together with the Reverend Sir *John Dutton Colt* Baronet, the Honourable *Thomas Harley Rodney*, *Somerſet Davies* Eſquire, *William Wall* Eſquire, *William Hanbury* Eſquire, *Thomas Smith* Eſquire, *William Evans* Eſquire, the Reverend *John Wall*, the Reverend *Whittington Landon* Doctor in Divinity, the Reverend *John Glaſſe*, the Reverend *Thomas Jennings*, the Reverend *George Evans*, the Reverend *James Colt* the Reverend *Thomas Alban*, the Reverend *Thomas Vaughan*, the Reverend *Francis Coleman*, the Reverend *Smithies*, *Thomas Coleman*, *John Morris*, *Nicholas Geary* Doctor of Phyſick, *John Woodhouſe*, *Edward Evans*, *Edward Woodhouſe*, *Richard Hayling*, *Joſeph Hayling*, *John Wynde*, *John Southall*, *Nicholas Maſon*, *Henry Gatehouſe*, *William Bedford*, *Bonham Caldwall*, *William Vale*, *William Vale* the younger, *Robert Evans*, *Thomas Smith*, *John Brown*, *John Coleman*, *Thomas Nicholls*, *Tobias Davies*, *Richard Burlton*, *Thomas Toldervey*, *James Bailey Toldervey*, *John Scarlet*, *Humphrey John Stone*, *William Precce*, *Philip Derry*, *Thomas Simpſon*, *Edward Banniſter* the elder, *Francis Edwards*, and *John Jones*, being qualified as herein-after mentioned, and their Succeſſors to be elected as herein-after directed, ſhall be and they are hereby appointed Truſtees for carrying into Execution the ſeveral Powers and Authorities herein-after given and granted to or veſted in them by virtue of this Act.

For electing new Truſtees.

XLII. And be it further enacted, That when and ſo often as any of the ſaid Truſtees appointed by this Act, or to be elected in Manner hereinafter mentioned (except thoſe who are or ſhall be entitled to be Truſtees by virtue of their Offices), ſhall die or refuſe to act, or be rendered incapable of acting, by Sickneſs or any other Cauſe, then and in every ſuch Caſe

Caſe the ſurviving or remaining Truſtees ſhall from Time to Time, and they are hereby required, by Writing under their Hands, within One Calendar Month next after ſuch Death, Refuſal, or Incapacity to act ſhall happen, or as ſoon after as Occaſion ſhall require, to appoint another Truſtee in the Room or Place of every ſuch Truſtee ſo dying or refuſing to act, or who ſhall become incapable of acting as aforeſaid; and every ſuch Truſtee who ſhall be ſo appointed, having taken and ſubſcribed the Oath herein-after directed to be taken and ſubſcribed, ſhall have the ſame Powers and Authorities by virtue of this Act as the Truſtee in whoſe Place he ſhall ſucceed or be appointed was inveſted with, provided that Notice be given in the Pariſh Church of *Leominſter* of the Time and Place of Meeting to chooſe every ſuch Truſtee, at leaſt Fourteen Days before every ſuch Meeting.

Qualification of Truſtees.

XLIII. Provided always, and be it further enacted, That no Perſon ſhall be capable of being elected a Truſtee to act in the Execution of this Act (except ſuch as ſhall be Truſtees by virtue of their Offices), unleſs he ſhall be poſſeſſed in his own Right, or in the Right of his Wife, of an Eſtate Real or Perſonal, or both, of the Amount or Value of Fifteen hundred Pounds; nor unleſs he ſhall be ſeiſed in his own Right, or in the Right of his Wife, of an Eſtate of Freehold or Copyhold, or both, in Lands, Tenements, or Hereditaments, of the clear yearly value of Fifty Pounds; nor ſhall any Perſon act as a Truſtee in the Execution of this Act during the Time of his holding any Place of Profit under this Act, nor in any Caſe where he ſhall be perſonally intereſted or concerned; nor ſhall any Perſon act as a Truſtee in the Execution of this Act (otherwiſe than in adminiſtering the Oath herein-after mentioned) until he ſhall have taken ſuch Oath before any One or more of the ſaid Truſtees, who is and are hereby authorized and empowered to adminiſter the ſame; (that is to ſay),

Oath of Truſtees.

'I *A. B.* do ſwear, That I am truly and *bonâ fide* in the actual Poſſeſſion and Enjoyment [*or*, Receipt] of the Rents and Profits of Lands, Tenements, or Hereditaments of the clear yearly Value of Fifty Pounds above Repriſes [*or*, poſſeſſed of or entitled to a Real or Perſonal Eſtate to the Amount or Value of Fifteen hundred Pounds], and that I will faithfully, honeſtly, and impartially, according to the beſt of my Skill and Judgement, execute and perform the ſeveral Truſts, Powers, and Authorities veſted and repoſed in me as a Truſtee, by virtue of an Act paſſed in the Forty-eighth Year of the Reign of King *George* the Third, intituled, *An Act* [*here inſert the Title of this Act*] without Favour or Affection, Prejudice or Malice to any Perſon or Perſons whomſoever.

'So help me GOD.'

And if any Perſon not being ſo qualified ſhall act as a Truſtee in the Execution of this Act, every ſuch Perſon ſhall for every ſuch Offence forfeit and pay the Sum of Fifty Pounds to any Perſon or Perſons who ſhall ſue for the ſame in any of His Majeſty's Courts of Record, by Action of Debt or on the Caſe, or by Bill, Suit, or Information, wherein no Eſſoign, Protection, or Wager of Law, or more than One Imparlance ſhall be allowed, and every ſuch Perſon ſo ſued or proſecuted ſhall prove that he is qualified as aforeſaid, or otherwiſe ſhall pay the ſaid Penalty, without any other Proof on the Part of the Plaintiff or Proſecutor, than that ſuch Perſon hath acted as a Truſtee in the Execution of this Act: Provided

nevertheleſs, that all Acts and Proceedings of any Perſon or Perſons acting as a Truſtee or Truſtees 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 qualified according to the Directions of this Act.

Truſtees may act as Juſtices, except where intereſted.

XLIV. And be it further enacted, That ſuch of the ſaid Truſtees, as are or ſhall be Juſtices of the Peace, ſhall and may, and they are hereby empowered (in their reſpective Juriſdictions) to act as Juſtices of the Peace in the Execution of this Act, notwithſtanding their being Truſtees, except only in ſuch Caſes where they ſhall be perſonally intereſted.

Meetings of the Truſtees.

XLV. And be it further enacted, That the ſaid Truſtees, or any Seven or more of them, ſhall meet together at the Town Hall, or at ſuch other Place within the ſaid Town or Borough of *Leominſter*, as they, or any Seven or more of them, ſhall think fit, within Twenty Days next after the paſſing of this Act, between the Hours of Ten of the Clock in the Morning and Two of the Clock in the Afternoon of the ſame Day, and proceed to the Execution of this Act; and the ſaid Truſtees, or any Seven or more of them, may then and from Time to Time afterwards adjourn themſelves to meet at ſuch Place or Places within the ſaid Town or Borough of *Leominſter*, as they ſhall think fit, for putting this Act into Execution; and if at any of the ſaid Meetings, the Truſtees preſent ſhall omit or neglect to adjourn ſuch Meeting to another Day, or if there ſhall not appear a ſufficient Number of Truſtees to adjourn (Two Truſtees being hereby declared ſufficient for the Purpoſe of Adjournment only), then and in every ſuch Caſe every ſuch Meeting or intended Meeting ſhall be adjourned to the Fourteenth Day next after the Day on which the Meeting was held, or ſuch intended Meeting was appointed to be held, and ſo from Fourteen Days to Fourteen Days until a ſufficient Number of the ſaid Truſtees do or ſhall meet and adjourn; and Eight Days publick Notice of every ſuch Adjournment ſhall be given by the Clerk to the ſaid Truſtees as herein-after mentioned; and at any Meeting of the ſaid Truſtees, no Buſineſs ſhall be begun or proceeded upon before the Hour of Ten in the Forenoon, nor ſhall any Adjournment be made to any later Hour than Three in the Afternoon, and the ſaid Truſtees at all their Meetings ſhall defray their own Expences.

Annual Meetings for ſettling Accounts.

XLVI. And be it further enacted, That the ſaid Truſtees, or any Seven or more of them, ſhall and may and they are hereby required to meet at the Place or Places aforeſaid on the Firſt *Thurſday* in the Month of *March* yearly, which Meeting ſhall be called a General Meeting of the ſaid Truſtees, and at all ſuch General Meetings the Accounts of all the Monies received and paid from Time to Time, by virtue and in purſuance of ſo much of this Act as relates to the paving and improving the ſaid Town and Borough of *Leominſter*, by any Perſon or Perſons whomſoever, ſhall be produced, ſtated, examined, and ſettled, and verified on the Oath or Oaths of the Perſon or Perſons accounting for the ſame, which Oath or Oaths the ſaid Truſtees, or any Two or more of them, are hereby authorized and empowered to adminiſter.

XLVII. And

Notice of Meetings to be given.

XLVII. And be it further enacted, That in all Cases where Notice is by this Act directed to be given of any Meeting of the said Trustees, or of any Thing to be done by the said Trustees, or any of them, in the Execution of any of the Powers hereby granted, such Notice shall be in Writing, and signed by the Clerk to the said Trustees, or by any One or more of the said Trustees, and affixed upon the Door of the Parish Church of *Leominster* aforesaid, on some *Sunday* Morning immediately before Divine Service, at least Eight Days before such intended Meeting (except in such Cases wherein a different Time is hereby directed for such Notice to be given and then for the Time so directed); and that in every such Notice, the Time of Meeting of the said Trustees, and the particular Business or Thing intended to be transacted or done thereat, shall be mentioned and set forth.

A Chairman to be appointed.

XLVIII. And be it further enacted, That at every Meeting of the Trustees to be held in pursuance of this Act, the Trustees then present, or the major Part of them, shall name and appoint, or otherwise elect by Ballot, a Chairman or President of such Meeting, and all Questions proposed or agitated at every such Meeting shall be determined by the Majority of the Trustees then present; and in case of an equal Number of Voices or Votes of the Trustees so assembled upon any such Question, including the Voice or Vote of the said Chairman or President, then the Chairman or President shall have the casting and decisive Voice or Vote; and all the Powers and Authorities by this Act granted to or vested in the said Trustees, shall and may from Time to Time be exercised by the major Part of them present at any Meeting to be holden in pursuance of this Act, the whole Number present at such Meeting not being less than Seven; and all the Orders and Proceedings of the said Trustees present at such their several Meetings shall have the same Force and Effect as if the same were made or done by all the said Trustees for the Time being (save and except as may be herein excepted).

All the Powers of the Act to be exercised by a Majority of the Trustees present at any Meeting.

Proceedings of the Trustees to be entered in Books.

XLIX. And be it further enacted, That the Clerk to the said Trustees shall cause fair and regular Entries to be made in a Book or Books to be kept for that Purpose of all the Acts, Orders, and Proceedings of the said Trustees relative to the Execution of this Act, and the Chairman of every Meeting, and the Clerk to the said Trustees, shall always subscribe their Names at the End of the said Proceedings; and the said Clerk shall and he is hereby required to enter in the said Book or Books the Names of at least Seven of the Trustees who were actually present at any such Meeting; and all Entries in such Book or Books being signed as aforesaid shall be deemed original Entries, and shall be allowed to be read as Evidence in all Courts and upon all Occasions whatsoever; and at any of their Meetings, and at all other convenient and seasonable Times, such Book or Books shall be open to the Inspection of all and every the said Trustees.

Trustees may appoint Officers, &c.

L. And be it further enacted, That it shall be lawful for the said Trustees from Time to Time, at the first or any other of their Meetings to be held in pursuance of this Act, to elect and appoint fit and proper Persons to be a Treasurer, Clerk, and Surveyor, and also such other Officers for the Execution of the several Powers and Authorities given and granted to the said Trustees by virtue of this Act, as they shall think proper,

proper, and may from Time to Time remove ſuch Treaſurer, Clerk, and other Officers, as they ſhall ſee Occaſion, and out of the Monies to be received by them the ſaid Truſtees by virtue of this Act, to allow and pay ſuch Salaries and Allowances to the ſaid Treaſurer, Clerk, and other Officers, as the ſaid Truſtees ſhall think reaſonable; and the ſaid Truſtees ſhall and they are hereby required to take ſuch ſufficient Security from each ſuch Treaſurer, Clerk, and other Officer, for the due Execution of his or their Office, as they the ſaid Truſtees ſhall think proper; and all ſuch Officers ſo to be appointed ſhall under their Hands, at ſuch Time or Times, and in ſuch Manner as the ſaid Truſtees ſhall direct, deliver to the ſaid Truſtees, 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 by virtue of this Act; and alſo of all the Monies which ſhall have been by ſuch Officers reſpectively received by virtue and for the Purpoſes of this Act, and how much thereof hath been expended and diſburſed and for what Purpoſe, together with proper Vouchers for ſuch Payments; and ſhall pay all ſuch Monies as ſhall remain due from them reſpectively to the ſaid Truſtees, or to ſuch Perſon or Perſons as they ſhall appoint to receive the ſame; and every ſuch Treaſurer ſhall, on the Firſt *Thurſday* in the Month of *March* yearly, or at the Firſt Meeting of the ſaid Truſtees then next following (although not thereunto required by the ſaid Truſtees), lay his Accounts before the ſaid Truſtees, in order that the ſame may be audited, paſſed, and allowed by them, if approved of by the ſaid Truſtees; and in caſe any ſuch Treaſurer or other Officer ſhall not make and render, or ſhall neglect or refuſe to verify upon Oath (which Oath any One of the ſaid Truſtees is hereby empowered to adminiſter), any ſuch Account, or to produce or deliver up the Vouchers relating to the ſame, or to make Payment as aforeſaid, or ſhall not deliver to the ſaid Truſtees, or to ſuch Perſon as they ſhall appoint, within Fourteen Days next after being thereunto required by Notice in Writing ſigned by the ſaid Truſtees, or any Two of them, and given to or left at the laſt or uſual Place of Abode of ſuch Treaſurer or other Officer, all Books, Papers, and Writings in his Cuſtody or Power relating to the Execution of this Act, or give Satisfaction to the ſaid Truſtees reſpecting the ſame; and if Complaint ſhall be made thereof by or on Behalf of the ſaid Truſtees to any Juſtice of the Peace for the County, Town, or Place where ſuch Treaſurer or other Officer ſhall be or reſide, ſuch Juſtice is hereby authorized and required, by Warrant under his Hand and Seal, to cauſe ſuch Treaſurer or other Officer ſo refuſing or neglecting to be brought before him, and upon his appearing or not being found, to hear and determine the Matter of Complaint in a ſummary Way; and if upon the Confeſſion of the Party, or by the Teſtimony of One credible Witneſs upon Oath (which Oath ſuch Juſtice is hereby empowered to adminiſter), it ſhall appear to ſuch Juſtice that any of the Money that ſhall have been collected and raiſed by virtue of this Act ſhall be in the Hands of ſuch Treaſurer or other Officer, ſuch Juſtice may and he is hereby authorized and required to order the Payment thereof, and 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 Treaſurer or other Officer, together with the Coſts and Charges of ſuch Diſtreſs and Sale, to be ſettled and aſcertained by ſuch Juſtice, and which he is hereby authorized and empowered to ſettle and aſcertain, rendering the Overplus (if any) to the Party or

Parties whoſe Goods and Chattels ſhall be ſo diſtrained, or leaving the ſame at the Place where the Diſtreſs ſhall be made; or if it ſhall in Manner aforeſaid appear that any ſuch Treaſurer or other Officer ſhall refuſe or neglect to render and give ſuch Account, or to verify the ſame as aforeſaid, or to produce the Vouchers relating thereto, or that any Books, Papers, or Writing relating to the Execution of this Act, ſhall be in the Cuſtody or Power of any ſuch Treaſurer or other Officer, and he ſhall have refuſed or neglected to deliver or give Satisfaction reſpecting the ſame as aforeſaid, then ſuch Juſtice ſhall commit ſuch Treaſurer or other Officer to the Common Gaol for the ſaid County of *Hereford*, there to remain without Bail or Mainprize until he ſhall give and make a true and perfect Account and Payment as aforeſaid, or ſhall have compounded with the ſaid Truſtees touching the ſame, and ſhall have paid ſuch Compoſition in ſuch Manner as they ſhall appoint (which Compoſition the ſaid Truſtees are hereby empowered to make and receive), or until he ſhall deliver up all ſuch Books, Papers, and Writings as aforeſaid, or give Satisfaction in reſpect thereof as aforeſaid, but no Perſon who ſhall have been ſo committed as aforeſaid ſhall remain in Priſon for any longer Time than Six Calendar Months.

Actions to be brought in the Name of the Treaſurer or Clerk.

LI. And be it further enacted, That whenever any Action ſhall be brought by the Order of the ſaid Truſtees againſt any Perſon or Perſons by virtue of this Act, the ſame may be brought in the Name of their Treaſurer or Clerk, or in the Name of any one of the ſaid Truſtees on Behalf of the ſaid Truſtees; and no ſuch Action ſhall abate or be diſcontinued by the Death or Removal of the Perſon in whoſe Name the ſame ſhall be brought, nor by the Act of ſuch Perſon or Perſons without the Conſent of the ſaid Truſtees at a Meeting to be holden in purſuance of this Act; but no ſuch Treaſurer, Clerk, or Truſtee, or any or either of them, ſhall be ſubject to the Payment of any Coſts or Expences on Account thereof, but all ſuch Coſts aad Expences ſhall be defrayed out of the Money ariſing by virtue of this Act.

Preſent and future Pavements veſted in the Truſtees.

LII. And be it further enacted, That all the preſent and future Pavements, Flagſtones, and Curbſtones in the ſeveral Streets, Lanes, and other publick Paſſages and Places in the ſaid Town or Borough of *Leominſter*, and the Stones, Gravel, and other Materials, of which as well the Footways as Carriageways of ſuch Streets, Lanes, and other publick Paſſages and Places do and ſhall conſiſt; and alſo all Lamps, Lamp Irons, Lamp Poſts, Watch Boxes, Watch Houſes, and other Houſes and Buildings which ſhall be erected or fixed up by virtue of this Act by the ſaid Truſtees, and all Materials, Implements, and other Things which ſhall be purchaſed or provided by the ſaid Truſtees for the Purpoſes of this Act, ſhall belong to and be the Property of and the ſame is and are hereby veſted in the ſaid Truſtees; and the ſaid Truſtees ſhall and may cauſe to be brought any Action or Actions, 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 Truſtees as aforeſaid, or any of them, or any Part or Parts thereof; and in all ſuch Actions and Bills of Indictment reſpectively, it ſhall be ſufficient to ſtate generally that the Article or Articles, Thing or Things, for or on Account of which ſuch Action or Actions

ſhall be brought, or Bill or Bills of Indictment preferred, is or are the Property of *The Truſtees for the Improvement of the Town or Borough of Leominſter* in the County of *Hereford*, without particularly mentioning or ſpecifying the Name or Names of all or any of ſuch Truſtees; and the ſaid Truſtees ſhall have full 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 Truſtees ſhall think proper; and if any Perſon or Perſons ſhall wilfully or maliciouſly break up, injure, deſtroy, or otherwiſe damage any of the Articles or Things hereby veſted in them the ſaid Truſtees, or any of the Works done by them in purſuance of this Act, every ſuch Perſon ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds.

Power for the Truſtees to pave the Streets, &c.

LIII. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, and they are hereby authorized and required from Time to Time, to cauſe the ſeveral Streets, Lanes, and other publick Paſſages and Places within the ſaid Town or Borough of *Leominſter*, or any Part or Parts thereof, as well the Carriage as Footways, to be new paved, flagged, repaired, and amended, and the Pavements and Flagging thereof to be taken up and re-laid, and the Ground thereof to be raiſed, lowered, or altered from Time to Time, in ſuch Manner and with ſuch Materials as they the ſaid Truſtees ſhall think fit; and the Bridges to be widened and altered from Time to Time in ſuch Manner and with ſuch Materials as they ſhall think fit; and to cauſe to be cut or made in, through, over, or under any of the ſaid Streets, Lanes, publick Paſſages and Places, any new Tunnels, Gutters, Sinks, Drains, Sewers, or Watercourſes for conveying the Water from the ſame reſpectively; and alſo to cauſe any of the preſent Gutters, Sinks, Drains, Sewers, and Watercourſes to be ſtopped up, or opened, or widened, and the Form thereof to be altered, turned, varied, or changed, in ſuch Manner as they the ſaid Truſtees ſhall think fit; and it ſhall be lawful for the ſaid Truſtees to take up, remove, or cauſe to be taken up and removed, all or any Poſts, Rails, Pales, or Trees in ſuch Streets, Lanes, Paſſages, or Places, or any of them, as they the ſaid Truſtees ſhall judge uſeleſs, or to be a Nuiſance or Obſtruction to Foot Paſſengers, Horſes, or Carriages; and alſo to erect and place up all ſuch Poſts and Rails, Embankments, and other Fences, for the Protection and Safety of Travellers or Perſons reſorting to the ſaid Town of *Leominſter*, as they ſhall ſee neceſſary.

Bailiff and Burgeſſes not to be exonerated from the Repair of Bridges, &c.

LIV. And be it further enacted, That nothing in this Act contained ſhall extend or be conſtrued to extend to exempt, exonerate, or diſcharge the ſaid Bailiff and Capital Burgeſſes of the ſaid Town or Borough from any Expence or Expences they are now liable to from repairing and keeping in Repair any Bridge or Bridges acroſs the ſaid Rivers running through or near the ſaid Town or Borough, but that the ſaid Bailiff and Burgeſſes ſhall repair and keep in Repair the ſaid Bridge and Bridges, in ſuch and the ſame Manner as herein-before, and as if this Act had not been paſſed; any Thing herein contained to the contrary notwithſtanding.

Pavements not to be altered without the Conſent of the Truſtees.

LV. And be it further enacted, That if any Perſon or Perſons ſhall at any Time take up the ſaid Pavements and Flagging, or any Part thereof, or

or make or cauſe to be made any Alteration in any Tunnel, Gutter, Sink, Drain, Sewer, or Watercourſe in any Street, Lane, publick Paſſage, or Place in the ſaid Town or Borough of *Leominſter*, without the previous Conſent in Writing of the ſaid Truſtees, every ſuch Perſon ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Forty Shillings; and in caſe the Perſon or Perſons ſo taking up any ſuch Pavement or Flagging, or any Part of the ſame reſpectively, or any ſuch Tunnel, Gutter, Sink, Drain, Sewer, or Watercourſe, ſhall not within Two Days after Notice in Writing by the Surveyor to the ſaid Truſtees, given to or left at the laſt or uſual Place or Places of Abode of ſuch Perſon or Perſons, cauſe the ſame Pavement and Flagging reſpectively which ſhall have been ſo taken up to be re-inſtated, and the Tunnel, Gutter, Sink, Drain, Sewer, or Watercourſe ſo altered to be put into its former State, then and in every ſuch Caſe it ſhall be lawful for the Surveyor to the ſaid Truſtees to cauſe the ſame reſpectively to be ſo done, the Coſts and Charges whereof ſhall be borne and paid by the Perſon or Perſons who ſhall have taken up or altered ſuch Pavement or Flagging, Tunnel, Gutter, Sink, Drain, Sewer, or Watercourſe, or any Part thereof reſpectively; and in caſe of Non-payment thereof on Demand, ſuch Coſts and Charges ſhall and may be levied and recovered in ſuch and the like Manner as any Penalty is by this Act directed to be levied and recovered.

Inhabitants to give Notice to the Surveyor when the Pavements want any Repairs.

LVI. And be it further enacted, That if any Houſeholder or Houſeholders within the ſaid Town or Borough of *Leominſter* ſhall make Complaint in Writing, under his, her, or their Hand or Hands, and ſhall leave the ſame at the laſt or uſual Place of Abode of the Surveyor to the ſaid Truſtees, of any Defect or Want of Repair in any of the Pavements of any of the ſaid Highways, Streets, Lanes, Paſſages, and Places, either before or after the ſame ſhall have been new paved or repaired by virtue of this Act Four Days before the next Meeting of the ſaid Truſtees, then and in every ſuch Caſe the ſaid Surveyor ſhall view the ſaid Pavements, and report the Condition thereof to the ſaid Truſtees at their next Meeting; and if the ſaid Surveyor, to whom ſuch Notice ſhall be given or left as aforeſaid, ſhall upon ſuch View find the Pavements complained of to be bad or defective, the ſaid Truſtees ſhall and may order their Contractor or Contractors, Pavior or Paviors, to repair the ſame within ſuch Time as the ſaid Truſtees ſhall judge neceſſary for the Repair thereof, which Time ſhall be ſpecified in ſuch Order; and if the Contractor or Contractors, Pavior or Paviors, to whom ſuch Order ſhall be given, ſhall not repair and amend ſuch Pavements within ſuch Time as he or they ſhall be directed by the ſaid Truſtees to repair and amend the ſame, then and in every ſuch Caſe the ſaid Contractor or Contractors, Pavior or Paviors, ſhall forfeit and pay any Sum not exceeding Twenty Shillings for every Day that the ſame bad or defective Pavement ſhall remain unrepaired after the Time limited by the ſaid Truſtees in their ſaid Order; and One Moiety of every ſuch Penalty ſhall be applied and paid to ſuch complaining Inhabitant, and the other Moiety ſhall be applied to the Purpoſes of this Act.

If Surveyor ſhall think ſuch Pavement not defective, the Truſtees to view the ſame.

LVII. Provided always, and be it further enacted, That if the ſaid Surveyor ſhall, on any ſuch View or Views, be of Opinion that the Pavement or Pavements mentioned to be bad or defective by ſuch Houſeholder or Houſeholders

Houſeholders in ſuch Notice is not bad or defective, then and in ſuch Caſe the ſaid Truſtees ſhall forthwith proceed to view the ſaid Pavements, and their Opinion and Order concerning the ſame, after ſuch View, ſhall be final and concluſive; any Thing in this Act contained to the contrary notwithſtanding.

Truſtees may enter into Contracts.

LVIII. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees to enter into any Contract or Contracts for paving, flagging, repairing, cleanſing, and lighting the Streets, Lanes, Paſſages, and Places within the ſaid Town or Borough of *Leominſter*, or any of them, or for furniſhing Materials, or any Matters or neceſſary Things whatſoever, or for any of ſuch Purpoſes; but before any ſuch Contract or Contracts ſhall be entered into, Ten Days Notice at the leaſt ſhall be given in ſome publick Newſpaper circulated in the ſaid County of *Hereford*, 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 Truſtees at a certain Time and Place in ſuch Notice to be mentioned; and the ſaid Truſtees ſhall and they are hereby required to take Security from every ſuch Contractor for the due Performance of his or her Contract.

Contracts not to be entered into for more than Three Years.

LIX. And be it further enacted, That no ſuch Contract or Contracts ſhall be deemed good or valid if the ſame ſhall have been made for a longer Space or Term than Three Years from the Time of entering into ſuch Contract or Contracts.

Truſtees may compound with Perſons for Breach of Contracts.

LX. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees from Time to Time, and at all Times hereafter, to compound and agree with any Perſon or Perſons on account of any Breach or Non-performance of ſuch Contract or Contracts, for ſuch Sum or Sums of Money as they ſhall think proper, ſo as the Sum ſo compounded and agreed for be not leſs than the Injury or Damage ſuſtained by the Breach or Non-performance of ſuch Contract or Contracts, and all Coſts, Charges, and Expences which ſhall be occaſioned thereby.

Contracts to be ſigned by the Truſtees.

LXI. 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 ſhall be completed, and the Penalties to be ſuffered in caſe of Non-performance thereof, and ſhall be ſigned by the ſaid Truſtees, and alſo by the Perſon or Perſons contracting to perform ſuch Works 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 Truſtees.

For getting Materials to repair the Streets, &c.

LXII. And be it further enacted, That it ſhall be lawful for the Surveyor to the ſaid Truſtees, and to and for all ſuch Perſons as he ſhall appoint, to ſearch for, cut, dig, get, gather, and take away any Stones, Gravel, Sand, or other Materials for making or repairing the Highways within the ſaid Town or Borough intended to be paved, amended, and repaired by the ſaid Truſtees by virtue of this Act, out of or from any Waſte Ground, River, or Brook in the Pariſh of *Leominſter*, or in any adjacent Pariſh, Townſhip, Hamlet, Diviſion, Diſtrict, or Place, without paying any Thing for the ſame, the ſaid Surveyor or other Perſon or Perſons

Perſons acting by his Appointment, filling up the Pits or Quarries, levelling the Ground, or ſloping down the Banks where ſuch Materials ſhall be taken, or railing or fencing off ſuch Pits or Quarries, ſo that the ſame may not be dangerous to Paſſengers or Cattle; and alſo that ſuch Surveyor or other Perſons as aforeſaid may, by Order of the ſaid Truſtees (ſuch Order to be made at ſome Meeting of the ſaid Truſtees to be holden in purſuance of this Act, and a Copy thereof to be given to ſuch Surveyor, atteſted and ſigned by the Clerk to the ſaid Truſtees), ſearch for, cut, dig, get, gather, and take away any ſuch Materials as aforeſaid, in, off, from, and out of the private Lands, Fields, and Grounds of any Perſon or Perſons where the ſame may be had or found, ſuch Lands, Fields, or Grounds not being a Garden, Orchard, Yard, Park, Paddock, Walk or Walks, or Avenue to any Houſe, or any Piece of Ground planted and ſet apart as a Nurſery for Trees, making or tendering ſuch Satisfaction for the Damages done thereby to the Owners and Occupiers of ſuch Grounds where and from whence the ſame ſhall be cut, dug, gotten, gathered, and carried away, or over which the ſame or any other Materials for making and repairing the ſaid Highways and Streets ſhall be carried, according to their reſpective Rights and Intereſts in ſuch Grounds, as the ſaid Truſtees ſhall judge reaſonable; and in caſe of any Difference between the ſaid Truſtees, Surveyors, or other Perſon or Perſons employed as aforeſaid, and the ſaid Owners or Occupiers of any of them, concerning ſuch Damages, it ſhall and may be lawful to and for One or more of the Juſtices of the Peace of the County or Place where ſuch Materials ſhall be ſo cut, dug, gotten, gathered, taken and carried away, or over which the ſame ſhall be carried, on Seven Days Notice thereof in Writing being given by either Party to the other, or left at their reſpective Places of Abode, to hear, ſettle, and determine the Matters of ſuch Payment and Damages; and the Judgement or Order of the ſaid Juſtices ſhall be final and concluſive upon all Parties.

Notice to be given to the Occupiers of incloſed Lands before Materials are to be taken.

LXIII. Provided nevertheleſs, and be it further enacted, That it ſhall not be lawful for any Surveyor, or other Perſon or Perſons acting under the Authority of this Act, to dig, gather, get, take, or carry away any Materials for repairing ſuch Highways or Streets, out of or from any incloſed Lands or Grounds, until Notice in Writing ſigned by the Surveyor ſhall have been given to the Occupier of the Premiſes, from which ſuch Materials are intended to be taken, or left for ſuch Occupier at his uſual Place of Reſidence, to appear before the ſaid Truſtees, or any One or more Juſtice or Juſtices of the Peace acting for the County or Place where ſuch Premiſes ſhall lie, to ſhew Cauſe why ſuch Materials ſhall not be had from ſuch Lands or Grounds; and in caſe ſuch Occupier or his Agent ſhall attend purſuant to ſuch Notice, but ſhall not ſhew ſufficient Cauſe to the contrary, then and in ſuch Caſe the ſaid Truſtees or ſuch Juſtice or Juſtices ſhall and may authorize ſuch Surveyor or other Perſon or Perſons to dig, get, gather, and carry away ſuch Materials, at ſuch Time or Times as to the ſaid Truſtees or Juſtice or Juſtices ſhall ſeem proper; and if ſuch Occupier ſhall neglect or refuſe to appear by himſelf or his or her Agent purſuant to ſuch Notice, the ſaid Truſtees or ſuch Juſtice or Juſtices ſhall and may make ſuch Order therein as they reſpectively ſhall think proper, as fully and effectually to all Intents and Purpoſes as if ſuch Occupier or his or her Agent had attended.

Penalty on taking away Materials got by Order of the Surveyor.

LXIV. And be it further enacted, That if any Perſon or Perſons whomſoever ſhall remove or take away any Stones or Gravel, or any Materials laid upon ſuch Highways or Streets, or upon any Part thereof, for the Repair thereof, without the Order of the ſaid Truſtees or of their Surveyor for that Purpoſe; or if any Perſon or Perſons whomſoever ſhall take away any Stones or Gravel, or any Materials which ſhall have been dug or gathered by or by the Order of the ſaid Truſtees or their Surveyor, in any Lands, Fields, or Waſte Grounds, River or Brook, for the Purpoſe of amending ſuch Highways or Streets, or any Part or Parts thereof; or ſhall get or take away any Stones or Gravel or Materials out of any Pit or Quarry, which ſhall have been made for the Purpoſe of getting ſuch Materials for amending the ſaid Highways and Streets, or any Part or Parts thereof, before the ſaid Surveyor or his Workmen ſhall have diſcontinued working therein for the Space of Three Weeks (except the Owner or Occupier of any private Grounds, and Perſons authorized by ſuch Owner or Occupier to get Materials therein for his or her own private Uſe only and not for Sale), every Perſon ſo offending ſhall forfeit and pay for any ſuch Offence any Sum not exceeding Ten Shillings.

Directing where Materials for Paving may be lodged.

LXV. And be it further enacted, That during the Time any Street, Lane, Paſſage, or Place in the ſaid Town or Borough, ſhall be new paving, flagging, or repairing, or any of the Grates, Drains, or other Sewers therein ſhall be altering or repairing, the ſaid Truſtees ſhall have Power to order the neceſſary Materials to be lodged in that or any adjoining Street, Lane, Paſſage or Place, or Streets, Lanes, Paſſages or Places, according to their Diſcretion; as alſo to ſtop the Way through that or any adjacent Highway, Street, Lane, Paſſage or Place, and continue the ſame ſo ſtopped ſo long as they ſhall judge neceſſary; and the ſaid Truſtees, and all Perſons acting by or under their Direction as aforeſaid, are hereby indemnified from any Proſecution or Action whatſoever reſpecting the ſame.

Paviors and Carters to be appointed, and Horſes and Carts to be purchaſed.

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

Truſtees may direct the Streets to be cleanſed.

LXVII. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, and they are hereby required to nominate and appoint any Perſon or Perſons for the Purpoſes of cleanſing the Streets, Lanes, and other publick Paſſages and Places within the ſaid Town or Borough of *Leominſter*, and for carrying away the Duſt, Dirt, Filth, Rubbiſh, Cinders, or Aſhes from any Houſe or Houſes, or other Premiſes within the ſame; or it ſhall be lawful for the ſaid Truſtees to contract with any Perſon or Perſons for cleanſing the ſame, and for carrying away the Duſt, Dirt, Cinders, or Aſhes from any Houſe or Houſes, or other Premiſes within the ſame.

Scavenger's Duty.

LXVIII. And be it further enacted, That the Perſon or Perſons employed by or contracting with the ſaid Truſtees for cleanſing the Streets, Lanes, publick Paſſages and Places within the ſaid Town or Borough of *Leominſter*, or the Perſon or Perſons employed or acting under the Direction of ſuch Perſon or Perſons ſo contracting with the ſaid Truſtees, ſhall once

once in every Week (that is to say) on every *Saturday*, and also on such other Days, and at or between such Hours as the said Trustees shall from Time to Time appoint, sweep, and collect together all Dust, Dirt, Filth, or Rubbish in such Streets, Lanes, publick Passages and Places, and also shall bring, or cause to be brought, a Cart or other proper Carriage into such Streets, Lanes, publick 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 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 so employed by or contracting with the said Trustees shall immediately take the Dust, Dirt, Rubbish, Cinders, Ashes, and other Filth (except Filth from any Privy or Necessary House), from the respective Premises in such several Streets, Lanes, publick Passages and Places, and put the same into such Cart or Carriage; all which Dust, Dirt, Rubbish, Cinders, Ashes, and Filth (except as aforesaid), as well as all such Dust, 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 Ten Shillings for every Offence or Neglect therein; and the Person or Persons so employed or contracting as aforesaid, shall cause the Words *Scavenger's Cart* to be painted in large Roman Letters on the Front or on 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.

For preventing Persons throwing Dirt into the Streets.

LXIX. And be it further enacted, That if any Person or Persons whomsoever shall throw, cast or lay, or cause to be thrown, cast or laid, any Dust, Dirt, Dung, Offal, Rubbish, Ashes, or other Filth whatsoever, into or in any Street, Lane, or other publick Passage or Place within the said Town or Borough of *Leominster* (except as herein excepted), every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Ten Shillings; or if any Person or Persons whomsoever shall throw or cast any such Dust, Dirt, Dung, Offal, Rubbish, Ashes, or other Filth or Thing whatsoever into any Sewer, Drain, Sink, or Watercourse under the Direction of the said Trustees, within the said Town or Borough, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Ten Shillings.

Penalty not to extend to Rubbish or Dirt occasioned by building or repairing Houses.

LXX. Provided always, and be it further enacted, That nothing herein contained shall extend, or be construed to extend, to subject any Person whomsoever to any Penalty by this Act inflicted for or on Account of any Rubbish or Dirt being laid or placed in such Street, Lane, publick Passage or Place as aforesaid, occasioned by the building, pulling down, altering, or repairing his or her House or other Building, so as there be full and sufficient Space, in the Opinion of the said Trustees, or their Surveyor for the Time being, left in or at the Side of the Street, Lane, publick Passage or Place where such Rubbish or Dirt shall lie or be placed, for Carriages to pass and repass, and a sufficient Way kept clear for Foot Passengers by the Person or Persons laying or causing such Rubbish or Dirt to be laid or placed, and so as a sufficient Light be at his, her, or

their

their own Expence ſet and maintained at the Place where ſuch Rubbiſh or Dirt ſhall be ſo laid or placed, from Sunſet to Sunriſe, to prevent any Hurt or Miſchief happening to Paſſengers or Cattle, and ſo as the ſame be incloſed and fenced about in ſuch Manner and within ſuch Time as the ſaid Truſtees ſhall, by any Notice to be by their Order given to or left with ſuch Perſon or Perſons, direct and appoint, and ſo as ſuch Rubbiſh or Dirt be removed at the Expence of the Perſon or Perſons ſo laying or cauſing the ſame to be laid, within a Time to be expreſſed in a Notice to be in like Manner given by the ſaid Truſtees.

No Perſon but the Scavenger to remove any Dirt, Duſt, &c.

LXXI. And be it further enacted, That if any Perſon or Perſons whomſoever (other than the Perſon or Perſons employed by the ſaid Truſtees for cleanſing the ſeveral Streets, Lanes, or other publick Paſſages or Places within the ſaid Town, or the Perſon or Perſons ſo contracting as aforeſaid) ſhall take or carry away, or cauſe to be taken or carried away, any Duſt, Dirt, Dung, Aſhes, or other Filth, out of any ſuch Streets, Lanes, or other publick Paſſages or Places as aforeſaid, every ſuch Perſon ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Ten Shillings: Provided always, that nothing herein contained ſhall extend or be conſtrued to extend to prevent any Perſon or Perſons from preſerving and keeping any Soil, Dirt, Duſt, Dung, Aſhes, Cinders, Manure, Muck, Filth, or Rubbiſh, which ſhall have ariſen or have been made within his, her, or their Houſes, Yards, or other Premiſes, or for making uſe of the ſame for the Purpoſe of manuring any Lands in his, her, or their Occupation, ſo as ſuch Soil, Dirt, Duſt, Cinders, Dung, Aſhes, Manure, Muck, Filth, or Rubbiſh, be not laid down or placed in any Street, Lane, publick Paſſage or Place within the ſaid Town or Borough of *Leominſter*, for any longer Time than ſhall be neceſſary for loading and carrying away the ſame, nor be ſuffered to remain ſo as to be any Annoyance to any of the Inhabitants of the ſaid Town or Borough; but in caſe any Perſon or Perſons reſerving ſuch Soil, Dirt, Duſt, Dung, Aſhes, Cinders, Manure, Muck, Filth, or Rubbiſh, ſhall thereby annoy any of the ſaid Inhabitants, or ſhall permit or ſuffer the ſame to remain in any ſuch Street, Lane, publick Paſſage or Place for any longer Time than Two Days before the ſame ſhall be carried away or removed, every ſuch Perſon ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Shillings for every Day ſuch Annoyance ſhall be ſuffered to remain after the Time limited as aforeſaid.

Perſons to be at Liberty to keep or diſpoſe of Duſt, &c. for their own Uſe.

Direction for ſweeping Foot Paths, &c.

LXXII. And be it further enacted, That the reſpective Occupiers of Houſes or other Buildings in the ſeveral Streets, Lanes, publick Paſſages and Places within the ſaid Town or Borough of *Leominſter*, ſhall and they are hereby required to cauſe to be well and ſufficiently cleanſed and ſwept the Foot Ways or Foot Pavements before, behind, and at the Sides of their reſpective Houſes or other Buildings (as the Situation thereof ſhall require), and alſo ſo much of the Carriage Way as ſhall extend One Foot beyond the Channel or Gutter next to ſuch Foot Paths or Ways, at ſuch Days and Times, and before ſuch Hours, as the ſaid Truſtees ſhall from Time to Time appoint, upon pain of forfeiting and paying for every Neglect therein any Sum not exceeding Two Shillings and Sixpence.

Time of emptying Neceſſary Houſes directed.

LXXIII. And be it further enacted, That if any Perſon ſhall empty any Neceſſary Houſe, or carry any Night Soil along any Street, Lane, or other

other publick Paſſage or Place within the ſaid Town or Borough of *Leominſter*, before the Hour of Eleven of the Clock at Night in any Part of the Year, or after the Hour of Four in the Morning between *Lady Day* and *Michaelmas Day*, or after the Hour of Six in the Morning between *Michaelmas Day* and *Lady Day*, or put or caſt any Night Soil in or near any of the ſaid Streets, Lanes, or other publick Paſſages and Places, every Perſon ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Twenty Shillings.

Private Drains not to be made without the Conſent of the Truſtees, and if made by their Leave to be cleanſed by their Order.

LXXIV. And be it further enacted, That if any Perſon ſhall, without the previous Conſent in Writing of the ſaid Truſtees, make or branch any Drain into any publick Sewer or Drain under the Management or Direction of the ſaid Truſtees, every ſuch Perſon ſo offending ſhall for every ſuch Sewer or Drain forfeit and pay any Sum not exceeding Twenty Shillings, and all private Sewers or Drains now made, or which ſhall hereafter with the Conſent of the ſaid Truſtees be made, within any Street, Lane, publick Paſſage or Place within the ſaid Town or Borough of *Leominſter*, and which do or ſhall iſſue into any publick Sewer or Drain under the Management or Direction of the ſaid Truſtees, ſhall be repaired and cleanſed, under the Direction of the Surveyor or other proper Officer of the ſaid Truſtees, at the Coſts and Charges of the Owner or the reſpective Owners of the Houſes, Lands, or Tenements to which ſuch private Sewer or Drain doth or ſhall belong, ſuch Coſts and Charges to be aſcertained and ſettled, in caſe of Diſpute, by ſome Juſtice of the Peace for the ſaid Town or Borough of *Leominſter*, which ſhall, on Non-payment thereof on Demand, be levied and recovered by Warrant of ſuch Juſtice by Diſtreſs and Sale of the Goods and Chattels of the Occupier or reſpective Occupiers of the Premiſes; and all ſuch Occupiers, their Executors and Adminiſtrators, are hereby empowered to deduct and retain out of their reſpective Rents ſuch Coſts and Charges as they reſpectively ſhall pay for or on Behalf of the Owner or reſpective Owners of ſuch Premiſes reſpectively; which Coſts and Charges ſo paid ſhall be conſidered as Money actually paid for Rent due or to become due to ſuch Owner or reſpective Owners, who ſhall allow the Deduction upon the Receipt of the Remainder of his, her, or their Rent or reſpective Rents.

Proviſion for lighting the Streets, &c.

LXXV. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, and they are hereby authorized and empowered from Time to Time, and at any Time or Times hereafter, to purchaſe and provide, or cauſe to be purchaſed and provided, ſuch and ſo many Glaſs Lamps of ſuch Sorts and Sizes, and alſo ſuch and ſo many Lamp Irons and Lamp Poſts as they ſhall judge neceſſary, and to direct the ſame to be affixed or ſet up, upon or againſt the Walls or Paliſades of all or any of the ſeveral Houſes or Buildings, or upon or againſt any other Walls, or in or upon ſuch other Places within the ſaid Town or Borough, and to be altered, taken down, or renewed in ſuch Manner as they ſhall think fit; and to cauſe ſuch Lamps, or any of them, to be lighted at all Times of the Year, or at ſuch Seaſons of the Year, on ſuch Evenings and at ſuch Hours of the Evening, and to be kept burning for ſo many Hours as ſhall to them ſeem neceſſary and proper for the well and ſufficiently lighting of all or any of the ſaid Streets, Lanes, publick Paſſages and Places within the ſaid Town or Borough.

Penalty for wilfully damaging of Lamps.

LXXVI. And be it further enacted, That if any Perſon or Perſons ſhall wilfully break, throw down, diſplace, or damage any Lamp or Lamps already ſet up, or that ſhall be ſet up by virtue of this Act by order of the ſaid Truſtees, or by any Perſon or Perſons at his, her, or their own Expence, for the Purpoſe of lighting any of the ſaid Streets, Lanes, publick Paſſages or Places, or ſhall wilfully extinguiſh the Light or Lights within the ſame, or ſhall throw down or damage the Poſts, Irons, Covers, or other Furniture of any ſuch Lamp, it ſhall be lawful for any Perſon or Perſons whomſoever, who ſhall ſee any ſuch Offence committed, to ſeize, and alſo for any other Perſon or Perſons whomſoever to aſſiſt in ſeizing the Offender or Offenders, and by the Authority of this Act, and without any Warrant or other Authority, to convey and deliver him, her, or them, into the Cuſtody of a Watchman or Peace Officer, in order to be ſecured and conveyed before ſome Juſtice of the Peace for the ſaid Town or Borough of *Leominſter* or County of *Hereford*; and ſuch Juſtice ſhall proceed to examine, upon Oath, any Witneſs or Witneſſes who ſhall appear or be produced to give Information or Evidence touching ſuch Offence; and if the Party or Parties accuſed ſhall be convicted either by his, her, or their Confeſſion, or upon ſuch Information or Evidence as aforeſaid, then and in every ſuch Caſe he, ſhe, and they ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Twenty Shillings, and ſhall moreover pay ſuch Sum or Sums of Money as ſhall be deemed by ſuch Juſtice to be a full Satisfaction for the Damage ſo by him, her, or them done as aforeſaid; and in caſe ſuch Offender or Offenders ſhall not on Conviction pay ſuch Forfeiture, and alſo ſuch Satisfaction as aforeſaid, ſuch Juſtice is hereby required to commit him, her, or them to the Common Gaol or Houſe of Correction of and for the ſaid Town or Borough or County, there to be kept to hard Labour for any Space of Time not exceeding Three Calendar Months; and ſuch Offender or Offenders ſhall not be diſcharged before the Expiration of the Time for which he, ſhe, or they ſhall be ſo committed, unleſs ſuch Forfeiture and Satisfaction ſhall be ſooner paid and given.

Satisfaction for accidental Damage to Lamps.

LXXVII. And be it further enacted, That in caſe any Perſon or Perſons ſhall careleſsly, negligently, or accidentally break, throw down, or damage any Lamp or Lamps hung out or ſet up by Order of the ſaid Truſtees, or by any Perſon or Perſons at his, her, or their private Expence, or the Poſts, Irons, Covers, or other Furniture thereof, and ſhall not immediately upon Demand make Satisfaction for the Damage done thereto, then and in every ſuch Caſe it ſhall be lawful for any Juſtice of the Peace for the ſaid Town or Borough or County of *Hereford*, upon Complaint to him made by One or more credible Witneſs or Witneſſes, to ſummon before him the Party or Parties who ſhall be complained of for ſo doing ſuch Damage as aforeſaid; and upon hearing the Allegation and Proof on both Sides, or on Non-appearance of the Party or Parties ſo complained of, to award ſuch Sum or Sums of Money by Way of Satisfaction to the ſaid Truſtees, or to the other Owner or Owners of ſuch Lamp or Lamps (as the Caſe ſhall be) for ſuch Damages, as ſuch Juſtice ſhall think reaſonable; and in caſe of Neglect or Refuſal to pay any Sum or Sums of Money ſo awarded within Ten Days after Demand, it ſhall be lawful for ſuch Juſtice, and he is hereby required to cauſe the ſame to be raiſed and levied in ſuch and the like Manner as any Fines, Penalties, or Forfeitures are by this Act directed to be raiſed and levied.

LXXVIII. And

Power for Trustees to appoint Watchmen.

LXXVIII. And be it further enacted, That the said Trustees shall and may, if they think fit, from Time to Time appoint such Number of able-bodied Men as they shall judge proper to be employed as Watchmen within the said Town or Borough during the Night-time, under such Regulations and subject to such Orders and Directions as the said Trustees shall make and give from Time to Time in that Behalf, and to provide proper Watch Houses, Watch Boxes, or Places for the Reception of such Watchmen, and for safe Custody of such Persons as may be apprehended by such Watchmen, while on Duty, and to pay such Watchmen reasonable Wages or Allowances, and also to appoint One or more fit Person or Persons in the Stead of any Watchman or Watchmen who shall die, or who shall be discharged from his or their Office for Neglect of Duty, or other Misbehaviour in Office; and also to impose from Time to Time any Fine, not exceeding Ten Shillings, on any Watchman or Watchmen for every such Neglect of Duty or other Misbehaviour (such Fine to be deducted out of the Wages of such Watchman or Watchmen), and from Time to Time to make such Orders and Regulations as they the said Trustees shall judge expedient for the better Government of the Watchmen to be so appointed, and to repeal such Orders and Regulations, or any of them, and to substitute others; and it shall be lawful for such Watchmen, and they are hereby required in their respective Stations, to apprehend and secure in some proper Place or Places of Security, to be for that Purpose provided or appointed within the said Town or Borough, all Malefactors, Rogues, Vagabonds, and Disturbers of the publick Peace, and all suspected Persons who shall be found wandering or misbehaving themselves during the Hours of keeping Watch, and to conduct all such Persons, as soon as conveniently may be, before some Justice of the Peace for the said Town or Borough or for the said County, to be examined and dealt with according to Law.

Penalty on Victuallers harbouring Watchmen While on Duty.

LXXIX. And be it further enacted, That if any Victualler or Keeper of any Publick House shall knowingly harbour or entertain, or suffer to remain in his or her Publick House, any such Watchman as aforesaid, during any Part of the Time appointed for his being on Duty, every such Victualler or Keeper shall on Conviction forfeit and pay for the First Offence any Sum not exceeding Twenty Shillings; and for the Second and every other Offence of the same Kind, any Sum not exceeding Forty Shillings.

Power to reward disabled Watchmen.

LXXX. And be it further enacted, That it shall be lawful for the said Trustees to give such Rewards in Money to the Watchmen respectively, to be appointed as aforesaid, who may be disabled or wounded in the Execution of their Office, as the said Trustees shall think reasonable, such Money to be paid out of the Monies to be raised for the Purposes of this Act.

Occupiers of Houses to take down Posts, Signs, &c.

LXXXI. And be it further enacted, That the Occupier of every House, Building, or Tenement within the said Town or Borough, shall, and he and she is hereby required, at his or her own Costs and Charges, within Fourteen Days after Notice in Writing, signed by any Five or more of the said Trustees, delivered to such Occupier, or left at his or her usual or last Place of Abode, to cause all Posts which the said Trustees shall think useless or inconvenient, and likewise all Steps, Iron, or other Rails, Palisades,

Paliſades, Pillars, Walls, or Fences projecting over or upon the Foot Paths within any of the ſaid Streets, Lanes, or other publick Paſſages or Places to be taken down, removed, or altered, and alſo all Windows, Hatches, and Doors opening and leading over, upon, or from the ſaid Foot Paths into Vaults, Cellars, Entries, or under Kitchens, to be removed or altered, ſo that the ſame may not be dangerous or incommodious to Paſſengers; and all Signs, or other Emblems uſed to denote the Trade, Occupation, or Calling of any ſuch Occupier; and all Sign Poſts, Sign Irons, Penthouſes, Porches, Sheds, Shew Glaſſes, and Shew Boards, Watering Tubs, Troughs, Pumps, and Stalls projecting into any of the ſaid Streets, Lanes, publick Paſſages and Places, to be taken down and removed; and in caſe any ſuch Occupier ſhall neglect or refuſe ſo to do, it ſhall be lawful for the ſaid Truſtees, and they are hereby required to cauſe the ſame to be taken down, removed, carried away, altered, or reformed in ſuch Manner as they ſhall think proper, and to cauſe ſuch Signs or other Emblems, or ſuch Part or Parts thereof as they may think proper, to be affixed or placed in the Fronts of the Houſes, Shops, Warehouſes, or Buildings whereto they belong or were before affixed, and not otherwiſe, and ſhall return to the Owner thereof ſo much and ſuch Part or Parts of the ſaid Signs or other Emblem Sign Poſts, Sign Irons, and Shew Boards, and of the Materials of the ſaid Penthouſes, Sheds, and other Things ſo taken down, removed, carried away, altered, or reformed, as ſhall not otherwiſe have been made uſe of; and the Coſts, Charges, and Expences incurred thereby, ſhall be paid out of the Money to ariſe by virtue of this Act, in caſe of Non-payment thereof, and ſhall and may be recovered of the Occupier of ſuch Houſe, Building, or Tenement, by Diſtreſs and Sale of the Goods and Chattels of ſuch Occupier ſo refuſing or neglecting to pay the ſame; and if any Cellar Window, Cellar Door, or under Entry, or Kitchen ſhall be left open after Sunſet in any Evening, or be opened before Sun-riſing in the Morning without being ſufficiently lighted to prevent Accidents happening therefrom, then and in every ſuch Caſe the Occupier of ſuch Cellar, Vault, under Entry, or Kitchen, ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Ten Shillings.

On Neglect, Truſtees to take down Signs, &c.

Penalty on Perſons leaving open Cellar Windows in the Night time.

Truſtees may allow the Expences of Alterations.

LXXXII. Provided always, and be it further enacted, That the ſaid Truſtees ſhall and they are hereby authorized and empowered, upon Application made to them for that Purpoſe by the Owner or Occupier of any Houſe or other Building, to allow and pay to ſuch Owner or Occupier, out of the Money ariſing by virtue of this Act, ſuch Sum or Sums of Money towards the Expence which may have been incurred by ſuch Owner or Occupier by the taking down, removing, or altering any ſuch Poſts, Steps, Iron or other Rails, Paliſades, Walls, Fences, Windows, Hatches, and Doors, Signs or Sign Poſts, Sign Irons, Penthouſes, Porches, Sheds, Show Glaſſes, and Shew Boards, Watering Tubs, Troughs, Pumps, and Stalls, as the ſaid Truſtees ſhall think reaſonable or proper; provided that every ſuch Alteration or Removal ſhall have been made agreeably to the Orders and under the Directions of the ſaid Truſtees.

To prevent Accidents by Fire.

LXXXIII. And, in order to prevent Accidents by Fire, and to encourage Perſons to aſſiſt in extinguiſhing the ſame, be it further enacted, That, from and after the paſſing of this Act, the Owner or Occupier of any

any House, Building, or Outhouse in which any Chimney shall at any Time or Times hereafter happen to be on fire, shall pay to the Person or Persons who shall bring and work the First Engine, the Sum of Ten Shillings; such Money to be recovered in such Manner as any Penalties or Forfeitures by this Act imposed are directed to be recovered.

Occupiers of Houses to take down Spouts and Gutters.

LXXXIV. And be it further enacted, That the Occupier of every House, Building, or Tenement in the said Town or Borough, shall and he or she is hereby required, at his or her own Costs and Charges, within such Time and in such Manner as the said Trustees shall from Time to Time by Notice in Writing under their Hands, to be delivered to every such Occupier as aforesaid, or left at his or her usual or last Place of Abode, direct to take down, or cause to be taken down, all Spouts and Gutters which now or hereafter shall belong to such House or Building in the said Town or Borough, and to cause the Water to be conveyed from the Roof or Roofs of or belonging to such House, Building, or Tenement, by proper and sufficient Pipes or Trunks to be fixed to and down the Sides thereof, and carried under the Flag or other Pavement to the common Channel; and in case any such Person shall neglect or refuse so to do, it shall be lawful for the said Trustees, and they are hereby required to cause the same to be done, and to levy and recover the Costs and Charges attending the same upon or from the Persons aforesaid, in like Manner as other Penalties or Forfeitures are by this Act authorized or directed to be levied and recovered; and every such Person, being Tenant at Rack Rent, may deduct and retain the same out of his or her Rent, and the Person entitled to such Premises is hereby required to allow such Deduction.

To prevent future Projections.

LXXXV. And be it further enacted, That if any House or other Building in or near any Street, Lane, or other publick Passage or Place within the said Town or Borough of *Leominster*, shall, after the passing of this Act, be made, erected, or built in such Manner and Form as in the Front or in any of the Gables or Sides thereof, to project into or over such Street, Lane, or other publick 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 Street, Lane, or other publick Passage or Place in the said Town or Borough, shall be affixed otherwise than from the Roofs, Eaves, or Cornices thereof, by such Spouts, Pipes, or Trunks in 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, Bow Window, Window Shutter, Stump, Tree, Rail, Pail, Palisade, Porch, Bulk, Shew Glass, Shew Board, Pool, Cesspool, Cistern, or Reservoir for Water, or any other Encroachment or Projection against or in the Front or Outside of any House or other Building within or adjoining to any Street, Lane, publick Passage or Place within the said Town or Borough, shall be made, erected, or built so as to obstruct the free and commodious Passage along any of the Carriage Ways or Foot Ways of the same, then and in every such Case the Owner or Owners of every such House or other Building, Sign, Sign Iron, Sign Post, or other Post, Shed, Penthouse, Step, Stair, Bow Window, Window Shutter, Stump, Tree, Rail, Pale, Palisade, Porch, Bulk, Shew Glass, Shew Board, Pool, Cesspool, Cistern, or Reservoir for

for Water, or other Encroachment or Projection which shall be so made, erected, or built as aforesaid, or of every such Spour, Pipe, or Trunk which shall be so made or affixed otherwise than as aforesaid contrary to this Act, shall for every such Offence forfeit and pay any Sum not exceeding Five Shillings a Day for every Day such House or other Building, Sign, Sign Iron, Sign Post, or other Post, Shed, Penthouse, Step, Stair, Bow Window, Window Shutter, Stump, Tree, Rail, Pale, Palisade, 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 as is herein provided against; and it shall be lawful for the said Trustees (whether any of such Penalties or Forfeitures shall be levied or not) to cause all such Houses and other Buildings, Signs, Sign Irons, Sign Posts, and other Posts, Sheds, Penthouses, Steps, Stairs, Bow Windows, Shutters, Stumps, Trees, Rails, Pales, Palisades, 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 and removed.

For preventing Annoyances in the Streets, &c.

LXXXVI. And be it further enacted, That if any Person or Persons shall, upon any of the Foot Ways or Foot Pavements to be made or repaired under the Powers and Provisions in this Act contained, run, draw, drive, or carry any Truck, Wheel-Sledge, Wheelbarrow, Handbarrow, Bier, or Carriage whatsoever, or roll any Cask or Tub (other than for the necessary Loading and Unloading thereof) into, upon, from, or out of any Carriage 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 the House or Building from or to which such Cask or Tub shall be rolled); or if any Person shall wilfully ride, lead, or drive any Horse or other Beast, or any Cattle whatsoever, on any of the said Foot Ways or Foot Pavements, or set any Cask, Tub, Pail, Bucket, Stool, Bench, or any other Matter or Thing, on or so as in any Manner to cause any Obstruction or Impediment in the Foot Way or on the Foot Pavement; or shall in any Street, Lane, or other publick Passage or Place within the said Town or Borough, or in the Church Yard, hoop, fire, cleanse, wash or scald any Cask or Tub, 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 Carriages as may want immediate Repair arising from any sudden Accident on the Spot, or which cannot be conveniently removed for that Purpose); or if any Person shall in any Street, Lane, or other publick Passage or Place within the said Town or Borough, shoe, bleed, or farry any Horse or other Beast or Cattle (except in Cases of Accidents); or if any Person shall in any of the said Streets, Lanes, or other publick Passages or Places within the said Town or Borough, make, or assist in the making of any Bonfire, or any Fire for firing Casks or Vessels, or let off or fire any Serpent or Rocket, or throw any Cracker, Squib, or other Firework; or if any Person shall sift, throw, cast or lay any Ashes (except in Time of Frost, and then only to prevent Accidents), or any Dust, Dung, Soil, Filth, Rubbish, Refuse of Garden Stuff, Blood, Offal, Skins, Carrion, or any other offensive Matter or Thing in any of the Streets, Lanes, publick Passages or Places within the said Town or Borough; or shall

kill

kill or ſlaughter or ſhall ſcald, ſinge, dreſs, or cut up any Animal either wholly or in part, or waſh any Skins in any of ſuch Streets, Lanes, publick Paſſages or Places, or cauſe or permit any Blood to run from any Slaughter Houſe, Butchers Shop or Shamble, into the ſame or any of them; or ſhall hang up, place, or expoſe to Sale any Goods, Wares, or Merchandize whatſoever, or any Fruit, Vegetables, or Garden Stuff, Butchers Meat, or other Matter or Thing on or projecting over the Foot Way or Carriage Ways of any ſuch Streets, Lanes, publick Paſſages or Places, ſo as to obſtruct or incommode the Paſſage of any Perſon or Carriage therein; or ſhall waſh or immerſe the Skin of any Animal, or ſhall throw any dead Animal or any putrid Fleſh, Blood, Offal, Carrion, Soil, or Filth into the Rivers or Waters within the ſaid Town or Borough, or otherwiſe cauſe any Nuiſance therein, or ſhall commit any other Kind of Obſtruction or Annoyance in any ſuch Street, Lane, publick Paſſage or Place within the ſaid Town or Borough, then and in every ſuch Caſe every Perſon ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Forty Shillings.

Power to impound Beaſts wandering in the Streets.

LXXXVII. And be it further enacted, That if any Horſe, Cow, or any other Beaſt, or any Sort of Swine, ſhall at any Time be found wandering about any of the Streets, Lanes, or other publick Paſſages or Places within the ſaid Town or Borough, it ſhall be lawful for any Perſon or Perſons appointed by the ſaid Truſtees, to ſeize and impound ſuch Horſe, Cow, or other Beaſt, or ſuch Swine, in the Common Pound of the ſaid Town, or in ſuch other Place as the ſaid Truſtees ſhall appoint, and the ſame there to detain until the Owner or Owners thereof ſhall for every ſuch Horſe, Cow, or other Beaſt, and for every ſuch Head of Swine ſo impounded, pay any Sum not exceeding 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 Five Days after ſuch impounding, it ſhall be lawful for the ſaid Truſtees to ſell or cauſe the ſame to be ſold, and the Money ariſing from ſuch Sale, after deducting the ſaid Sum and the Charges and Expences of impounding, keeping, and ſelling ſuch Horſe, Cow, or other Beaſt and Swine, ſhall be paid on Demand to the Perſon whoſe Property the Horſe, Cow, or other Beaſt or Swine, ſo ſold ſhall appear to have been.

Penalty on ſlaughtering or driving Cattle on Sunday, &c.

LXXXVIII. And be it further enacted, That if any Perſon or Perſons ſhall at any Time ſlaughter, burn, or ſinge, in any Street, Lane, publick Paſſage or Place within the ſaid Town or Borough, or drive for the Purpoſe of ſlaughtering, in any ſuch Street, Lane, publick Paſſage or Place, any Cow, Ox, Sheep, Swine, or other Beaſt or Beaſts, on a *Sunday*, *Good Friday*, or *Chriſtmas Day*, every Perſon ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Twenty Shillings.

For preventing Carts and Carriages being left in the Streets.

LXXXIX. And be it further enacted, That if any Cart, Waggon, Sledge, Dray, or other Carriage uſed for the Purpoſe of conveying or carrying Goods, Merchandize, or other Materials or Things whatſoever, ſhall at any Time be left or ſuffered to ſtand or continue in any Street, Lane, publick Paſſage or Place in the ſaid Town or Borough, for any longer Time than ſhall be neceſſary for the Loading and Unloading thereof, or ſhall be ſet or placed athwart or acroſs any Part of ſuch Street,

Street, Lane, publick Paſſage or Place aforeſaid (although for the Purpoſe of Loading or Unloading the ſame), ſo as that there ſhall not be ſufficient Room left for another Carriage to paſs; or if any Timber or Stone, or other Thing whatſoever be drawn in any ſuch Street, Lane, publick Paſſage or Place, without the ſame being placed on a Sledge or Carriage for that Purpoſe; or if any Timber or Iron, Lead, Bricks, Stones, Lime, Mortar, Hay, Straw, Wood, Faggots, Coals, Boards, Tubs, Caſks, Goods, Wares, Merchandizes, Materials or Things, Rubbiſh, Duſt, Dirt, Dung, Filth, or other Nuiſance or Annoyance whatſoever, ſhall be ſo thrown, laid, placed, or left in any ſuch Street, Lane, publick Paſſage or Place as aforeſaid (except in building, taking down, adding to, altering or repairing any Houſe or Building, or for any of the Purpoſes authorized or required to be done by virtue or in purſuance of this Act, in which Caſes the ſame ſhall, if the ſaid Truſtees ſhall think proper and direct, be fenced and incloſed in the Manner herein-before expreſſed), and the ſame (except as laſt aforeſaid) ſhall be ſuffered to remain for a longer Space of Time than ſhall be neceſſary for the houſing or removing thereof, then and in every ſuch Caſe the Owner of any ſuch Timber, Iron, Lead, Bricks, Stones, Lime, Mortar, Hay, Straw, Faggots, Coals, Boards, Tubs, Caſks, Goods, Wares, Merchandizes, Materials or Things, Dirt or Rubbiſh as aforeſaid, or the Perſon or Perſons cauſing ſuch Annoyance as aforeſaid, ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Shillings.

For Removal of Nuiſances.

XC. And be it further enacted, That in caſe any Slaughter Houſe, Hog Stye, Neceſſary Houſe, or other noiſome or offenſive Building or Place whatſoever, in or near any of the Streets, Lanes, publick Paſſages or Places within the ſaid Town or Borough of *Leominſter*, ſhall by the ſaid Truſtees be deemed a Nuiſance to any of the Inhabitants thereof or Perſons reſiding therein, it ſhall be lawful for the ſaid Truſtees, upon Complaint thereof to them made by any ſuch Inhabitant or other Perſon or Perſons, by Notice in Writing under the Hands of the ſaid Truſtees, or under the Hand of their Clerk for the Time being, to order any ſuch Nuiſance or Offence to be removed; and in caſe the ſame ſhall not be removed within Seven Days next after ſuch Notice given to the Perſon or Perſons who ought to remove the ſame, or left at his, her, or their laſt or uſual Place of Abode, ſuch Perſon or Perſons ſhall forfeit and pay any Sum not exceeding Ten Shillings daily for every Day that the ſame ſhall continue unremoved after the Expiration of the Time mentioned in ſuch Notice.

Streets to be watered.

XCI. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees to cauſe ſuch of the ſaid Streets, Lanes, Paſſages and Places, as they ſhall think proper, to be from Time to Time watered, in ſuch Manner and at ſuch Seaſons of the Year as they the ſaid Truſtees ſhall direct and appoint.

Sewers and Drains to be made.

XCII. And be it further enacted, That the ſaid Truſtees may cauſe ſuch and ſo many new Sewers, Drains, Embankments, and Vaults as they ſhall think neceſſary to be dug and made in, along, or acroſs any of the Streets, Lanes, Alleys, Paſſages, Yards, and Places within the ſaid Town or Borough, and alſo any of the Sewers, and publick Drains and Vaults which now are or hereafter ſhall be within the ſaid Town or Borough, to

be enlarged, widened, raiſed, altered, removed, repaired, cleanſed, or ſcoured, when and as often as to them the ſaid Truſtees ſhall ſeem meet; and for any of the ſaid Purpoſes, ſhall from Time to Time cauſe to be dug, carted, and carried out of or brought into the ſaid Streets or Places, or any of them, ſuch Gravel, Stones, Brick, and other Materials as they ſhall judge neceſſary; and alſo ſhall and may cauſe ſuch and ſo many Grates or Openings to be made therein for the conveying and carrying off the Filth, foul and other Water, from the Houſes built or to be built adjoining ſuch Streets, Lanes, publick Paſſages or Places in the ſaid Town or Borough of *Leominſter*, into the ſaid Sewers, publick Drains and Vaults, as the ſaid Truſtees ſhall and may think neceſſary and expedient for that Purpoſe; and it ſhall be lawful for the ſaid Truſtees to widen, alter, and improve, or cauſe to be widened, altered, and improved, any Bridge or Bridges within or near the ſaid Town or Borough, and to purchaſe ſo much and ſuch Quantity of Ground as ſhall be neceſſary for any of the Purpoſes aforeſaid; and the ſaid Truſtees are hereby empowered to charge the ſeveral Owners of ſuch Houſes or Buildings as now are or hereafter ſhall or may be built adjoining to and making uſe of ſuch Common Sewer or Sewers, with the Payment of all ſuch Sum or Sums of Money as ſhall be by them the ſaid Truſtees paid, laid out, and expended in and about the making, enlarging, widening, raiſing, altering, removing, repairing, cleanſing, or ſcouring of ſuch publick Drains or Sewers; and on Refuſal or Non-payment of ſuch Charges and Expences to the Treaſurer for the Time being to the ſaid Truſtees, then upon Fourteen Days Notice in Writing being given to ſuch Owners or Perſons as aforeſaid, or left at their, his, or her laſt or uſual Places or Place of Abode by their ſaid Clerk, ſuch Charges and Expences ſhall and may be recovered in ſuch Manner as the Penalties and Forfeitures by this Act inflicted are hereby directed to be recovered.

No Funnel for conveying Smoke to be fixed on the Outſide of the Front of any Houſe, &c.

XCIII. And be it further enacted, That no Iron, Tin, Copper, or other Pipe or Funnel for conveying Smoke, ſhall at any Time be fixed, nor ſhall any Pipe or Funnel already fixed (ſave and except thoſe made of Brick and Stone, or both), be ſuffered to remain next to any publick Street, Court, Place, Lane or Way, on the Front or Side of any Houſe or Building whatſoever within the ſaid Town or Borough; nor ſhall any ſuch Pipe or Funnel be fixed, nor ſhall any ſuch already fixed (except as aforeſaid), be ſuffered to remain on the Inſide of any ſuch Houſe or other Building, nearer than Five Inches to any Timber or other combuſtible Material whatſoever; nor ſhall any Funnel built of Brick or Stone, or both, be placed on the Outſide of any Front of any Houſe, or any other Building whatſoever, next to any publick Street, Court, Place, Lane, or Way in which the ſame ſhall be erected; and if any ſuch Pipe or Funnel ſhall be erected, fixed, or placed, or ſuffered to remain contrary to the Directions of this Act, then the ſame ſhall be deemed a common Nuiſance, and the Owner thereof ſhall and may be indicted and puniſhed for erecting, fixing, and placing the ſame, or for ſuffering the ſame as aforeſaid to remain, in like Manner as Perſons committing a general Nuiſance at Common Law are liable to be puniſhed and indicted by the Laws of this Realm; and moreover it ſhall be lawful for any Two Juſtices of the Peace for the ſaid County to cauſe every ſuch Pipe or Funnel to be forthwith abated, taken down, demoliſhed, and deſtroyed, and to award and order reaſonable Coſts, Charges, and Expences attending the ſame, to be paid by the Owner or Owners thereof

to the Perſon or Perſons authorized by ſuch Juſtices to abate, take down, demoliſh, and deſtroy the ſame.

Names of Streets to be put up, and Houſes to be numbered.

XCIV. And be it further enacted, That the ſaid Truſtees ſhall and may cauſe to be placed, on ſome conſpicuous Part of ſome Houſe or Building at or near each End Corner or Entrance of the ſeveral Streets, Lanes, and other publick Paſſages and Places already or hereafter to be erected or made within the ſaid Town or Borough, the Name by which every ſuch Street, Lane, Paſſage, or Place is uſually called or known or to be called or known; and ſhall and may cauſe every Houſe, Shop, Warehouſe, or Building in the ſaid Streets, Lanes, and other publick Paſſages and Places, to be marked and numbered, in ſuch Manner as they ſhall think moſt proper for diſtinguiſhing the ſame; and if any Perſon or Perſons ſhall wilfully or maliciouſly pull down, injure, obliterate, or deface any ſuch Inſcription or Number, or any Part thereof, or cauſe or procure the ſame to be done, any ſuch Perſon or Perſons ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Ten Shillings.

Truſtees may borrow Money.

XCV. And, for the more effectually enabling the ſaid Truſtees to execute the Purpoſes of this Act, be it further enacted, That it ſhall be lawful for the ſaid Truſtees, and they are hereby empowered from Time to Time, when they ſhall judge neceſſary, to borrow and take up at Intereſt any Sum or Sums of Money upon the Credit of the Lands and Rents to be veſted in the ſaid Truſtees by virtue of this Act, and by any Writing or Writings under their Hands and Seals to mortgage, demiſe, grant, or aſſign over the ſaid Lands and Rents, or any Part or Parts thereof, to the Perſon or Perſons who ſhall advance or lend ſuch Money, or his or their Truſtee or Truſtees, as a Security or Securities for the Money ſo to be borrowed, together with Intereſt for the ſame; and every ſuch Mortgage or Aſſignment ſhall be in the Words or to the Effect following; (that is to ſay),

Form of Mortgage.

'BY virtue of an Act paſſed in the Forty-eighth Year of the Reign of King *George* the Third, *&c.* [*here ſet forth the Title of this Act*], we Seven of the Truſtees appointed by virtue and in purſuance of the ſaid Act, in Conſideration of the Sum of advanced and lent by *A. B.* upon the Credit and for the Purpoſes of the ſaid Act, do grant, bargain, ſell, and demiſe unto the ſaid *A. B.* his Executors, Adminiſtrators, and Aſſigns, ſuch Proportion of the Lands and Rents granted or ariſing by virtue of the ſaid Act, as the ſaid Sum of doth or ſhall bear to the whole Sum which may at any Time be borrowed, or become due and owing, or charged upon the Credit of the ſaid Act, to be had and holden from this Day of in the Year until the ſaid Sum of with Intereſt at *per Centum per Annum* for the ſame, ſhall be repaid and ſatisfied.'

And all Perſons to whom ſuch Mortgages or Aſſignments ſhall be made, or who ſhall be entitled to the Money thereby ſecured, ſhall be, in proportion to the Sums therein reſpectively mentioned, Creditors on the ſaid Lands and Rents equally one with another, without any Preference in reſpect to the Priority of advancing ſuch Money or the Dates of any ſuch Mortgages or Aſſignments; and Copies of all Mortgages or Aſſignments

which

which shall be made in pursuance of this Act, and Extracts and Memorials of all Transfers thereof, shall be entered in Books to be kept for that Purpose by the Clerk to the said Trustees, which Extracts or Memorials shall specify and contain the Dates, Names of the Parties, and the Sums of Money thereby transferred, to which Books any Person interested shall at all seasonable Time have Access, and shall have free Liberty to inspect the same without Fee or Reward; and for the Entry of every such Transfer, the said Clerk shall be paid by the Person to whom such Transfer shall be made the Sum of Five Shillings, and no more; and after such Entry made of any such Transfer, every such Transfer so entered shall entitle the Person to whom the same shall be made, and his, her, and their respective Executors, Administrators, and Assigns, to the Benefit of the Security thereby transferred.

Mortgages, &c to be entered.

XCVI. And be it further enacted, That all the Money to arise by or from the said Lands and Rents by virtue of this Act, and which may be borrowed on the Credit thereof respectively, shall be paid to the Treasurer to the said Trustees, or to such Person or Persons as they shall appoint, and shall be applied and disposed of from Time to Time for and towards the defraying the Charges and Expences of widening, improving, regulating, paving, repairing, cleansing, lighting, and watching the Streets, Lanes, and other publick Passages and Places of and in the said Town or Borough, and in carrying into Effect the several Purposes of this Act in the Manner hereby directed, and in paying and defraying all Expences which the said Trustees and their Officers shall necessarily be put unto in carrying this Act into Execution, and in paying the Principal and Interest of the Money to be borrowed on Mortgage as aforesaid, and for such other Uses and Purposes as are herein expressed, and to and for no other Use, Intent, or Purpose whatsoever.

Application of the Money.

XCVII. And, for the Purpose of widening and improving the said Streets, Lanes, Ways, Passages, and publick Places within the said Town or Borough of *Leominster*, and opening Communications therewith, be it further enacted, That the said Trustees, or any Seven or more of them, shall and may, and they are hereby authorized and empowered, at any Meeting to be holden under or by virtue of this Act, to treat, contract, and agree for and purchase from the Owners, Proprietors, and Occupiers of and all other Persons interested in the several Dwelling Houses, Buildings, and Grounds mentioned and specified in the Schedule hereunto annexed, or so much or such Parts thereof as they the said Trustees shall judge necessary to be purchased for effecting the Purposes of this Act, at such Sum or Sums of Money or Price as shall be agreed upon; and to cause such Dwelling Houses, Buildings, and Tenements, or so much thereof as they shall judge necessary, to be taken down, and the Scite thereof and the Grounds to be so purchased, to be appropriated in such Manner and to such Uses as will in the Judgement of the said Trustees best answer the Purpose and Design of this Act; and for effecting the Ends aforesaid, it shall and may be lawful for all Bodies Politick or Corporate, Corporations Aggregate or Sole, Trustees and Feoffees in Trust, Guardians, Committees for Lunaticks or Idiots, Executors, Administrators, and all other Trustees, not only for and on Behalf of themselves, their Heirs and Successors, but also for and on Behalf of their Cestuique Trusts, whether Infants or Issue unborn, Lunaticks, Idiots, Femes Covert, or

Trustees authorized to purchase Buildings, &c. to widen and improve the Streets.

or other Person or Persons whomsoever; and to and for all and every Person or Persons whomsoever who are or shall be seised, possessed of, interested in, or entitled to any of the said Dwelling Houses or other Buildings and Grounds, to treat, contract, and agree with, and absolutely convey, assign, or surrender to the said Trustees, or any Seven or more of them, or to such Person or Persons as they, or any Seven or more of them, shall appoint, all or any such Dwelling Houses or other Buildings and Grounds, or any Part thereof, or any Estate, Term of Years, or other Interest therein; and that all such Contracts, Agreements, Sales, and Conveyances which shall be so made, shall be good and valid in Law to all Intents and Purposes to convey the said Premises, and the Right, Title, Property, Claim, and Demand whatsoever of such Person or Persons of, in, and to the same, any Law, Statute, Usage, or any other Matter or Thing whatsoever to the contrary thereof in anywise notwithstanding; and all Bodies Politick or Corporate, Corporations Aggregate or Sole, Trustees and Feoffees in Trust, Executors, Administrators, Guardians, and other Trustees, and all other Persons, shall be and are hereby indemnified for what they shall do therein by virtue or in pursuance of this Act.

If Persons refuse to contract and agree with Trustees, the Value to be ascertained by a Jury.

XCVIII. Provided always, and be it further enacted, That if any such Person or Persons, Bodies Politick or Corporate, Corporations Aggregate or Sole, Trustees, Feoffees, Guardians, Committees, Executors, Administrators, or any other Person or Persons anywise interested in such Dwelling Houses or other Buildings and Grounds as aforesaid, upon Notice to them given or left in Writing at the Dwelling House or Houses, or Place or Places of Abode of such Person or Persons, or of the Principal or Head Officer or Officers of such Bodies Politick or Corporate, or Corporations, or at the House of the Tenant in Possession of the Dwelling Houses or other Buildings and Grounds intended to be purchased and taken down as aforesaid, shall, for the Space of Thirty Days after such Notice given or left as aforesaid, neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence shall be prevented from treating, then and in every such Case the said Trustees, or any Seven or more of them, shall cause the Value of and Recompence to be made for such Dwelling Houses or other Buildings and Grounds, to be enquired into and ascertained by a Jury of Twelve indifferent Men of the said County of *Hereford*; and for the summoning and returning such Jury, the said Trustees, or any Seven or more of them, are hereby empowered from Time to Time to issue out their Warrant or Warrants to the Sheriff of the said County, thereby commanding and requiring him to empannel, summon, and return an indifferent Jury of Twenty-four Persons qualified to serve upon Juries at Assizes, to appear before the said Trustees, or any Seven or more of them, at such Time and Place as in such Warrant or Warrants shall be appointed; and the said Sheriff, or his Deputy or Deputies, is and are hereby required to empannel, summon, and return such Number accordingly to attend at the Time and Place so appointed; and out of the Persons so empannelled, summoned, and returned, or out of such of them as shall appear upon such Summons, the said Trustees, or any Seven or more of them, are hereby empowered to swear Twelve to be the Jury for the Purposes aforesaid; and in Default of a sufficient Number of Jurymen, the said Sheriff, or his Deputy or Deputies, shall return other honest and indifferent Men of the Standers-by, or that can

be ſpeedily procured to attend the Service, to the Number of Twelve; and all Perſons concerned ſhall have their Challenges againſt any of the ſaid Jurymen; and the ſaid Truſtees or any Two or more of them are alſo hereby required and empowered from Time to Time, as Occaſion ſhall be or require, to ſummon and call before the ſaid Jury and examine upon Oath (which Oath the ſaid Truſtees or any One or more of them is and are hereby empowered to adminſter) all and every Perſon and Perſons whomſoever who ſhall be thought neceſſary or proper to be examined as a Witneſs or Witneſſes touching or concerning the Premiſes; and they ſhall alſo order and cauſe the ſaid Jury to view the Places in queſtion if there be Occaſion, and uſe all lawful Ways and Means as well for their own as for the ſaid Jury's better Information in the Premiſes, as the ſaid Truſtees or any Seven or more of them ſhall think fit; and the ſaid Jury ſhall aſſeſs the Damages and Recompence to be given for the ſaid Dwelling-houſes or other Buildings or Grounds, to the reſpective Owner or Owners thereof, according to their reſpective Intereſts therein, and ſhall give in their Verdict thereupon; and after the ſaid Jury ſhall have enquired of and aſſeſſed ſuch Damage and given in their Verdict, the ſaid Truſtees or any Seven or more of them ſhall thereupon order, adjudge, and determine the Sum or Sums of Money ſo aſſeſſed by the ſaid Jury to be paid to the Perſon or Perſons intereſted in the ſaid Dwelling-houſes or other Buildings and Grounds, according to ſuch Verdict or Inquiſition of the ſaid Jury; which ſaid Verdict or Inquiſition, and the Judgement, Order, or Determination thereupon ſo had and made, ſhall be final, binding, and concluſive to all Intents and Purpoſes againſt all Infants, Iſſue unborn, Idiots, Lunatics, Femes Covert, Bodies Politic or Corporate, Corporations Aggregate or Sole, Truſtees, Feoffees, Guardians, Committees, as well abſent as preſent, claiming in Poſſeſſion, Reverſion, Remainder, or Expectancy or otherwiſe howſoever, and againſt their ſeveral and reſpective Heirs, Succeſſors, Executors, or Adminiſtrators, and againſt all other Perſon and Perſons whomſoever; and every Verdict and Judgement thereupon ſhall be fairly entered and kept amongſt the Records of the Quarter Seſſions of the Peace for the ſaid County of *Hereford*, and the ſame or true Copies thereof ſhall be admitted, received, and taken as Evidence and Proof in all Courts of Law and Equity and all Places whatſoever, and that all Perſons ſhall have Recourſe to them *gratis*, and may take Copies thereof, paying Sixpence for every One hundred Words, and ſo in proportion for any leſs Number of Words; and the ſaid Truſtees or any Seven or more of them acting in the Premiſes, ſhall have Power from Time to Time to impoſe any reaſonable Fine or Fines on ſuch Sheriff or his Deputy, Bailiffs or Agents, making Default in the Premiſes; and on any of the Perſons who ſhall be ſummoned and returned on ſuch Jury, and ſhall not appear, or who ſhall refuſe to be ſworn on the ſaid Jury, or being ſo ſworn ſhall refuſe to give or ſhall not join in giving their Verdict, or ſhall in any other Manner wilfully neglect his Duty therein, contrary to the true Intent and Meaning of this Act; and on any Perſon or Perſons who being ſummoned to give Evidence before the ſaid Jury touching the Premiſes, ſhall refuſe or neglect to appear, or appearing ſhall refuſe to be ſworn and give Evidence; ſo as no ſuch Fine to be impoſed on any Sheriff or his Deputy, Bailiff or Agent, ſhall exceed the Sum of One hundred Pounds; nor ſhall any Fine to be impoſed on any Juryman or Witneſs exceed the Sum of Twenty Pounds for One Offence.

Jurors may be challenged.

Witneſſes may be examined on Oath.

Verdict, &c. to be final,

and recorded.

Truſtees may impoſe a Fine on the Sheriff, &c. making Default.

No Inhabitant to serve on Juries.

XCIX. Provided always, and it is hereby declared and enacted, That no Inhabitant of the said Town or Borough of *Leominster*, or any other Person being a Proprietor of Estates therein, shall be capable of serving on the said Jury.

If Jury give more Damages than the Sum tendered, Trustees to pay Costs;

C. And be it further enacted, That in case any such Jury shall give in or deliver a Verdict for more Money as a Recompence or Satisfaction for such Damages, than what shall have been offered or tendered by the said Trustees or any Seven or more of them before the summoning or returning such Jury, then the Costs and Expences of summoning and maintaining the said Jury and Witnesses, shall be borne and paid by the said Trustees, or any Seven or more of them, out of the Money arising by virtue of this Act; but if any such Jury shall give in and deliver a Verdict for no more or for less Money as a Recompence or Satisfaction for such Damages than shall have been offered or tendered by the said Trustees, or any Seven or more of them, before the summoning or returning the said Jury or Juries, then the Costs and Expences of summoning and maintaining the said Jury and Witnesses, shall be borne and paid by the Person or Persons with whom the said Trustees shall have had such Controversy or Dispute, and shall be recovered in the same Manner as the Penalties and Forfeitures are herein-after directed to be recovered.

but if less, the Person contending to pay Costs.

On Payment of Purchase Money, Premises to be conveyed.

CI. And be it further enacted, That upon Payment of such Sum or Sums of Money so to be awarded or adjudged, for the Purchase of the said Premises, or any Part thereof, the Person or Persons entitled thereto shall make and execute, or procure to be made and executed, good, valid, and legal Conveyances, Assignments, and Assurances in the Law to the said Trustees, or any Seven or more of them, or to such Person or Persons as the said Trustees, or any Seven or more of them, shall appoint, of the said Premises, for which such Sum or Sums of Money shall have been so awarded or adjudged; and shall do all Acts, Matters, and Things necessary or requisite to make a good, clear, and perfect Title thereto; and such Conveyances, Assignments, and Assurances shall contain such reasonable and usual Covenants as shall on behalf of the said Trustees be required.

Where Part of Building only shall be necessary to be taken down, the Owner shall compel the Trustees to purchase the whole.

CII. And be it further enacted, That where it shall be thought necessary for the Purposes of this Act, that a Part of any Dwelling-house, Building, or Ground shall be purchased for the Purposes of this Act, and the Owner or Proprietor or Owners or Proprietors of any such Dwelling-house, Building, or Ground, shall be minded and desirous to sell and dispose of the whole of such Dwelling-house, Building, or Ground, and of such his, her, or their Mind or Desire, shall give Notice in Writing to the Clerk or Treasurer for the Time being to be appointed in pursuance of this Act, then and in such Case the said Trustees shall and they are hereby required to purchase the whole of such Dwelling-house, Building, and Ground, the Value thereof in case of Difference to be ascertained in Manner aforesaid.

Application of Compensation Money where amounting to 200.

CIII. And be it further enacted, That if any Money shall be agreed or awarded to be paid, for any Lands, Tenements, or Hereditaments, purchased, taken, or used by virtue of the Powers of this Act, for the Purposes thereof, which shall belong to any Corporation, Feme Covert,

Infant, Lunatic, or Perſon or Perſons under any Diſability or Incapacity as herein mentioned, ſuch Money ſhall, in caſe the ſame ſhall amount to the Sum of Two hundred Pounds, with all convenient Speed, be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the Truſtees for executing this Act, to the Intent that ſuch Money ſhall 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, or Hereditaments, in the Purchaſe of the Land Tax, or towards the Diſcharge of any Debt or Debts, or ſuch other Incumbrance 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 Meſſuages, Lands, Tenements, and 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 Meſſuages, Lands, Tenements and 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 mean Time, and until ſuch Purchaſe ſhall be made, the ſaid Money ſhall by Order of the Court of Chancery, upon Application thereto, be inveſted by the ſaid Accountant-General in his Name, in the Purchaſe of Three Pounds *per Centum* Conſolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time and until the ſaid Bank Annuities ſhall be ordered by the ſaid Court 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 Lands, Tenements, and Hereditaments, ſo hereby directed to be purchaſed in caſe ſuch Purchaſe or Settlement were made.

If under 200l. and exceeding 20l.

CIV. Provided always, and be it further enacted, That if any Money, ſo agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchaſed, taken, or uſed for the Purpoſes aforeſaid, and belonging to any Corporation, or to any Perſon or Perſons under Diſability or Incapacity as aforeſaid, ſhall be leſs than the Sum of Two hundred Pounds, and ſhall 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 Hereditaments, ſo purchaſed, taken, or uſed, or of his, her, or their Guardian or Guardians, Committee or Committees, in caſe of Infancy or Lunacy, to be ſignified in Writing under their reſpective Hands, be paid into the Bank in the Name and with the Privity of the ſaid Accountant General of the High Court of Chancery, 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 Option, to Two Truſtees, to be nominated by the Perſon or Perſons making ſuch Option, and approved of by Seven or more

more of the ſaid Truſtees (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 any Manner herein-before directed, ſo far as the Caſe be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

If under 20l.

CV. Provided always, and be it further enacted, That where ſuch Money, ſo agreed or awarded to be paid as next 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 Hereditaments ſo purchaſed, taken, or uſed for the Purpoſes of this Act, in ſuch Manner as the ſaid Truſtees or any Seven or more of them, ſhall, think fit; or in caſe of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Uſe and Benefit of ſuch Perſon or Perſons ſo entitled reſpectively.

In caſe of not making out Titles.

CVI. And be it further enacted, That in caſe the Perſon or Perſons, to whom any Sum or Sums 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 Truſtees, or in caſe ſuch Perſon or Perſons to whom ſuch Sum or Sums of Money ſhall be ſo awarded as aforeſaid, cannot be found, or if the Perſon or Perſons entitled to ſuch Lands, Tenements, or Hereditaments, be not known or diſcovered, then and in every ſuch Caſe it ſhall and may be lawful to and for the ſaid Truſtees, 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 Chancery 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 Chancery; which ſaid Court of Chancery 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 ſaid 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, to ſuch Perſon or Perſons as ſhall pay any ſuch Sum or Sums of Money into the Bank as aforeſaid.

Where any Queſtion ſhall ariſe touching the Title to Money to be paid, the Per-

CVII. Provided always, and be it further enacted, That where any Queſtion ſhall ariſe touching the Title of any Perſon to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant-General of the Court of Chancery, in purſuance of this Act, for the Purchaſe of any Meſſuages, Buildings, Lands, Tenements, or Hereditaments,

Hereditaments, or of any Eſtate, Right, or Intereſt in any Meſſuages, Buildings, 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 to the Dividends or Intereſt of any ſuch Bank Annuities, the Perſon or Perſons who ſhall have been in Poſſeſſion of ſuch Meſſuages, Buildings, 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 Meſſuages, Buildings, Lands, Tenements, or Hereditaments, according to ſuch Poſſeſſion, until the contrary ſhall be ſhewn to the Satisfaction of the ſaid Court of Chancery; and the Dividends or 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 Meſſuages, Buildings, Lands, Tenements, or Hereditaments, or to ſome Eſtate or Intereſt therein.

ſons who may be in Poſſeſſion ſhall be entitled thereunto.

CVIII. Provided alſo, and be it further 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 Chancery, and to be applied in the Purchaſe of other Lands, Tenements or 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 Chancery to order the Expences of all Purchaſes from Time to Time, to be made in purſuance of this Act, or ſo much of ſuch Expences as the ſaid Court ſhall deem reaſonable, to be paid by the ſaid Truſtees, 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.

The Court of Chancery may order reaſonable Expences to be paid by the Truſtees.

CIX. And be it further enacted, That every Mortgagee of any Meſſuages, Buildings, Lands and Hereditaments, which ſhall be purchaſed or acquired by the ſaid Truſtees, or any of them, in purſuance of this Act, his, her, or their Heirs, Executors, Adminiſtrators, and Aſſigns reſpectively, on having Six Calendar Months Notice in Writing given to him, her, or them, from the ſaid Truſtees, or any Seven or more of them, or any Perſons authorized by them, or any Seven or more of them, of paying off the Principal and Intereſt Money which ſhall be due on ſuch Mortgages reſpectively, ſhall, at the End of the ſaid Six Calendar Months after ſuch Notice, on Payment or Tender of the Principal Money and Intereſt which ſhall be then due, convey and aſſign his, her, and their reſpective Eſtates and Intereſts in and to the ſaid mortgaged Premiſes, to the ſaid Truſtees, or any Five or more of them, or to ſuch Perſon or Perſons as they ſhall nominate and appoint in Truſt for the Uſes and Purpoſes of this Act; and if any ſuch Mortgagee, his, her, or their Heirs, Executors, Adminiſtrators, or Aſſigns, ſhall refuſe ſo to do, then all Intereſt on every ſuch Mortgage, from the Expiration of the ſaid Six Calendar Months after ſuch Notice, ſhall ceaſe and determine.

Mortgagees to convey.

Tenants at Rack Rent of any Premiſes purchaſed by the Truſtees to give up the Poſſeſſion thereof after Six Months Notice.

CX. And be it further enacted, That in caſe the ſaid Truſtees, or any Seven or more of them, or any Perſon authorized by them, ſhall, after any Meſſuages, Buildings, Lands, or Hereditaments ſhall be purchaſed in purſuance of this Act, give Six Calendar Months Notice in Writing to all or any of the Tenants at Rack Rent, or Occupiers of ſuch Meſſuages, Buildings, Lands, or Hereditaments, to quit or deliver up the Poſſeſſion thereof, then every ſuch Tenant ſhall, at the End of every ſuch Six Calendar Months, peaceably and quietly deliver and yield up the Poſſeſſion of the ſaid Premiſes ſo by him, her, or them reſpectively held or occupied, whether upon Demiſe, Leaſe, or otherwiſe, to the ſaid Truſtees, or to the Perſon or Perſons who ſhall be appointed by them, or any Seven or more of them, to take Poſſeſſion thereof; and all Leaſes, Demiſes, or Agreements for renting or holding the ſame at Rack Rent, or otherwiſe theretofore made, ſhall, from the End of the Six Calendar Months, be abſolutely void and of none effect as againſt the ſaid Truſtees or any of them; and if any Perſon or Perſons ſo in Poſſeſſion ſhall refuſe to give up ſuch Poſſeſſion at the Expiration of ſuch Six Calendar Months after ſuch Notice, it ſhall and may be lawful for the ſaid Truſtees, or any Seven or more of them, to iſſue their Precept or Precepts to the Conſtables of the ſaid Town or Borough of *Leominſter* for the Time being, or to any or either of them, to cauſe Poſſeſſion thereof to be delivered to ſuch Perſon or Perſons who ſhall be in ſuch Precept or Precepts nominated to receive the ſame; and the ſaid Conſtable and Conſtables is and are hereby reſpectively required to deliver Poſſeſſion, according to ſuch Precept or Precepts, of the Premiſes therein mentioned, and to levy ſuch Coſts as ſhall ariſe by Means of the iſſuing and executing of every ſuch Precept or Precepts, by Diſtreſs and Sale of the Goods and Chattels of any Perſon or Perſons who ſhall have refuſed to give up Poſſeſſion as aforeſaid, and ſhall refuſe and neglect to pay ſuch Coſts.

Truſtees empowered to ſell Land not wanted.

CXI. And whereas by reaſon of the Purchaſes which the ſaid Truſtees are hereby empowered to make, they may happen to be poſſeſſed of ſome 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 Truſtees, or any Seven or more of them, to ſell and diſpoſe of ſuch 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; but in every ſuch Caſe the Perſon or Perſons from whom the ſaid Truſtees ſhall have bought the ſame, ſhall have the Firſt Offer of repurchaſing ſuch Ground; and in caſe ſuch Perſon or Perſons ſhall be deſirous of re-purchaſing the ſame, and he, ſhe, or they and the ſaid Truſtees ſhall differ or not agree with reſpect to the Price thereof, in ſuch Caſe the Price or Prices thereof ſhall be aſcertained by a Jury in Manner herein-before directed with reſpect to diſputed Value of Premiſes to be purchaſed by the ſaid Truſtees in purſuance of this Act; and the Expence of hearing and determining ſuch Difference ſhall be borne and paid in like Manner as herein-before directed with reſpect to ſuch Purchaſes made by the ſaid Truſtees, *mutatis mutandis*; and that it ſhall be lawful for the ſaid Truſtees to plan, deſign, and lay out in what Manner any new Houſe or Houſes or Edifices to be erected upon ſuch Piece or Pieces of Ground ſo to be ſold, ſhall be built or erected; and the Money to ariſe by Sale of ſuch Piece or Pieces of Grounds,

shall be applied to the respective Purposes of this Act, but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Non-application thereof.

Penalty on Persons summoned as Witnesses refusing to attend or be examined.

CXII. And be it further enacted, That if any Person or Persons shall be summoned as a Witness or Witnesses to give Evidence before any such Justices of the Peace, touching any Matter of Fact contained in any Information or Complaint for any Offence against this Act, or against any Rule or Order made in pursuance thereof, either on the Part of the Prosecutor or of the Person or Persons accused; or if any Person or Persons shall be summoned as a Witness or Witnesses to give Evidence at a General Quarter Sessions of the Peace to be holden in and for the said County, or any Adjournment thereof, upon any Appeal by virtue of this Act, either on the Part of the Appellant or Respondent, and any such Person or Persons respectively shall refuse or neglect to appear at the Time and Place to be for that Purpose appointed, without a reasonable Excuse for his, her, or their Refusal or Neglect, or appearing shall refuse to be examined on Oath (or in case of a Quaker or Quakers, on solemn Affirmation) and to give Evidence before such Justice of the Peace, or at such Sessions or Adjournment thereof, then and in either of the said Cases, every such Person shall forfeit and pay for every such Offence any Sum not exceeding Ten Pounds.

Recovery and Application of Penalties.

CXIII. And be it further enacted, That no Person shall be liable to pay any Penalty or Forfeiture imposed by this Act on the Commitment of any Offence where the Manner of Recovery thereof is not hereby specially provided for, unless he or she be convicted of such Offence before One Justice of the Peace for the said County of *Hereford*, upon his or her Confession, or upon the Oath of One or more credible Witness or Witnesses (which Oath such Justice is hereby empowered and required to administer or take) and which Conviction such Justice is hereby empowered to make accordingly; and that all Penalties and Forfeitures by this Act imposed or incurred, and all Costs and Charges to be allowed and ordered by the Authority of this Act, the Manner of levying and recovering whereof is not hereby otherwise particularly directed, shall be levied and recovered by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal of any One Justice of the Peace acting in and for the said County, which Warrant such Justice is hereby empowered and required to issue and grant, upon the Confession of the Party offending; and in case sufficient Distress shall not be found, or such Penalties and Forfeitures and Sum and Sums of Money shall not be forthwith paid, it shall be lawful for such Justice, and he is hereby authorized and required, by Warrant under his Hand and Seal, to cause such Offender to be committed to the House of Correction for the said County, there to remain without Bail or Mainprize for any Time not exceeding Six Calendar Months, unless such Penalties and Forfeitures, Sum and Sums of Money, and all reasonable Charges, shall be sooner paid and satisfied.

Inhabitants declared not to be incompetent Witnesses.

CXIV. And be it further enacted, That in all Actions, Prosecutions, Informations, Causes, Enquiries, and Proceedings whatsoever relating to or concerning the Execution of this Act, or of any Rule or Order made in pursuance thereof, no Person whatsoever shall be disqualified from being

being a competent Witneſs and being admitted to give Evidence by reaſon of his or her being an Inhabitant of the ſaid Town or Borough.

Leaving Summons or a Copy at the Dwelling-houſe, to be a good Service.

CXV. And be it further enacted and declared, That in all Summonſes and Notices which are directed or required to be given by this Act, or which are or may be directed or required to be given by any Rules or Orders 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 this Act, or of any of ſuch Rules or Orders (where the Manner of ſerving ſuch Notices or Summonſes is not particularly or otherwiſe directed by this Act) the Service of any ſuch Notice or Summons either on the Perſon to whom the ſame ought to be given, or leaving the ſame or a true Copy thereof at his or her Dwelling-houſe or uſual Place of his or her Abode, ſhall be good and ſufficient Service of any ſuch Notice or Summons; and that in all Caſes whatſoever where any ſuch Notices or Summonſes ought to be given to Two or more Perſons for or reſpecting the joint Act or Omiſſion of any ſuch Perſon whether the ſaid Perſons be in Partnerſhip, in Trade, or otherwiſe jointly concerned in any ſuch Act or Omiſſion, the like Service of any ſuch Notices or Summonſes on any One of ſuch Partners or Perſons, ſhall be alſo a good and ſufficient Service thereof.

All Coſts, which are not particularly directed, to be aſcertained by a Juſtice of the Peace.

CXVI. And be it further enacted, That all Coſts, Charges, and Expences allowed, ordered, or directed to be paid, and which ſhall or may be allowed, ordered, or directed to be paid by or by Authority of this Act, or any Rules or Orders made or to be made in purſuance of this Act (where the Manner of aſcertaining or ſettling the ſame is not particularly or otherwiſe directed by this Act) ſhall from Time to Time, as Occaſion ſhall require, be aſcertained and ſettled by any One of his Majeſty's Juſtices of the Peace for the ſaid County of *Hereford*, who is hereby authorized and required to aſcertain and ſettle the ſame accordingly (and where the Manner of recovering the ſame is not particularly or otherwiſe directed by this Act) ſhall and may, in caſe the ſame ſhall not be paid on Demand, be levied and recovered by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons made ſubject or liable to the Payment thereof by or by Authority of this Act, and ſuch Rules or Orders, or any or either of them, by Warrant under the Hand and Seal of any Juſtice of the Peace (which Warrant ſuch Juſtice is hereby authorized and required to grant and iſſue); and in caſe ſufficient Diſtreſs ſhall not be found, and ſuch Coſts, Charges, and Expences, or any of them, ſhall not be paid on Demand, it ſhall be lawful for any ſuch Juſtice of the Peace and he is hereby authorized and required, by Warrant under his Hand and Seal, to commit ſuch Perſon or Perſons to the Houſe of Correction for the ſaid County, there to remain without Bail or Mainprize, for any Time not exceeding Six Calendar Months, unleſs ſuch Coſts, Charges, and Expences ſhall be ſooner paid and ſatisfied.

No Penalty recoverable unleſs the Offender is proſecuted within Three Calendar

CXVII. And be it further enacted, That no Perſon or Perſons ſhall be liable or ſubject to the Payment of any of the Penalties or Forfeitures inflicted by this Act, for any Offence or Offences againſt the ſame, or againſt any Rule or Order to be made in purſuance thereof, unleſs ſome Proceedings ſhall be had according to the Directions of this Act, or of ſuch Rule

or

or Order respecting such Offence or Offences, within Three Calendar Months next after the Offence committed. Months after the Offence is committed.

CXVIII. And, for the more easy Conviction of Offenders, be it further enacted, That any Justice of the Peace before whom any Person or Persons shall be convicted of any Offence against this Act, or against any Rule or Order made in pursuance thereof, shall and may cause the Conviction to be drawn up in the following Form of Words, or in Words to the same Effect (that is to say); Form of Conviction.

Herefordshire to wit. } 'BE it remembered, That on the Day of in the Year of the Reign 'of his Majesty King *A. B.* is [*or*, are] convicted 'before me, One of His Majesty's Justices of the Peace in and for the said 'County of *Hereford*, by virtue of an Act passed in the Forty-eighth 'Year of the Reign of His Majesty King *George* the Third, intituled, 'An Act, &c [*here insert the Title of this Act, and specify the Offence and 'the Time and Place when and where the same was committed, as the Case 'shall be*] contrary to the said Act or, [*as the Case shall be*] contrary to a 'certain Rule or Order made on the Day of 'pursuant to the said Act; for which Offence I adjudge the said 'to have forfeited the Sum of '[and, *if mitigated*] which I mitigate to the Sum of 'Given under my Hand and Seal the Day and Year first above 'written.'

CXIX. And be it further enacted, That if any Person shall think himself or herself aggrieved by any Determination of the said Trustees, upon Application to them, in respect of any Rate or Assessment, or of any Rule or Order made in pursuance of this Act, or by any Conviction or Judgement to be made in pursuance of this Act, such Person may appeal (and the Justice or Justices convicting is hereby required to make known to such Person at the Time of such Conviction his or her Right to appeal) to the next General Quarter Sessions of the Peace to be holden for the said County of *Hereford*, such Person at the Time of such Determination or Conviction, or within Twenty-four Hours thereof, giving to the Trustees or Justice so determining or convicting, Notice of his or her Intent of appealing, or entering into a Recognizance with sufficient Securities conditioned to try such Appeal, and abide the Judgement of and pay such Costs as shall be awarded by the Justices at such Sessions; and the Justices of the Peace in such Sessions shall have Power to direct and shall direct the Jury which shall attend at such Sessions for the Trial of Traversers, or some other Jury of Twelve honest and substantial Men to be then and there empanneled by the Sheriff, without Fee or Reward, to enquire of the Matter determined, or of the Offence of which the said Person shall have been convicted; and if such Jury shall find the said Matter rightly determined, or shall find such Person guilty of the Offence whereof he or she shall have been so convicted, then the said Determination or Conviction shall stand affirmed, and the said Justices in their said Session shall adjudge and order the Sum in such Determination, or Penalty in such Conviction mentioned, to be forthwith paid, and shall award such Costs to be paid by the Person so appealing to the Prosecutor or Prosecutors, as in their Discretion they shall think fit; and the Appellant shall forthwith pay such Penalty and Costs accordingly; and in case the Jury shall find the Matter so appealed against not rightly determined, or the Person or Persons Persons aggrieved may appeal to the Sessions.

ſo appealing not guilty of the Offence of which he or ſhe ſhall have been ſo convicted, then the ſaid Determination or Conviction ſhall ſtand diſcharged and ſet aſide, and the ſaid Juſtices in their ſaid Seſſions ſhall award ſuch Coſts to be paid by the Proſecutor or Proſecutors to the Perſon ſo appealing, as they in their Diſcretion ſhall think fit; and in caſe the ſaid Appellant ſhall refuſe or neglect to pay ſuch Penalty and Coſts as he or ſhe ſhall be adjudged by the Court before whom ſuch Appeal ſhall be tried to pay, he or ſhe ſhall be committed by ſuch Court to the Houſe of Correction for the ſaid County, there to remain any Time not exceeding Three Calendar Months, nor leſs than Fourteen Days, to be computed from the Affirmance of ſuch Determination or Conviction, unleſs ſuch Penalty and Coſts ſhall be ſooner paid; upon the Payment whereof, the Keeper of the ſaid Houſe of Correction is hereby authorized and required forthwith to diſcharge and liberate ſuch Appellant or Appellants.

Perſon appealing to have a Copy of his Conviction delivered to him.

CXX. And be it further enacted, That when any Perſon ſhall appeal from and againſt any Determination or Conviction as aforeſaid, the Truſtees or Juſtice making ſuch Determination or Conviction, ſhall upon the Requeſt of the Perſon appealing, deliver or cauſe to be delivered to ſuch Perſon, his or her Attorney or Agent, a Copy of ſuch Determination or Conviction, at leaſt Twelve Days before ſuch Appeal is to be tried, for which Copy the Perſon applying for the ſame ſhall pay to the ſaid Truſtees or to the Juſtice or his Clerk, the Sum of Two Shillings and Sixpence, and no more; but if it ſhall happen that the ſaid Truſtees or Juſtice cannot conveniently cauſe the ſaid Determination or Conviction to be drawn up ſo as to be delivered Twelve Days before ſuch Appeal is to be tried, then the ſaid Determination or Conivction ſhall be returned to and filed at the next Quarter Seſſion of the Peace to be holden in and for the ſaid County, and in that Caſe the hearing of the ſaid Appeal ſhall ſtand over and be adjourned to the next Quarter Seſſions, when and where the ſame ſhall be finally determined in Manner aforeſaid.

Want of Form in making Diſtreſs not to make Proceedings void ab initio.

CXXI. And be it further enacted, That when any Diſtreſs ſhall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Diſtreſs itſelf ſhall not be deemed unlawful, nor the Party or Parties making the ſame be deemed a Treſpaſſer or Treſpaſſers *ab initio* on Account of any Defect or Want of Form in the Summons, Conviction, Warrant of Diſtreſs, or other Proceedings relative thereto; nor ſhall the Party or Parties diſtrained be deemed a Treſpaſſer or Treſpaſſers *ab initio*, on Account of any Irregularity which ſhall be afterwards done by the Party or Parties diſtraining, but the Perſon or Perſons aggrieved by ſuch Irregularity may recover Satisfaction for the ſpecial Damage in an Action upon the Caſe; but no Plaintiff or Plaintiffs ſhall recover in any Action for any ſuch Irregularity or other Proceedings, if Tender of ſufficient Amends ſhall be made by or on the Behalf of the Party or Parties who ſhall have committed or cauſed to be committed any ſuch Irregularity or wrongful Proceedings, before ſuch Action brought; and in caſe no ſuch Tender ſhall have been made, it ſhall be lawful for the Defendant or Defendants in any ſuch Action, by Leave of the Court where ſuch Action ſhall depend, at any Time before Iſſue joined, to pay into Court ſuch Sum of Money as he, ſhe, or they ſhall ſee fit, whereupon ſuch Proceedings or Orders and Judgments ſhall be had, made, and given in and by ſuch Court, as in other Actions where the Defendant is allowed to pay Money into Court.

CXXII. And

Proceedings not to be quashed for want of Form.

CXXII. And be it further enacted, That no Proceedings to be had touching the Conviction of any Offender or Offenders against this Act, or against any Rule or Order to be made in pursuance thereof, or any Order made or other Matter or Thing to be done or transacted in or relating to the Execution of this Act, or of any Rule or Order, shall be made void or quashed for Want of Form, or be removed by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*, any Law or Statute to the contrary notwithstanding.

Limitation of Actions.

CXXIII. And be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of this Act, or of any Rule or Order to be made in pursuance thereof, until Twenty-one Days Notice thereof shall be first given in Writing to the Clerk of the said Trustees for the Time being, signed by the intended Plaintiff or Plaintiffs, specifying the Cause for commencing such Action or Suit, nor at any Time whatsoever after sufficient Satisfaction or Tender thereof hath been made to the Party or Parties aggrieved, nor after Three Calendar Months next after the Fact committed for which such Action or Actions, Suit or Suits shall be so brought; and all such Actions and Suits shall be laid and tried in the County of *Hereford*, and not in any other County or Place; and that the Defendant or Defendants in every such Action or Suit, and every of them, may plead the General Issue, and give this Act and the Special Matter in Evidence at any Trial or Trials which shall be had thereupon, and that the Matter or Thing for which such Action or Actions, Suit or Suits, shall be so brought, was done in pursuance and by Authority of this Act, or of any Rule or Order made in pursuance thereof; and if the said Matter or Thing shall appear to have been so done, or if it shall happen that such Action or Suit was brought before Twenty-one Days Notice given as aforesaid, or that sufficient Satisfaction was made or tendered as aforesaid, or if any such Action or Suit shall not be commenced within the Time before limited, or shall be laid in any other County or Place than as aforesaid; then the Jury or Juries shall find for the Defendant or Defendants therein; and if a Verdict or Verdicts shall be found for such Defendant or Defendants, or if the Plaintiff or Plaintiffs in such Action or Actions, Suit or Suits, shall become nonsuited, or suffer a Discontinuance of such Action or Actions, or if Judgement shall be given for the Defendant or Defendants therein, then and in either of the Cases aforesaid such Defendant or Defendants shall have Treble Costs, and shall have such Remedy for recovering the same as any Defendant or Defendants may have for his, her, or their Costs in any other Cases by Law.

If Trustees bring an Action and recover Damages Defendant to pay Costs.

CXXIV. And be it further enacted, That if any Action or Actions shall be brought by the Order of the said Trustees against any Person or Persons for any Thing relating to this Act, or the Powers herein contained, and a Verdict shall be had and given against the Person or Persons against whom such Action or Actions shall be brought, such Person or Persons shall pay Double Costs, and the Plaintiff or Plaintiffs in such Action or Actions, shall have such Remedy and Remedies for recovering the same, as any Plaintiff or Plaintiffs may have for his, her, or their Costs, in any other Cases by Law.

Publick Act;

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

The

The SCHEDULE referred to by the said Act.

A Messuage or Tenement now or late the Property of *Collier*, and in the Possession of *James Herbert*, Barber.

Another Messuage or Tenement now or late the Property of *Richard Lloyd*, and in the Possession of *Richard Lloyd*, Butcher, situate in *High Street*, in the said Town or Borough of *Leominster*.

Another Messuage or Tenement, now or late the Property of *Richard Morris*, in the Possession of *Cornelius Chapman*, Hatter, situate in *Mill Street* in the said Town.

A Part of a certain other Messuage, Tenement, and Dwelling House, which hangs or projects over towards the Front, and is supported by Three Wood Pillars, the Property and in the Possession of *Samuel Nash*, Mercer, situate near the Cross in the *Broad Street* in the said Town or Borough of *Leominster*.

Another Messuage or Tenement now or late the Property of , in the Possession of *Richard Baker*, situate in the *Lower Marsh* in the said Town or Borough of *Leominster*.

A Part of a certain other Messuage or Tenement, the Property of Mrs. *Wanklin*, in the Possession of *Thomas Meredith*, situate in the *Lower Marsh*, within the said Town or Borough of *Leominster*. And

A Building called the Wash House, standing and being close to the River *Pinsley*, situate in the *Vicarage Street*, within the said Town or Borough of *Leominster*.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1808.