ANNO TERTIO & QUARTO

GULIELMI IV. REGIS.

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C A P. XC.

An Act to repeal an Act of the Eleventh Year of His late Majesty King *George* the Fourth, for the lighting and watching of Parishes in *England* and *Wales*, and to make other Provisions in lieu thereof. [28th *August* 1833.]

WHEREAS an Act was passed in the Eleventh Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to make Provision for the lighting and watching of Parishes in* England *and* Wales: And whereas Doubts have arisen as to the Construction of some of the Provisions of the said Act, and it is expedient that the said Act should be repealed, and that other Provisions should be substituted in lieu thereof: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and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 from and after the passing of this Act the said Act passed in the Eleventh Year of the Reign of His said late Majesty King *George* the Fourth shall be and the same is hereby repealed.

11 G. 4. c. 27.

Recited Act repealed.

II. Provided always, and be it further enacted, That nothing herein contained shall extend or be deemed or construed to interfere with any Rates made, Acts done, or Contracts or Agreements heretofore made under the Authority of the said recited Act previous to the Repeal of the said Act, or to prevent or defeat any Prosecution commenced

Such Repeal not to affect the Proceedings under that Act previous to the passing of this Act.

commenced or to be brought for any Offence against the said Act; but all Rates made, and Penalties and Forfeitures incurred, may be raised, levied, sued for, and recovered, and all Contracts and Agreements may be enforced, and all Nuisances and other Offences made or committed previously to the Repeal of the said recited Act against the Provisions of the said Act may be abated or prosecuted by the Inspectors appointed under the said recited Act or this Act, in the same Manner to all Intents and Purposes as if this Act had not been passed.

Inspectors under former Act to continue to act until others appointed.

III. Provided always, and be it further enacted, That the Inspectors appointed under the Authority of the said recited Act shall continue to act, and shall have the same Powers, Authorities, and be subject to the Discharge of the same Duties as the Inspectors to be appointed under the Authority of this Act.

Act applicable to all Parishes.

IV. And whereas it is desirable to make Provision for the lighting and watching of the several Parishes in *England* and *Wales;* be it enacted, That this Act, and the several Provisions thereof, shall apply to and may be adopted, under and subject to the Regulations herein contained, by all or any or either of the Parishes in *England* and *Wales*.

On Application of Three rated Inhabitants, Churchwardens to convene a Meeting in Vestry to determine whether the Provisions of this Act shall be adopted.

V. And be it further enacted, That from and after the passing of this Act, upon the Application in Writing of Three or more of the Rate-payers of any Parish, it shall be lawful for the Churchwardens thereof, and they are hereby required, within Ten Days after the Receipt of such Application as aforesaid, to appoint and notify a Time and Place for a public Meeting of the Rate-payers of the said Parish, for the Purpose of determining whether the Provisions in this Act contained shall be adopted and carried into execution in the said Parish: Provided always, that the Time appointed for holding the said Meeting shall not be less than Ten Days and not more than Twenty-one Days from the Time of the said Application so being delivered to them as aforesaid, and that Notification of the Time and Place of Meeting shall be made by forthwith affixing a Notice on the principal outer Door of every Parish Church or Chapel situate within such Parish, or on the usual Place of affixing Notices relating to the Parochial Affairs of any such Parish, and also by Publication of the same in the Parish Church or Chapel on the *Sunday* previous to the Day appointed for holding such Meeting, during or immediately after Divine Service.

Chairman to be elected, who shall determine any Controversies.

VI. And be it further enacted, That such Person as may be elected by the Rate-payers present shall preside as Chairman at such Meetings; and that if any Controversy shall arise at any such Meeting as to the Qualification or Right of voting or Eligibility of any Person claiming to vote, or as to the Qualification or Eligibility of any Candidate, such Controversy shall be determined by the Chairman presiding at such Meeting.

Chairman to read Requisition, and

VII. And be it further enacted, That the Chairman who shall preside at any Meeting assembled as herein directed shall read or cause

to be read the Requisition whereupon the Meeting shall have been summoned, and shall require the Persons assembled thereat to determine by Majority of Votes, as herein mentioned, whether the Provisions of this Act, as herein set forth, shall or shall not be adopted and acted upon within such Parish: Provided nevertheless, that it shall be lawful for the Majority of the Rate-payers present to adjourn such Meeting from Time to Time.

require Persons to determine whether Act shall be adopted.

VIII. And be it further enacted, That if at any such Meeting it shall be determined by a Majority consisting of Two Thirds of the Votes of the Rate-payers present at such Meeting that the Provisions of this Act shall be adopted, then and in such Case such Provisions shall from thenceforth take effect and come into operation in such Parish; and it shall forthwith be determined that a certain Number not being more than Twelve nor less than Three Inspectors shall be elected to carry such Purposes into effect; and the Number of Inspectors so determined upon shall be elected in manner herein mentioned.

If Meeting determine to proceed, the Provisions of this Act shall thenceforth take effect.

IX. And be it further enacted, That the Rate-payers of such Parish shall at their first Meeting, or at some Adjournment thereof, and so on from Time to Time in every succeeding Year at a Meeting to be called for that Purpose in manner herein directed, fix and determine the total Amount of Money which the Inspectors shall have Power to call for in any One Year, in order to carry into effect the Provisions of this Act, such Sum to be raised in the Manner herein directed, upon the full and fair annual Value of all Property rateable for the Relief of the Poor within such Parish, such full and fair annual Value to be computed according to the last Valuation for the Time being acted upon in assessing the Poor's Rate for the said Parish: Provided nevertheless, that any Five rated Inhabitants, qualified to vote as herein mentioned, may, at such Meeting or Adjournment thereof, in Writing given to the Chairman of the said Meeting, demand a Poll to be taken of the Rate-payers qualified to vote upon the Question as to whether this Act and the Provisions thereof, or any Part thereof, shall be adopted in such Parish, and also as to the Amount of Money to be raised in the succeeding Year for the Purposes thereof, and the Number of Inspectors to be elected as determined at such Meeting, and which said Demand of a Poll the said Chairman is required forthwith to deliver to the Churchwardens of the said Parish.

Inhabitants to fix Amount of Money to be raised.

Poll may be demanded as to Adoption of Act.

X. And be it further enacted, That the said Churchwardens of the said Parish shall, on the first *Sunday* next after the Receipt of such Demand of a Poll, affix or cause to be affixed a Notice on the principal outer Door of every Parish Church or Chapel situate within such Parish, or on the usual Place of affixing Notices relating to Parochial Affairs of any such Parish, specifying some Day, not earlier than Ten Days and not later than Twenty-one Days after such *Sunday*, and at what Place or Places within the said Parish, the Rate-payers are required to signify their Votes for or against the Adoption of this Act, or such Part thereof as may have been agreed upon at the said Meeting, as well as with respect to the annual Amount

Notice of Poll to be given by Churchwardens.

Amount of Money to be raised in the succeeding Year for the Purposes thereof, and the Number of Inspectors to be elected as determined at such Meeting, which Votes shall be received on Two successive Days, commencing at Eight of the Clock in the Forenoon and ending at Four of the Clock in the Afternoon of each Day; and the said Notice shall be to the following Effect:

Form of Notice.

'THE Churchwardens of this Parish [*insert the Name of the Parish*] having received a Demand for a Poll, duly signed according to the Provisions of an Act of the Fourth Year of the Reign of King *William* the Fourth, intituled *An Act, &c.* [*setting out the Title of the Act*], the Rate-payers of this Parish of [*insert the Name of the Parish*] are hereby required, all and each of them, on the Day of next, and the following Day, to signify to the said Churchwardens, by a Declaration, either printed or written, or partly printed or partly written, addressed and delivered to One of the Churchwardens at [*insert here the Place*], their Votes for or against the Adoption of the aforesaid Act, or so much thereof as relates to watching or lighting [*as the Case may be*], the Amount of the Money to be raised in the succeeding Year for the Purposes thereof, being [*here insert the Sum agreed on at the Meeting*], and the Number of Inspectors to be elected [*insert the Number also agreed on*], such Sum and such Number of Inspectors being fixed and determined upon at a Meeting of the Rate-payers called pursuant to the said Act.

(Signed)

Churchwardens.'

Form of Declaration.

XI. And be it further enacted, That the said Declaration shall be to the following Effect:

'I *A. B.* of Street [*or* Place *or* House] in this Parish of vote [for *or* against, *as the Case may be,*] the Adoption of the Act of the Fourth Year of the Reign of His Majesty King *William* the Fourth, intituled *An Act, &c.* [*set out Title of the Act*], or so much thereof as relates to watching or lighting [*as in the Notice*], the Amount of the Money to be raised in the succeeding Year for the Purposes thereof, being [*as in Notice*], and the Number of Inspectors to be elected [*as in Notice.*]'

Churchwardens to examine the Votes, and declare whether Two Thirds of them are in favour of adopting this Act.

XII. And be it further enacted, That the said Churchwardens shall carefully examine the Votes to them delivered as aforesaid, and shall compare them with the last Rate made for the Relief of the Poor of the said Parish, and shall be empowered to call before them and examine any Parish Officer touching the said Votes, or any Rate-payer so giving his Vote, and after a full and fair summing-up of the said Votes shall, by public Notice according to the Form and Manner hereafter prescribed, declare whether or not Two Thirds of the Votes given have been given in favour of the Adoption of the said Act (or so much thereof as relates to watching or lighting, as in the Notice), and also as to the Sum of Money to be raised in the succeeding Year, and the Number of Inspectors to be elected to be

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(as in the Notice): Provided always, that the whole Number of Persons voting shall be a clear Majority of the Rate-payers of the Parish: Provided also, that in case of a Poll being demanded as aforesaid, the Adoption or Non-adoption of this Act, with the Sum to be raised, and the Number of Inspectors to be elected as aforesaid, shall be decided by such Number of Votes as aforesaid: Provided also, that the Expences incurred by the Churchwardens in calling such Meeting, giving the Notices as aforesaid, and in taking such Poll, shall be paid out of the Rate collected for the Relief of the Poor in the said Parish.

Rate-payers may inspect Votes.

XIII. Provided always, and be it further enacted, That any of the Rate-payers of the aforesaid Parish, not exceeding Five together, may inspect, at or in the Vestry Room or in some convenient Place within the same Parish, and they are hereby empowered to inspect, the Votes so given for and against the Adoption of this Act, with the Sum to be raised, and Number of Inspectors to be elected as aforesaid, at all seasonable Times within One Month after such Notice shall have been given; and the Churchwardens of the said Parish are hereby required carefully to preserve the said Votes, and freely to permit and allow the Examination thereof by the aforesaid Rate-payers of the said Parish at all seasonable Times within the Period aforesaid.

No Person to vote unless he has been rated One Year.

XIV. And be it further enacted, That no Person shall be deemed a Rate-payer, or be entitled to vote, or do any other Act, Matter, or Thing as such, under the Provisions of this Act, unless he or she shall have been rated to the Relief of the Poor for the whole Year immediately preceding his so voting or otherwise acting as such Rate-payer, and shall have paid all the Parochial Rates, Taxes, and Assessments due from him or her at the Time of so voting or acting, except such as have been made or become due within the Six Months immediately preceding such voting.

Notice of Adoption of this Act.

XV. And be it further enacted, That Notice of the Adoption of this Act, (or any Part thereof, specifying it,) with the Amount of the Sum to be raised in the succeeding Year, and the Number of Inspectors to be elected by any Parish, shall be forthwith given by the Churchwardens for the Time being of the said Parish by affixing a Notice of the same to the principal Door of every Church and Chapel within the said Parish, or on the usual Place of affixing Notices relating to the Parochial Affairs of such Parish; and in such Case the Provisions of this Act shall from thenceforth take effect and come into operation in such Parish: Provided always, that it shall be lawful for the Inhabitants present at any Meeting called in manner herein directed, at any Time after the Expiration of Three Years from the Time when the Provisions of this Act shall have been adopted, to determine that the Provisions of this Act shall, from and after a Day to be fixed upon at such Meeting, cease to be acted upon; in which Case, from and after such last-mentioned Day, the Provisions of this Act shall no longer be in force in such Parish: Provided nevertheless, that the Provisions in this Act contained shall remain and continue in force for the Purpose of collecting and

Act may be abandoned.

recovering any Rate which may have been previously made; and if on the Abandonment and ceasing to act upon the Provisions of this Act there shall be any Balance in the Hands of the said Inspectors, after defraying the Expences incurred in carrying into effect the Provisions of this Act, the said Balance shall be paid over to the Overseers of the Poor of the said Parish, to be applied in aid of the Poor Rates of the said Parish.

If Meeting determine against adopting this Act.

XVI. And be it further enacted, That in case any such Meeting convened as aforesaid, or, in case of a Poll having been demanded as aforesaid, a Majority of Two Thirds of the Votes as aforesaid, shall not have determined to adopt the Provisions of this Act, it shall not be lawful for the Inhabitants to meet again in less than One Year from the Period at which such Meeting shall have been so convened as aforesaid.

Mode of electing Inspectors.

XVII. And be it further enacted, That the Inspectors herein mentioned shall be elected in manner following; (that is to say,) the Churchwardens of any Parish adopting the Provisions of this Act shall, in the Manner herein first directed, forthwith call a Meeting of the Rate-payers of such Parish, and each Candidate, being a Person who shall reside within such Parish, and who shall have been assessed or charged by the last Rate made for the Relief of the Poor in respect of a Dwelling House or other Tenement or Premises of the annual Value, according to the said Rate, of Fifteen Pounds or more, shall be eligible to be elected an Inspector for the Purposes of this Act, and shall be proposed at the said Meeting by some Person duly qualified to vote thereat, and shall be seconded by some other Person in like Manner qualified; and if more Candidates than the Number of Inspectors authorized to be elected shall be proposed, and a Poll shall be demanded by any Ten Persons qualified to vote on behalf of any such Candidates, then the Chairman shall open and proceed with such Poll, and in a Book or Books prepared for that Purpose, which Book or Books the Churchwardens are hereby required to cause to be prepared, shall enter or cause to be entered the Name of all such Candidates, and the Name of every Person duly qualified to be present and vote who shall desire to vote, together with his Description and Abode, and shall register the Vote of every such Person for every or any such Candidate as every such Person may respectively require; and if the Votes of all the Persons duly qualified and desirous to vote cannot be conveniently collected and registered by Four of the Clock of the same Day upon which the Poll shall have been commenced, then the Chairman shall at that Hour adjourn such Poll to the Day next succeeding, unless such Day shall be a *Sunday*, *Christmas Day*, or *Good Friday*, and in that Case to the Day following, and then proceed to collect and register the Votes of all Persons duly qualified and applying to vote; provided nevertheless, that the Poll shall finally close at Four of the Clock on the Day to which it shall have been adjourned, or sooner, provided all Persons duly qualified and desirous to vote shall have voted, and after the Lapse of One Hour without any Person offering to vote; and as soon after the Close of the Poll as may be possible the Result

thereof shall be declared at the Place where the Election may have been holden, and certified by the Chairman to the Overseers of the Poor; and the said Churchwardens shall be reimbursed all such reasonable Charges and Expences as may be incurred in providing Clerks and Books, and otherwise in the Performance of the Duties hereby required of them by the Candidates at the said Election for the said Office: Provided nevertheless, that if the Provisions of this Act are adopted at the Meeting first called for that Purpose, the said Inspectors may be appointed at the same Time by the Rate-payers of such Parish then present, unless a Poll should be demanded, and if such Poll should be demanded it shall be proceeded with as herein directed.

At the End of Twelve Months the Inspectors to give Notice to Churchwardens that they are ready to produce their Accounts, and Churchwardens to call a Meeting for that Purpose.

XVIII. And be it further enacted, That in every Parish adopting the Provisions of this Act the Inspectors shall, within One Month next after the Expiration of Twelve Calendar Months from the Day of such Adoption, give Notice to the Churchwardens of the said Parish that they are ready to produce their Accounts and Vouchers for the previous Year, and thereupon the said Churchwardens shall give due Notice, in the Manner required with respect to the first Meeting to be held under this Act, that a Meeting of the Rate-payers of the said Parish will be held at an Hour and Place in the said Notice to be mentioned, on some Day, not being a *Sunday*, within Ten Days from the Receipt of such Notice, for the Purpose of the said Inspectors producing such Accounts and Vouchers, and for the Election of Inspectors for the Execution of this Act, and for determining the Amount of the Money to be raised for the Purposes of this Act, for the current Year; and in every future Year such Meeting shall, for the Purposes aforesaid, be held on the same Day in the corresponding Month, except such Day should fall on a *Sunday*, and then on the Day following.

Meetings in future Years.

Inspectors at such Meeting to produce Accounts; One Third of them to go out of Office and others elected.

XIX. And be it further enacted, That at such Annual Meeting the said Inspectors shall produce their Accounts and Vouchers of all Monies received and paid by virtue of this Act for the previous Year; and a Duplicate or Copy of such Accounts, verified on Oath before any Two Justices by the said Inspectors or any Two of them, shall be deposited with the said Inspectors, and shall be open at all reasonable Times to the Inspection of all Parties interested; and at such Annual Meeting One Third of the Inspectors, or as near thereto as the Number appointed will admit of, shall go out of Office in rotation; and in place of such Inspectors so going out of Office a like Number of other Inspectors shall be elected: Provided always, that any of such outgoing Inspectors shall be re-eligible, and may be re-elected, and shall in such Case continue to act and remain in Office, any thing herein contained to the contrary notwithstanding.

Chairman to decide Questions as to Eligibility, &c.

XX. And be it further enacted, That the Chairman appointed to preside at such Annual Meeting shall proceed in such Manner as the Chairman at the first Meeting to be held under this Act is hereinbefore directed to proceed at the Election of the Inspectors to be first appointed for the Execution of this Act, and shall decide on Questions which may arise as to the Eligibility or Qualification of any

any Person whatsoever, and as to all Matters whatsoever connected with the said Election, and shall declare the Result of the same as aforesaid.

How Vacancies in the Number of Inspectors shall be filled up.

XXI. And be it further enacted, That in case any Inspector shall die, or become disqualified by Change of Residence or otherwise, or shall neglect to act, and in case of any casual Vacancy happening in any Manner whatever, so that the Number of Inspectors shall be reduced to less than Three, Notice shall be immediately given by the acting Inspectors to the Churchwardens of the Parish, who shall forthwith, in the Manner directed by this Act, call a Meeting of the rated Inhabitants as aforesaid for the Purpose of filling up such Vacancy or Vacancies.

Inspectors to meet monthly.

XXII. And be it further enacted, That the Inspectors for executing this Act in any Parish shall meet on the first *Monday* in every Month, at Noon, at some convenient Place or Office previously publicly notified; and at such Monthly Meeting it shall be lawful for any Inhabitant rated to the Relief of the Poor of any such Parish to appear there, and prefer any Matter of Complaint which he may think proper to make concerning any Matter or Thing done by force or in pursuance of or under pretence of the Provisions of this Act.

Special Meetings of Inspectors.

XXIII. And be it further enacted, That such Inspectors shall meet at all other Times and so often as at any previous Meeting shall be determined upon; and it shall be at all Times competent for any One Inspector, when Three Inspectors only shall have been appointed, and in all other Cases for any Two Inspectors, by Writing under his or their Hands, to summon, upon at least Forty-eight Hours Notice, the Inspectors for any special Purpose therein named, and for such Time as shall be therein named; and that at all Meetings of such Inspectors any Number not less than One Third of the whole Number when more than Three Inspectors shall have been appointed, and when only Three Inspectors shall have been appointed then not less than Two Inspectors, shall constitute a Quorum for transacting Business.

Quorum.

Inspectors to appoint Officers during Pleasure, and rent an Office for the Transaction of their Business.

XXIV. And be it further enacted, That it shall be lawful for the said Inspectors elected in any Parish under this Act for the Time being, and they are hereby authorized and required, to appoint, during Pleasure, such Treasurer and other Officers as they shall think necessary for effecting the Purposes of this Act, and to remove and displace the same, and to hire and rent a sufficient Office or House or Room for holding their Meetings and transacting their Business, and also to appoint suitable Salaries, Wages, and Allowances to and for such Treasurer and other Officers, and also to agree for a reasonable Rent for such Office or House or Room, and to pay such Salaries, Wages, and Allowances, and such Rent, out of the Monies received by the Inspectors under the Authority of this Act: Provided nevertheless, that no Person shall at the same Time hold Two Offices or Situations under the said Inspectors.

XXV. And

Security to be taken from Treasurer.

XXV. And be it further enacted, That it shall be lawful for the said Inspectors, or any Two or more of them, and they are hereby required, to take Security from the Treasurer to be appointed by virtue of this Act for the due Execution of his Office of Treasurer, according to the true Intent and Meaning of this Act, which Security shall be to the full Amount of the Sum likely to be in the Hands of the said Treasurer at any one Time; and in case any such Treasurer shall neglect or refuse for the Space of Three Weeks next after his Appointment to give or offer such Security to the Satisfaction of the said Inspectors, then the Appointment of every such Person so neglecting or refusing shall be null and void to all Intents and Purposes, and the said Inspectors shall within Three Weeks then next assemble and appoint some other fit and proper Person to the Office of Treasurer, instead of the Person so refusing or neglecting as aforesaid, and shall so assemble and appoint from Time to Time until Security shall be given to their Satisfaction as aforesaid.

Treasurer and Officers to account.

XXVI. And be it further enacted, That every such Treasurer and other Officer appointed by virtue of this Act shall under his respective Hand, and at such Time or Times and in such Manner as the said Inspectors shall direct, deliver to the said Inspectors, or such Person as they shall appoint, true and perfect Accounts in Writing of all Matters and Things committed to his Charge by virtue of this Act, and also of all Monies which shall have been by such Officer received by virtue of or for the Purposes of this Act, and of how much thereof shall have been expended and disbursed, and for what Purposes, together with proper Vouchers for such Payments; and that every such Officer shall pay all such Monies as shall remain due from him to the Treasurer for the Time being, or to such Person or Persons as the said Inspector shall appoint to receive the same; and if any such Treasurer, Officer, or other Person shall refuse or neglect to make and render such Account, or to produce and deliver up the Vouchers relating to the same, or to make Payments as aforesaid, or shall refuse or wilfully neglect to deliver to the said Inspectors or to such Person or Persons as they shall appoint to receive the same, within Three Days after being thereunto required by the said Inspectors by Notice in Writing under the Hands and Seals of any Two or more of the said Inspectors given to or left at the last or usual Place of Abode of such Officer, all Books, Papers, and Writings in his Custody or Power relating to the Execution of this Act, or to give Satisfaction to the said Inspectors or such other Person or Persons as aforesaid respecting the same, then and in every such Case, upon Complaint made by the said Inspectors, or by such Person or Persons as they the said Inspectors shall appoint for that Purpose, of any such Refusal or wilful Neglect as aforesaid, to any Justice of the Peace, such Justice may and he is hereby authorized and required to issue a Summons under his Hand and Seal for the Officer so refusing or neglecting to appear before Two Justices of the Peace; and upon the said Officer appearing, or having been so summoned and not appearing without some sufficient and reasonable Excuse, or not being found, it shall be lawful for the said Justices to hear and determine the Matter in a summary Way; and if, upon Confession of the Party, or by

Proceedings against Officers neglecting to account.

the Testimony of any credible Witness or Witnesses upon Oath, (which Oath such Justices are hereby empowered to administer,) it shall appear to such Justices that any Monies remain due from such Officer, such Justices may and they are hereby authorized and required, upon Nonpayment thereof, by Warrant under their Hands and Seals, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer; and if no Goods and Chattels of such Officer shall be found sufficient to answer and satisfy the said Money, and the Charges of distraining and selling the said Goods and Chattels, or if it shall appear to such Justices that such Officer had refused or wilfully neglected to render and give such Account, or to produce the Vouchers relating thereto, or that any Books, Papers, or Writings relating to the Execution of this Act remained in the Hands or in the Custody or Power of such Officer, and he refused or wilfully neglected to deliver or give Satisfaction respecting the same as aforesaid, then and in every such Case such Justices shall and they are hereby required to commit such Offender to the Common Gaol or House of Correction for the County, City, or Place where such Offender shall be or reside, there to remain, without Bail or Mainprize, until he shall have given a true and perfect Account as aforesaid, or until he shall have paid such Monies as aforesaid, or compounded with the said Inspectors for such Money, and shall have paid such Composition in such Manner as they shall appoint, (which Composition the said Inspectors are hereby empowered to make and receive,) and until he shall have delivered up such Books, Papers, and Writings, or given Satisfaction in respect thereof, to the said Inspectors or to such other Person or Persons as aforesaid; but no such Offender shall be kept or detained in such Common Gaol or House of Correction for Want of sufficient Distress by virtue of this Act for any longer Space or Time than Three Calendar Months.

Commitment of Offender not to discharge his Sureties.

XXVII. And be it further enacted, That no Prosecution or Commitment, under the Provisions of this Act, of any Treasurer or other Officer or Person to be appointed under the Powers of this Act, shall acquit or discharge any Surety or Security that shall or may have been taken by or given to the said Inspectors for the due and faithful Execution of his or their Office, or the Payment of the Monies received or to be received by him or them respectively.

Officers taking any Fee or Reward besides the Salary or Fees appointed to forfeit 50*l*.

XXVIII. And be it further enacted, That if any Person who shall be employed as Treasurer, or any other Officer or Servant who shall be in anywise employed by the said Inspectors for putting this Act or any of the Powers thereof into execution, shall exact, take, or accept any Fee or Reward whatsoever other than such Salaries, Allowances, and Rewards as are appointed by this Act, or shall be appointed, allowed, and approved of by the said Inspectors, for or on account of any thing done or to be done by virtue of this Act, or on any Account whatsoever relative to putting this Act into execution, or shall in anywise be concerned or interested in any Bargain or Contract made or to be made by the said Inspectors; and no Person, during the Time he holds the Office of Inspector, shall accept or hold any Office or Place of Trust created by virtue of this

Act within the said Parish, or shall be concerned directly or indirectly in any Contract with the said Parish; every such Person so offending shall be incapable of ever serving or being employed under this Act, and shall over and above forfeit the Sum of Fifty Pounds to any Person or Persons who shall sue for the same.

Inspectors may sue and be sued in the Name of any One of them.

XXIX. And be it further enacted, That the said Inspectors may sue and be sued in the Name of any One of the Inspectors for the Time being; and all Actions or Suits that may be necessary or expedient to be brought for the Recovery of any Penalty or Sum of Money due or payable by virtue of this Act, or for or in respect of any other Matter or Thing relating to this Act, may be brought in the Name of any One of the said Inspectors; and that no Action or Suit which may be brought, commenced, or prosecuted by or against the said Inspectors, or any of them, by virtue or on account of this Act, shall abate or be discontinued by the Death, Resignation, or Removal of such Inspector, but such Inspector shall be deemed Plaintiff or Defendant in any such Action or Suit (as the Case may be): Provided also, that in all Cases in which the Inspector as aforesaid shall, in pursuance of this Act, be the Plaintiff or Defendant on the Record in any Action or Actions, Suit or Suits, in which in effect the said Inspectors shall be suing or sued in the Name of such One Inspector as aforesaid, he (although appearing as the Plaintiff or Defendant on the Record) may and shall nevertheless (if not otherwise interested or objectionable) be a good examinable and competent Witness in every Action or Suit either for or against the said Inspectors; and all the Affidavits of Debt or Service which may be necessary or expedient to be made preparatory to or in the Prosecution or Defence of any and every such Action, Suit, or Proceeding shall and may be lawfully made by such One Inspector, notwithstanding he shall be nominal Plaintiff or Defendant on the Record as aforesaid: Provided also, that every or any such Inspector in whose Name any Action or Suit shall be commenced, prosecuted, or defended in pursuance of this Act shall always be reimbursed and paid, out of the Monies to arise by virtue of this Act, all such Costs, Charges, and Expences as he shall be put to or become chargeable with by reason of his being made Plaintiff or Defendant therein; and in case of his Removal from Office, or ceasing to act as such Inspector, all such Costs, Charges, and Expences shall be paid by the Inspector for the Time being; and no Inspector shall be personally answerable or liable for the Payment of the same or any Part of them, unless such Action or Suit shall arise in consequence of his own wilful Neglect or Default, or have been brought or commenced or be defended without the Order or Direction of the said Inspectors.

Proceedings at Meetings of Inspectors to be entered in Books, which shall be good Evidence.

XXX. And be it further enacted, That all Acts, Orders, and Proceedings of the said Inspectors at any of their Meetings shall be entered in a Book to be kept by them for that Purpose, and shall be signed by Two of the Inspectors who were then present; and all such Acts, Orders, and Proceedings shall then be deemed and taken to be original Acts, Orders, and Proceedings; and such Books shall and may be produced and read as Evidence of all such Acts, Orders, and Proceedings upon any Appeal or Trial or Information, or any Proceedings,

ceedings, Civil or Criminal, and in any Court or Courts of Law or Equity whatsoever.

Accounts to be kept.

XXXI. And be it further enacted, That the said Inspectors shall and they are hereby required from Time to Time to order and direct a Book or Books to be provided and kept, in which Book or Books shall be entered true and regular Accounts of all Sums of Money received, paid, and expended for or on account of the Purposes of this Act, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed and paid; and such Book or Books shall at all reasonable Times be open to the Inspection of the said Inspectors and of every Inhabitant rated to the Relief of the Poor of the Parish adopting the Provisions of this Act, without Fee or Reward; and the said Inspectors and other Persons aforesaid, or any of them, shall or may take Copies of or Extracts from the said Book or Books, or any Part thereof, without paying for the same; and in case the said Inspectors shall refuse to permit or shall not permit the said Persons aforesaid to inspect the same, or take Copies or Extracts as aforesaid, such Inspector shall forfeit and pay any Sum of Money not exceeding Five Pounds for each Default, to be levied and applied in manner herein-after provided.

Inspectors to issue an Order to Overseers for Payment of Money for the Purposes of this Act.

XXXII. And be it further enacted, That as soon as the Inspectors have been elected as aforesaid, it shall be lawful for them, or any Two or more of them, from Time to Time to issue an Order under their Hands to the Overseers of the Poor of any Parish to which the Provisions of this Act shall be extended, by which Order they shall require the said Overseers to levy the Amount mentioned in the said Order.

Power to collect Rates.

XXXIII. And be it further enacted, That the Overseers aforesaid shall, for the Purpose of collecting, raising, and levying the Rate necessary for the Purposes of this Act, proceed in the same Manner, and have the same Powers, Remedies, and Privileges, as for levying Money for the Relief of the Poor in the said Parish: Provided always, that Owners and Occupiers of Houses, Buildings, and Property (other than Land) rateable to the Relief of the Poor in any such Parish shall be rated at and pay a Rate in the Pound Three Times greater than that at which the Owners and Occupiers of Land shall be rated at and pay for the Purposes of this Act: Provided also, that the total Amount of the Sum to be collected, raised, and levied for the Purposes of this Act within any One Year shall not exceed such Sum as shall have been agreed on by the Inhabitants of the said Parish as aforesaid, and that the said Sum shall be assessed upon the full and fair annual Value to which Lands, Houses, Buildings, and other Property within the said Parish shall be rated or shall be rateable according to the last Valuation made and acted upon for the Rate for the Relief of the Poor within the said Parish.

Land and Houses to be rated separately.

XXXIV. Provided always, and be it further enacted, That it shall be lawful for the Overseers of the Poor of any such Parish, and they

they are hereby required, whenever, according to the Rate made for the Relief of the Poor, one and the same Person shall be rated in one Sum in respect of Land, and also of Houses, Buildings, and other Property, to cause such Land, and also such Houses, Buildings, and other Property, to be separately assessed, and the Sum hereby authorized to be levied shall be assessed accordingly: Provided always, that every Court-yard, Yard, or Garden (such Garden not being a Market Garden or Nursery Ground) shall be included in and make Part of the Assessment to be made on the House, Buildings, or other Property to which they may be respectively attached: Provided also, that such Land, Houses, Buildings, and other Property shall not in the whole be assessed at a higher Amount than they were in the last Rate made for the Relief of the Poor within the said Parish.

Power of succeeding Overseers to collect Rate.

XXXV. And be it further enacted, That if the Overseers of the Poor of any Parish adopting the Provisions of this Act shall go out of Office before they shall have collected or levied the Amount mentioned in the Order issued under the Hands of the said Inspectors in pursuance of this Act, they shall deliver to the succeeding Overseers, within Seven Days from the Time they go out of Office, a full and particular Account in Writing of the Names of the Parties from whom any Money may be due on account of the Rate made in pursuance of this Act, as well as the last Order issued to them by the said Inspectors; and in such Case the succeeding Overseers shall have the like Powers and Remedies under this Act for the collecting and Recovery thereof, and shall be liable to the same Penalties and Forfeitures in case of the Non-payment to the said Inspectors, as their Predecessors had or were liable to.

Overseers to pay Amount to Treasurer.

XXXVI. And be it further enacted, That the Overseers of the Poor of every Parish adopting the Provisions of this Act, to whom any such Order as aforesaid shall be issued, shall pay over the Amount mentioned in such Order to the Treasurer to be appointed in the said Parish under this Act within Three Calendar Months from the Delivery of such Order to One of the Overseers, and shall keep the Accounts of the said Rate levied for the Purposes of this Act separate and distinct from the Accounts of the Rates levied in the same Parish for the Relief of the Poor; and at the Time of making any Payment to the said Treasurer the said Overseers shall deliver to him a Note in Writing signed by them, specifying the Amount so paid, which Note shall be kept by the Treasurer as a Voucher for his Receipt of that particular Amount; and the Receipt of the said Treasurer, specifying the Amount paid to him by the Overseers, shall be a sufficient Discharge to the Overseers for such Amount, and shall be allowed as such in passing their Accounts with their respective Parishes.

Receipt of Treasurer to be a Discharge to Overseers.

Where other Persons are authorized to collect Poor's Rates, such

XXXVII. And be it enacted, That where any Persons other than the Overseers of the Poor shall by virtue of any Office or Appointment be authorized and required to make and collect or cause to be collected the Rate for the Relief of the Poor in any Parish to which

Persons to be deemed Overseers.

which all or any of the Provisions of this Act shall be extended, such Persons, by whatsoever Title they may be called, shall be deemed to be Overseers of the Poor within the Meaning of this Act, and to be included under and denoted by the Words "Overseers of the Poor," for all the Purposes of this Act, as fully as if they were commonly called or known by the Title of Overseers of the Poor.

Overseers may be distrained upon for Nonpayment.

XXXVIII. And be it enacted, That in case the Amount directed by such Order as aforesaid to be paid by the Overseers in any Parish to which all or any of the Provisions of this Act shall be extended shall not be paid to the said Treasurer within the Time specified for that Purpose in the said Order, any Justice of the Peace, upon Complaint thereof made to him by the said Treasurer or by any One of the Inspectors, may and he is hereby authorized and required to issue a Summons under his Hand and Seal for the said Overseers so refusing or neglecting to pay such Money as aforesaid to appear before Two Justices of the Peace; and upon the said Overseers appearing, or having been so summoned and not appearing, without some sufficient and reasonable Excuse, or not being found, it shall be lawful for the said Justices and they are hereby required, in case the said Money is not paid, to issue their Warrant for levying the Amount, or so much thereof as may be in arrear, by Distress and Sale of the Goods of all or any of the said Overseers; and in case the Goods of all the Overseers shall not be sufficient to pay the same, the Arrears thereof shall be added to the Amount of the next Levy which shall be directed to be made in such Parish for the Purposes of this Act, and shall be collected by the like Method.

Watchmen, &c. to be appointed, and provided with Arms, Clothing, &c.

XXXIX. And be it further enacted, That the said Inspectors shall from Time to Time appoint and employ such Number of able-bodied Watch-house Keepers, Serjeants of the Watch, Watchmen, Patrols, Streetkeepers, and other Persons as they shall think sufficient for the proper Protection of the Inhabitants, Houses, and Property, Streets and other Places within the Limits of this Act, by Day or by Night, or by Day and by Night, and provide for the Use of all such Watchmen, Watch-house Keepers, Serjeants of the Watch, Patrol, and Persons as aforesaid such Clothing, Arms, Ammunition, and Weapons, and shall assign to them such Beats and Rounds and Duties, and appoint such Hours for them to be on Duty, and also such Wages, Rewards, and Gratuities, or Remunerations for their Services, and also make such Rules, Orders, and Regulations relative to such Watch-house Keepers, Serjeants of the Watch, Watchmen, Patrol, Streetkeepers, and other Persons, and their Duties, as to the said Inspectors shall seem meet, and also shall and may offer and give, as well to the said Persons as to any other not specially employed by them, such Gratuities and Rewards for apprehending Felons and others, Offenders within the Limits of this Act, as to them shall seem proper; and shall and may defray the Expences of prosecuting any such Felons and Offenders, for the Protection of the Inhabitants of any Parish adopting the Provisions of this Act, or in defending any of the said Persons or other Officers of the said Inspectors in the Execution of their Duty, as they shall think proper;

proper; and the said Wages, Rewards, Gratuities, and the Costs of such Prosecutions or Defences, and all other Expences that may be incurred by the said Inspectors for the Protection and Guard of the Inhabitants, shall and may be paid by the said Inspectors out of the Monies received in pursuance of this Act.

Watchmen, &c. to deliver up Clothing on Removal, &c.

XL. And be it further enacted, That all such Clothing, Arms, Ammunition, and Weapons, so provided for the Use of such Watchmen, Watch-house Keepers, Serjeants of the Watch, Patrol, and Persons as aforesaid, shall remain and continue the Property of the Inspectors for the Time being, and in case of the Resignation, Removal, or Death of any such Watchmen, Watch-house Keeper, Serjeant of the Watch, Patrol, or Person as aforesaid, shall be returned to the said Inspectors; and in case of Neglect or Refusal so to do, the said Watchmen, Watch-house Keeper, Serjeant of the Watch, Patrol, or Person as aforesaid, or in case of his Death the Party in Possession thereof, shall be subject and liable to a Penalty not exceeding the Sum of Twenty Pounds, to be recovered for the Use of the said Inspectors.

Penalty.

Duty of Watchmen, &c.

XLI. And be it further enacted, That the Watchmen, Serjeants of the Watch, Patrols, and other Persons to be appointed by virtue of this Act shall, during the Time they shall be on Duty, use their utmost Endeavours to prevent any Mischief by Fire, and also to prevent all Robberies, Burglaries, and other Felonies and Misdemeanors, and other Outrages, Disorders, and Breaches of the Peace within the Limits of the Parish adopting the Provisions of this Act; and to apprehend and secure all Felons, Rogues, Vagabonds, and disorderly Persons who shall disturb the public Peace, or any Person or Persons wandering, secreting, or misbehaving himself, herself, or themselves, or whom they shall have reasonable Cause to suspect of any evil Designs, and to secure and keep in safe Custody every such Person, in order that he or she may be conveyed as soon as conveniently may be before One of His Majesty's Justices of the Peace, to be examined and dealt with according to Law; and it shall and may be lawful to and for the said Watchmen, Serjeants of the Watch, Patrols, and other Person or Persons so appointed as aforesaid, to call and require any Person or Persons to aid and assist them in taking such Felons, Rogues, Vagabonds, and all disorderly or suspected Persons as aforesaid; and in case any Person or Persons shall assault or resist or shall promote or encourage the assaulting or resisting any of the Watchmen, Serjeants of the Watch, Patrols, or other Person or Persons so appointed as aforesaid, in the Execution of their Duty, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings; and in case any such Offender shall not, on Conviction, pay the said Forfeiture, such Justice is hereby required to commit him, her, or them to the House of Correction, there to be kept to hard Labour, if the said Justice shall so order, for any Time not exceeding Three Calendar Months, unless such Forfeiture shall be sooner paid; or instead of committing the said Offender as aforesaid, the said Justice may, by Warrant under his Hand and Seal, cause the said Forfeiture, as well as the Costs (if any) to be levied by Distress and Sale of the Goods and Chattels of the

the Offender, returning the Overplus (if any) of the Money raised or recovered, after discharging the said Forfeiture and the Costs and Expences of recovering and levying the same, to the Owner of the Goods and Chattels so seized and distrained.

Watchmen, &c. to be sworn in, and to have the Power of Constables.

XLII. And be it further enacted, That all Watchmen, Serjeants of the Watch, and Patrols shall be sworn in as Constables before any Justice of the Peace, and act as such while in execution of the Powers and Authorities of this Act; and they are hereby invested with and shall have and enjoy the like Powers and Authorities, Privileges and Immunities, and shall be subject and liable to such and the like Penalties and Forfeitures, as any Constable or Constables is or are invested with, or shall or may have and enjoy, or is or are or shall be subject or liable to by Law: Provided nevertheless, that no Person by being sworn in and acting as or executing the Office of a Constable shall thereby gain a Settlement in such Parish.

Certain Fees to be paid over to Inspectors.

XLIII. And be it further enacted, That in all such Cases in which any of the Duties usually performed by Constables shall have been executed by any of the Officers appointed by the Inspectors as herein-before enacted, all Fees and Allowances for the Performance of such Duties shall be paid over to the said Inspectors, to be by them applied in aid of the Rate levied under the Provisions of this Act.

Fire Engines to be provided.

XLIV. And be it further enacted, That it shall be lawful for the said Inspectors from Time to Time to provide and keep up Fire Engines, with Pipes and other Utensils proper for the same, for the Use of the Parish adopting the Provisions of this Act, and to provide a proper Place or Places for the keeping of the same, and to place such Engines under the Care of some proper Person or Persons, and to make him or them such Allowance for his or their Trouble as may be thought reasonable, and the Expences attending the providing and keeping of such Engines shall be paid out of the Money authorized to be received by the Inspectors under the Provisions of this Act.

Lamp Irons to be put up.

XLV. And be it further enacted, That it shall be lawful for the said Inspectors, and they are hereby empowered, from Time to Time to cause such Lamp Irons or Lamp Posts or other Posts to be put or fixed upon or against the Walls or Palisadoes of any Houses, Tenements, Buildings, or Inclosures, (doing as little Damage as may be practicable thereto,) or to be put up and erected in such other Manner, within all or any of the said Roads, Streets, and Places within the Limits of this Act, as they shall think proper; and also to cause such Number of Lamps, of such Sizes and Sorts, to be provided and affixed and put upon such Lamp Irons and Lamp Posts, as they shall think necessary for lighting all or any of such Roads, Streets, and Places, and cause the same to be lighted with Gas, Oil, or otherwise, for such Number of Hours in every Twenty-four Hours as they shall think necessary; and also to cause such a Number of Watch-houses or Watch-boxes to be provided, erected, or affixed as they shall think necessary

necessary for watching all or any of the Streets, Roads, and Places within the Limits of this Act.

Gas Pipes not to be laid on private Premises without Consent.

XLVI. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to authorize or empower the said Inspectors, or any Body or Bodies Politic or Corporate, or Person or Persons contracting with the said Inspectors for lighting with Gas such Roads, Streets, and public Places, to carry or lay any Pipe or Pipes, Cocks or Branches from any Mains or Pipes, against, into, or through any Dwelling House or Dwelling Houses, Manufactories, public or private Buildings, or to continue the same, without the Consent in Writing of the Owner or Owners, Occupier or Occupiers for the Time being of such Dwelling House or Dwelling Houses, Manufactories, public or private Buildings respectively, nor to enable any Body or Bodies Politic or Corporate, or Person or Persons contracting with the said Inspectors for lighting such Streets and public Places, to enter into or upon any private Lands or Grounds, without the Consent in Writing of the Owner or Owners, Occupier or Occupiers of such Lands or Grounds for that Purpose first had and obtained.

Owners of private Grounds may alter Position of Pipes.

XLVII. Provided also, and be it further enacted, That in case the Soil, Pitching, or Pavement of any Road or Way, for the Purpose of laying any Gas Main or Gas Pipe along, under, or across the same, be broken up with the Consent of the Owner or Owners of the Soil for the Time being, and after the same shall have been so laid and placed such Owner or Owners shall be desirous of having the same removed, it shall be lawful for such Owner or Owners at any Time or Times thereafter, if he, she, or they shall deem it necessary or expedient, at his, her, or their own Costs and Charges, to alter and vary the Position of such Pipe or Pipes, Main or Mains, and to relay the same, so that no Damage be done thereby to the said Body or Bodies Politic or Corporate or Person or Persons contracting with the said Inspectors, and so that such Body or Bodies Politic or Corporate or Person or Persons contracting with the said Inspectors as aforesaid be not thereby prevented from or obstructed in lighting any public or private Lamp, unless such Damage or Obstruction be unavoidable.

For stopping the Escape of Gas.

XLVIII. And be it further enacted, That whenever any Gas shall be found to escape from any of the Pipes which shall be laid down or set up by Order of the said Inspectors in pursuance of this Act, the Body or Bodies Politic or Corporate, or Person or Persons whosoever, making, furnishing, or supplying any Gas used or burnt for lighting any Highway, Street, or Place, or any Houses, Manufactory, Building, or other Premises within the Limits of any Parish adopting the Provisions of this Act, shall at their own Expence, immediately after receiving Notice by Parol or in Writing from any Person or Persons whatsoever, to be given or left at their Office or usual Place of transacting their Business, of any such Escape of Gas, cause the most speedy and effectual Measures to be taken to stop or prevent such Gas from escaping; and in case the said Body or Bodies Politic or Corporate, or Person or Persons as aforesaid, shall not, within

Penalty for Neglect.

Twenty-four Hours next after such Notice by Parol or in Writing being given of any such Escape of Gas, effectually stop and prevent the Gas from escaping, and wholly and satisfactorily remove the Cause of Complaint, then and in every such Case the said Body or Bodies Politic or Corporate, or Person or Persons as aforesaid, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds for each and every Day, after the Expiration of Twenty-four Hours from the Time of giving any such Notice, during which the Gas shall be suffered to escape as aforesaid; which Penalty shall from Time to Time be recoverable in a summary Way, on the Oath or Affirmation of One or more credible Witness or Witnesses, before any Two Justices of the Peace, and shall and may be recovered, with all reasonable Charges, by Distress and Sale of the Goods and Chattels of any such Body or Bodies Politic or Corporate, or Person or Persons as aforesaid, by the Warrant of any Two Justices of the Peace as aforesaid, to be granted in like Manner and subject to the like Provisions as are herein directed touching other Penalties to be recovered by virtue of this Act.

Power to convey away Washings of Gas Works.

XLIX. And be it further enacted, That it shall be lawful for the Body or Bodies Politic or Corporate, or other Person or Persons whosoever, making, furnishing, or supplying any Gas used or burnt for lighting any Highway, Street, or Place, or any House, Manufactory, Building, or other Premises, within the Limits of any Parish adopting the Provisions of this Act, to lay Iron Pipes, of such Breadth, Depth, and Dimensions, and in such Manner as they shall think expedient, under the Roads, Streets, and other public Places within the Limits of this Act, for the Purpose of carrying off the Washings or other waste Liquids which may arise in the Prosecution of the Works aforesaid, the said Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, doing as little Damage as may be in laying the said Pipes, and immediately repairing, at their own Expence, all such Damage; provided that no such Washings or other waste Liquids, or any other Matter or Thing made or arising in the Manufacture of such Gas, shall be conducted or conveyed into any River, Brook, Canal, or running Stream; and that no such Pipe shall be laid in any Situation where the same can, shall, or may in any Manner interfere with, prejudice, or affect any of the present or future public or private Wells, Sewers, or Drains within the Limits of the Parish adopting the Provisions of this Act, or without the Consent of the said Inspectors.

Penalty for conveying Washings into any River, &c.

L. And be it further enacted, That if any Body or Bodies Politic or Corporate, Company or Companies of Proprietors, or any other Person or Persons whatsoever, making, furnishing, or supplying any Gas used or burnt for lighting any Highway, Street, or Place, or any House, Manufactory, Building, or other Premises, within the Limits of any Parish adopting the Provisions of this Act, shall at any Time empty, drain, or convey, or cause or suffer to be emptied, drained, or conveyed, or to run or flow, any Washings or other waste Liquids, Substances, or Things whatsoever which shall arise or be made in the Prosecution of the said Gas Works, or in the Manufacture or Process of making or procuring such Gas, into any River, Brook,

Brook, or running Stream, Reservoir, Canal, Aqueduct, Waterway, Feeder, Pond or Springhead, or Well, or into any Drain, Sewer, or Ditch communicating with any of them, or do or cause to be done any Annoyance, Act, or Thing to the Water contained in any of them, whereby the Water contained therein, or any Part thereof, shall or may be spoiled, fouled, or corrupted, then and in every such Case any such Body or Bodies Politic or Corporate, Company or Companies of Proprietors, or other Person or Persons, so offending as aforesaid, shall forfeit and pay for every such Offence the Sum of Two hundred Pounds; and such Penalty or Forfeiture shall and may be sued for and recovered, together with full Costs of Suit, in any of His Majesty's Courts of Law, by regular or summary Action of Debt or on the Case, or by Bill, Plaint, or Information, wherein no Essoign, Protection, Privilege, Wager of Law, nor more than One Imparlance shall be allowed; and the whole of such Penalty shall be paid to the Person or Persons who shall inform or sue for the same: Provided always, that no such Penalty or Forfeiture shall be recoverable unless the same be sued for within Six Calendar Months from after the Time when such Annoyance, Nuisance, Injury, Damage, Act, or Thing shall have ceased and determined: Provided also, that over and above and in addition to the said Penalty of Two hundred Pounds, and whether such Penalty shall or shall not have been sued for or recovered, in case any of the said Washings or other waste Liquid, or noisome or offensive Liquid, Substances, or Things, shall be emptied, drained, conducted, or conveyed, or caused or suffered to run or flow, in manner aforesaid, into any River, Brook, or running Stream, or any Reservoir, Canal, Aqueduct, Waterway, Feeder, Pond or Springhead, or Well, or into any Drain, Sewer, or Ditch communicating with any of them, or any such Annoyance, Nuisance, Injury, Damage, Act, or Thing shall be done or caused to be done as aforesaid, and Notice thereof in Writing shall have been given by any Person or Persons to whom the same shall belong, or by any other Person or Persons whomsoever, to the said Body or Bodies Politic or Corporate, Company or Companies of Proprietors, or any of them, or other the Person or Persons making, furnishing, or supplying any Gas used or burnt for lighting any Highway, Street, or Place, or any House, Manufactory, Building, or other Premises, within any Parish or Part of a Parish adopting the Provisions of this Act, so offending, or to his, her, or their Clerk or Clerks, or to any Person in his or their Service or Employ, and such Body or Bodies Politic or Corporate, Company or Companies of Proprietors, or other Person or Persons, shall not, within Twenty-four Hours after such Notice shall have been given to them or him as aforesaid, stop and hinder or prevent all and every such Washings, waste Liquids, or noisome or offensive Liquids, Substances, or Things, from being emptied, drained, conducted, or conveyed, or from running or flowing, in manner aforesaid, and every such other Annoyance, Nuisance, Injury, Damage, Act, or Thing from being done as aforesaid, then and in every such Case the said Body or Bodies Politic or Corporate, Company or Companies of Proprietors, or other Person or Persons so offending, shall forfeit and pay the Sum of Twenty Pounds for each and every Day such Washings, waste Liquids, or noisome or offensive Liquids, Substances, or Things, shall be so emptied,

emptied, drained, conducted, or conveyed, or caused or suffered to run or flow, in manner aforesaid, or such other Annoyance, Nuisance, Injury or Damage, Act or Thing shall be so done or caused to be done as aforesaid; and such last-mentioned Penalty shall and may be recovered and levied in such and the like Manner as any other Penalty or Forfeiture is in and by this Act directed to be recovered and levied, and shall be paid to the Informer, or to the Person or Persons who, in the Judgment of the Justice before whom the Conviction shall take place, shall have sustained any Annoyance, Injury, or Damage by any such Act so done or committed.

Gas Pipes to be laid Four Feet from Water Pipes, and in a particular Manner.

LI. And be it further enacted, That all and every the Pipes or other Conduits to be used or laid for the Conveyance of Gas, in, under, through, along, across, or round any Road, Street, or other Place within the Limits of any Parish adopting the Provisions of this Act, shall be so laid at the greatest practical Distance, and whenever the Width of the Carriageway in such Street or Place will allow thereof, at the Distance of Four Feet at least from the nearest Part of any Water Pipe already laid down or hereafter to be laid down for the Conveyance of Water in, under, through, along, across, or round any of the said Roads, Streets, or other Places within the Limits of any Parish adopting the Provisions of this Act, excepting in Cases where it shall be unavoidably necessary to lay the Gas Pipes across any of the said Water Pipes, in which Cases the said Gas Pipes shall be laid over and above the said Water Pipes at the greatest practical Distance therefrom, and shall form therewith a Right Angle, and in such Cases the said Gas Pipes so crossing the said Water Pipes shall be at least Nine Feet in Length, so that no Joint of any of the said Gas Pipes shall be nearer to any Part of the said Water Pipes than Four Feet at least; and in laying down the said Gas Pipes the said Contractors or other Persons supplying Gas shall in no Case join Two or more Gas Pipes together previous to their being laid in the Trench, but shall lay each Pipe as near as may be in its Place in the Trench, and shall in such Trench properly form the Jointing with the other Pipes to be added thereto with proper and sufficient Materials, and shall also make and keep all and every such Pipes, and all Pipes connected and communicating therewith, and all the Screws, Joints, Inlets, Apertures, or Openings therein respectively, air-tight, and in all and every respect prevent the said Gas from escaping therefrom, upon pain of forfeiting for every Offence the Sum of Five Pounds.

To prevent Escape of Gas and Contamination of Water.

LII. And be it further enacted, That whenever the Water of any Company of Proprietors for supplying the Inhabitants of any Houses within the Limits of any Parish, Part of a Parish, or Place adopting the Provisions of this Act, with Water, shall be contaminated by any of the Gas used or burnt for lighting any Highway, Street, or Place, or any House, Manufactory, Building, or other Premises, within the Limits of any Parish, Part of a Parish, or Place adopting the Provisions of this Act, the Body or Bodies Politic or Corporate, or Person or Persons, making, furnishing, or supplying such Gas, shall forfeit and pay the Sum of Twenty Pounds, to be sued

sued for and recovered and shall be applied to and for the Use and Benefit of the said Company supplying Water as aforesaid; and in case any such Water shall be contaminated or affected by Gas in any way whatsoever, then and in every such Case the said Company or other Persons making, furnishing, or supplying such Gas shall, within Twenty-four Hours next after the Notice thereof in Writing, signed by the Treasurer or other Officer of and for such Water Company as aforesaid, or by any Person making use of such Water, to be left at the usual Place or Office of transacting Business of the said Body or Bodies Politic or Corporate, or other Person or Persons, cause the most proper and effectual Measures to be taken to stop and prevent Gas from escaping from their Mains, Works, or Pipes, or contaminating or affecting the Water of such Company as aforesaid; and in case the said Body or Bodies Politic or Corporate, or other Person or Persons, making, furnishing, or supplying Gas, shall not, within Twenty-four Hours next after such Notice so left as aforesaid, effectually stop and prevent the Gas from so escaping, and wholly and satisfactorily remove the Cause of every such Complaint, and prevent all and every such Contamination whereof Notice shall be given as aforesaid, that then the said Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, shall on each and every Complaint forfeit and pay to the Treasurer or other Officer for the Time being of such Water Company as aforesaid, for the Use and Benefit of the same Company, over and above the before-mentioned Penalty of Twenty Pounds, the Sum of Ten Pounds for each and every Day during which the Water of the said last-mentioned Company shall be and remain contaminated or affected by such Gas; and in default of Payment thereof as aforesaid, such Penalty or Penalties shall and may be recovered by Information, to be exhibited on the Oath of One credible Witness, by and in the Name of the Treasurer or other Officer for the Time being of the said Water Company as aforesaid, or by and in the Name of any One or more of the Directors of the said Company, at the Option of the Parties prosecuting such Information against the said Body or Bodies Politic or Corporate, or other Person or Persons, making, furnishing, or supplying Gas, before any Two Justices of the Peace, with Costs, to be assessed by such Justices, and to be levied by Distress and Sale of the Goods and Chattels of the said Body or Bodies Politic or Corporate, or other Person or Persons, making, furnishing, or supplying such Gas, together with the Charges of such Distress and Sale, by Warrant under the Hand and Seal of such Justices, which Warrant such Justices are hereby empowered to grant; and such Penalty or Penalties, when so levied, shall be paid to the Treasurer or other Officer for the Time being of such Water Company, for the Use of such Water Company.

For ascertaining if the Water be contaminated.

LIII. And be it further enacted, That in any Case in which it shall be or become a Question upon such Complaint as aforesaid, whether the said Water be contaminated or affected by the Gas of the said Body or Bodies Politic or Corporate, or other Person or Persons, making, furnishing, or supplying any Gas used or burnt for lighting any Highway, Street, or Place, or any House, Manufactory, Building, or other Premises, within the Limits of this Act, it shall be

lawful for the Company of Proprietors, or other the Owners or Proprietors of any Waterworks, to dig to and about and search and examine the Mains, Pipes, Conduits, and Apparatus of the said Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, for the Purpose of ascertaining whether such Contamination proceed or be occasioned by the Gas of the said Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid; and if it shall appear that the said Water has been contaminated by any Escape of Gas as aforesaid, the Costs and Expences of the said Digging, Search, and Examination, and of the Repair of the Pavement of the Roads, Street or Streets which shall be taken up or disturbed, shall be borne and paid by the said Body or Bodies Politic or Corporate, or Person or Persons as aforesaid; which Costs and Expences of Digging, Search, and Examination shall be ascertained and determined, if necessary, by such Justices as aforesaid, and be recovered in like Manner as any Penalty may be recovered by virtue of this Act: Provided always, that if upon such Examination it shall appear that such Contamination has not arisen from any such Escape of Gas from any of the Mains, Pipes, or Conduits of the said Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, then and in such Case the said Company of Proprietors, or other the Owners or Proprietors of such Waterworks, shall bear and pay all the Costs and Expences of such Search, Examination, and Repair as aforesaid, and shall also make good to the said Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, any Loss, Injury, or Damage which may be occasioned to the said Mains, Pipes, Conduits, or Apparatus of the said Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, in and by such Search and Examination, the Amount of such Injury, Loss, or Damage to be ascertained and determined by such Justices of the Peace as aforesaid.

Persons supplying Gas liable to be indicted for a Nuisance.

LIV. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to prevent any Person from proceeding by Indictment or otherwise against any of the Officers, Servants, or Workmen of the Body or Bodies Politic or Corporate, or other Person or Persons whomsoever, making, furnishing, or supplying any Gas used or burnt for lighting any Highway, Street, or Place, or any House, Manufactory, Building, or other Premises, within the Limits of any Parish adopting the Provisions of this Act, in respect of any Works or other Means which shall be employed by them or any of them in making the said Gas, and using the same in furnishing with Lights as aforesaid, as a public or private Nuisance, or from bringing any Action against the said Body or Bodies Politic or Corporate, Company of Proprietors, or Person or Persons as aforesaid, or any of their Officers, Servants, or Workmen, for any Injury sustained by reason of any such Works, or the Use of the said Gas, or the Method of lighting therewith, whether such Injury shall proceed from the Preparation or the Use of the same Gas, or Method of lighting, or the Carelessness or Want of Skill of any of the Persons employed therein, or from any other Cause whatsoever.

LV. And

Penalty for wilfully destroying or injuring Lamps.

LV. And be it further enacted, That if any Person shall wilfully break, throw down, spoil, or damage any Watch-house, Watchbox, or Lamp, Lamp Iron, Lamp Post, Pale, Rail, Chain, or other Furniture thereof, or wilfully extinguish the Light of any such Lamp, it shall be lawful for any Person or Persons who shall see the Offence committed to apprehend, and also for any other Person or Persons to assist in apprehending, the Offender or Offenders, and by the Authority of this Act, and without any Warrant, and to deliver him or them to any Constable, who is to keep him, her, or them in safe Custody, and with all reasonable Dispatch to convey him, her, or them before any Justice of the Peace; and such Justice shall examine upon Oath any Witness or Witnesses who shall appear to be produced to give Evidence touching such Offence; and if the Party accused shall be convicted of any such Offence, either by his, her, or their Confession, or upon such Evidence as aforesaid, he, she, or they shall forfeit any Sum not exceeding Forty Shillings for every Lamp, Lamp Iron, or Lamp Post so broken, thrown down, or damaged, and shall also make full Satisfaction for the Damage which shall have been done thereby, and not exceeding Five Pounds for any other such Offence as aforesaid, and shall also make full Satisfaction for the Damage which shall have been done thereby; and one Moiety of such Forfeiture shall be paid to the Person or Persons apprehending such Offender, and the other Moiety shall be applied for the Purposes of this Act, and shall be levied and recovered in the same Manner as any Forfeiture is by this Act herein-before directed to be levied and recovered in the Case of any Person assaulting any Watchman or other Person in the Execution of his Duty.

How Persons accidentally breaking Lamps are to be dealt with.

LVI. And be it further enacted, That if any Person shall carelessly or accidentally break any of the said Lamps, Lamp Irons, or Lamp Posts, or do any other such Damage or Injury as herein-before is mentioned, and shall not, upon Demand, make Satisfaction to the said Inspectors for the Damage or Injury so done, it shall and may be lawful for any Justice of the Peace, upon any Complaint thereof made to him upon Oath, to summon the Party complained of, and upon hearing the Parties upon both Sides, or on the Nonappearance of the Party complained of, to examine the Matter of Complaint, and award such Sum of Money, by way of Satisfaction to the said Inspectors for such Damage, as such Justice shall think reasonable; and in case of Neglect or Refusal forthwith to pay such Money, then the same and all Expences attending the Recovery thereof may be levied and recovered as any Forfeiture is by this Act herein-before directed to be levied and recovered in the Case of any Person assaulting any Watchman or other Person in the Execution of his Duty.

Power for Inspectors to contract for the Works directed to be done by this Act.

LVII. And be it further enacted, That it shall and may be lawful to and for the said Inspectors from Time to Time to enter into any Contract or Contracts with any Person, Company or Companies whatsoever, for lighting the same Streets, Roads, and other Places, or any of them, or any Part thereof, either with Oil or with Gas, or with any other Material or in any other Manner whatsoever, or for furnishing

furnishing Lamps, Lamp Irons, Lamp Posts, Watchboxes, Posts, Chains, Pales, Rails, and other Things necessary for the Purposes aforesaid, or any Materials for the same, which Contract or Contracts shall specify the several Works to be done and the Prices to be paid for the same, and the Time or Times when the Works shall be completed, and the Penalties to be suffered in Cases of Nonperformance thereof, and shall be signed by Two or more of the said Inspectors, and also by the Person or Persons contracting to perform such Works respectively, which Contract or Contracts, or a Copy or Copies thereof, shall be entered in a Book to be kept for that Purpose; but no Contract above the Value or Sum of Twenty Pounds shall be entered into, unless previous to the making of any such Contract Fourteen Days Notice shall be given in One or more of the public Newspapers published in the County in which the said Parish shall be situate, expressing the Intention of entering into such Contract, in order that any Person or Persons willing to undertake the same may make Proposals for that Purpose, to be offered and presented to the said Inspectors at a certain Time and Place in such Notice to be mentioned: Provided always, that if the said Inspectors shall be of opinion that it will not be advantageous to contract with the Person or Persons offering the lowest Price, it shall be lawful for the said Inspectors to contract with such other Person or Persons as they shall think proper.

Inspectors may sue for Breach of Contract;

LVIII. And be it further enacted, That in case the same shall not be well and sufficiently performed, according to the Terms, Intent, and Meaning of such Contract or Contracts, or shall not be finished or completed at or within the Time or Times specified in such Contract or Contracts, then the said Inspectors may cause an Action to be brought in any of His Majesty's Courts of Law at *Westminster*, against any such Contractor, for any Penalty contained in his Contract; and on Proof of his signing the said Contract or Contracts, or Nonperformance thereof at the Time or Times for that Purpose to be therein mentioned, the said Inspectors shall be entitled to and recover the full Penalty contained in any such Contract, which, when recovered, shall be applied for the Purposes of this Act: Provided always, that it shall be lawful for the said Inspectors (if they think fit) to compound and agree with any Contractor for any Penalty incurred by him for the Breach or Nonperformance of any such Contract, for such Sum of Money as the said Inspectors shall think proper, not being less than the Injury or Damage sustained by the Breach or Nonperformance of such Contract, and all Costs, Charges, and Expences which shall be occasioned thereby; and it shall be lawful for the said Inspectors to cancel or make void any Contract with any Person or Persons whomsoever, by mutual Consent, if they shall think proper.

or may compound with Contractor.

Inspectors may purchase or rent Ground or Buildings for the Purposes of this Act.

LIX. And be it further enacted, That the said Inspectors may and they are hereby authorized and empowered to treat with the Owner or Owners and Occupier or Occupiers of any Houses, Buildings, Lands, and Grounds, for the Purposes of this Act, for such Sum or Sums of Money, or yearly Rent, or for such Time as to them shall appear reasonable, (which Sum or Sums of Money and yearly

yearly Rent shall be respectively paid out of the Monies to arise by virtue of this Act,) in such Place or Places as they may think proper.

Property of Lamps, &c. vested in the Inspectors.

LX. And be it further enacted, That the Property of and in all Lamps, Lamp Irons, Lamp Posts, Watch-houses, Watchboxes, Posts, Chains, Pales, and Rails in, about, or belonging to the said Streets and Places within any Parish or Part of a Parish adopting the Provisions of this Act, or any of them, and of and in all the Iron, Timber, Stone, Bricks, and other Materials and Furniture and Things of, in, and belonging thereto, (except when the same shall be otherwise regulated by Contract with the said Inspectors,) shall be and the same are hereby vested in the said Inspectors, and may be sold and disposed of from Time to Time as they shall think proper; and the Money arising from such Sale or Sales shall be applied towards the Purposes of this Act; and the said Inspectors are hereby authorized and empowered to bring or cause to be brought any Action or Actions in such Name or Names and in manner as herein is provided, or to prefer or order and direct the preferring of any Bill or Bills of Indictment, against any Person or Persons who shall steal, take, or carry away (as the Case may be) all or any Part of such Lamp Irons, Lamp Posts, Watch-houses, Watchboxes, Iron, Timber, and Stone, Bricks, Furniture, Posts, Chains, Pales, Rails, or other Materials and Things as aforesaid; and in all such Actions or Bills of Indictment it shall be and be deemed and taken to be sufficient to state generally that the Article or Articles, Thing or Things, for or on account of which such Action or Actions shall be brought, or such Bill or Bills of Indictment preferred, is or are the Property of the Inspectors, without particularly stating or specifying the Name or Names of all or any of the said Inspectors.

Inspectors of adjoining Parishes may unite.

LXI. And be it further enacted, That it shall be lawful for the Inspectors appointed by any Parish adopting the Provisions of this Act to unite with the Inspectors of any adjoining Parish or Parishes, for the better carrying into effect the Purposes of this Act.

Forms of Information and Conviction.

LXII. And for the more easy Prosecution and Conviction of Offenders against this Act, be it further enacted, That all and every Justices and Justice of the Peace before whom any Person or Persons shall be convicted or prosecuted for any Offence against this Act shall and may cause the Information and Conviction respectively to be drawn in the Form following, or in other Words to the same Effect; (that is to say,)

Form of Information.

'County of } BE it remembered, That on the Day of
' } *A. B.* of informeth
' to wit. } of His Majesty's Justice [*or* Justices] of the Peace for
' the said of that
' of in the of [*here describe*
' *the Offence, with the Time and Place, and follow the Act as near as*
' *may be*], contrary to the Provisions of an Act made in the
' Year of the Reign of King *William* the Fourth, intituled [*insert*

'*the Title of this Act*], which hath imposed a Forfeiture of
' for the said Offence. Taken the Day of
' before .'

Form of Conviction.

' County of } BE it remembered, That on the Day of
' in the Year of the Reign of
' to wit. } and in the Year of our Lord
' *A. B.* is convicted before of His
' Majesty's Justice [*or* Justices] of the Peace for the said
' for [*here specify the Offence, and when and where committed*], con-
' trary to the Form of the Statute made in the Year of
' the Reign of King *William* the Fourth, intituled [*here set forth the*
' *Title of this Act*]; and do hereby declare and adjudge
' that the said hath forfeited for the said Offence the
' Sum of [*or* shall be committed to for the
' Space of *as the Case may be*]. Given under
' Hand and Seal the Day and Year first above written.'

Recovery and Application of Penalties.

LXIII. And be it further enacted, That all Fines, Penalties, and Forfeitures inflicted or imposed by this Act, or by virtue of any Rule or Order made in pursuance hereof (the Mode of Recovery whereof is not herein otherwise provided for), may in case of Nonpayment thereof be recovered in a summary Way, by Order and Adjudication of any Two Justices of the Peace, on Complaint to them for that Purpose exhibited, and afterwards be levied, as well as the Costs (if any) of such Proceedings, on Nonpayment, by Distress and Sale of the Goods and Chattels of the Offender or respective Offenders, or Person or Persons liable to pay the same, by Warrant under the Hands and Seals of such Justices, who are hereby authorized and required to summon and examine any Witness upon Oath or Affirmation of and concerning such Offences, Matters, and Things, and to hear and determine the same; and the Overplus (if any) of the Money raised or recovered, after discharging the Fine, Penalty, or Forfeiture for which such Warrant shall be issued, and the Costs and Expences of recovering and levying the same (if any such there be), shall be rendered to the Owner or Owners of the Goods and Chattels so seized and distrained; all which Penalties, not herein directed to be otherwise applied, shall be paid to the said Inspectors or their Treasurer, to be applied for such Purposes of this Act as the said Inspectors shall order and direct, except in all such Cases where the Penalty or Forfeiture shall be incurred by the said Inspectors, and then the same shall be paid to the Informer; and it shall be lawful for the said Justices to order the Offender or Offenders so convicted to be detained in safe Custody until Return can be conveniently made to such Warrant or Warrants of Distress, unless the said Offender or Offenders shall give sufficient Security, to the Satisfaction of such Justices, for his, her, or their Appearance before the said Justices on such Day or Days as shall be appointed for the Return of such Warrant or Warrants of Distress, such Day or Days not being more than Seven Days from the Time of taking such Security, and which Security the said Justices are hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant or Warrants it shall appear that no sufficient

sufficient Distress can be had whereupon to levy the said Penalty or Penalties and such Costs as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to the Satisfaction of any such Justices, upon the Confession of the Offender or Offenders, or otherwise, that he, she, or they have or hath not sufficient Goods and Chattels whereupon such Penalties, Forfeitures, Costs, and Expences can be levied if a Warrant of Distress were issued, such Justices shall not be required to issue such Warrant of Distress, and thereupon it shall be lawful for such Justices, and they are hereby required and empowered, by Warrant or Warrants under their Hands and Seals, to commit such Offender or Offenders to the Common Gaol or House of Correction in the said County or Place in which the said Parish shall be situate, there to be kept, with or without hard Labour, without Bail or Mainprize, for any Time not exceeding Six Calendar Months, or until such Offender or Offenders shall have paid such Penalty or Penalties and all Costs and Charges attending such Proceedings as aforesaid, to be ascertained by such Justices, or shall otherwise be discharged by due Course of Law.

Inspectors exempted from personal Liability.

LXIV. Provided always, and be it further enacted, That nothing herein contained shall be deemed, construed, or taken to extend to render the said Inspectors personally, or any of their Goods and Chattels (other than such as may be invested in them in pursuance of this Act), liable to the Payment of any Sum or Sums of Money as or by way of Compensation or Satisfaction in the Cases in which such Compensation or Satisfaction is herein directed to be made by the said Inspectors.

Inhabitants may be Witnesses.

LXV. And be it further enacted, That no Inhabitant of any Parish adopting the Provisions of this Act shall be deemed an incompetent Witness in any Action, Suit, or Information, Complaint, Appeal, Prosecution, or Proceedings to be had, made, prosecuted, or carried on under the Authority of this Act.

Appeal to the Quarter Sessions against Order of Inspectors, &c.

LXVI. Provided also, and be it further enacted, That if any Person or Persons shall find himself, herself, or themselves aggrieved by any Order, Direction, or Appointment of the said Inspectors, or any Order or Conviction of One or more Justice or Justices of the Peace, it shall be lawful for such Person or Persons to appeal to any General or Quarterly Sessions of the Peace to be held in and for the County, City, Riding, Borough, Town, Shire, Division, Liberty, or Place in which the Parish shall be situate, within Four Calendar Months next after the Cause of Complaint shall have arisen, or if such Sessions shall be held before the Expiration of One Calendar Month, then such Appeal shall be made to the secondly succeeding Sessions, either of which Court of Sessions is hereby empowered to hear and finally determine the Matter of the said Appeal, and to make such Order therein as to them shall seem meet, which Order shall be final and conclusive to and upon all Parties; provided that the Person or Persons so appealing shall give or cause to be given at least Fourteen Days Notice in Writing of his, her, or their Intention of appealing as aforesaid, and of the Matter or Cause thereof, to the said Inspectors, or other the Respondent or Respondents,

dents, that within Five Days after such Notice shall enter into a Recognizance before some Justice of the Peace, with sufficient Securities, conditioned to try such Appeal at the then next General Sessions or Quarter Sessions of the Peace, which shall first happen, and to abide the Order of and pay such Costs as shall be awarded by the Justices at such Quarter Sessions or any Adjournment thereof; and such Justices, upon hearing and finally determining such Matter of Appeal, shall and may, according to their Discretion, award such Costs to the Party appealing or appealed against as they shall think proper; and their Determination in or concerning the Premises shall be conclusive and binding on all Parties to all Intents and Purposes whatsoever.

Appeals against Rate to be subject to same Rules as Appeals against Poor Rates.

LXVII. Provided also, and be it further enacted, That if any Person or Persons shall find himself, herself, or themselves aggrieved by any Rate made by the Overseers of the Poor for the Purposes of this Act, he, she, and they may appeal to any General or Quarterly Sessions of the Peace to be held in and for the County, City, Riding, Borough, Town, Shire, Division, Liberty, or Place in which the Parish shall be situated; and all such Appeals shall be subject to the same Rules, Regulations, Provisions, and Directions, and shall be prosecuted and proceeded with in the like Manner, as Appeals against Rates made for the Relief of the Poor in such Parish.

Plaintiff not to recover in any Action after Tender of sufficient Amends.

LXVIII. Provided also, and be it further enacted, That no Plaintiff or Plaintiffs shall recover in any Action or Actions for any Irregularity, Trespass, or other Proceedings made or committed in execution of this Act if Tender of sufficient Amends shall be made by or on behalf of the Party or Parties who shall have committed any such Irregularity, Trespass, or wrongful Proceedings before such Action brought; and in case no 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 or they shall think fit, whereupon such Proceedings, Order, and Adjudication shall be made, had, and given in and by such Court as in other Actions where the Defendant is allowed to pay Money into Court.

Limitation of Actions.

LXIX. And be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for any thing done in pursuance of or under the Authority of or colour of this Act until Twenty-one Days Notice has been given thereof in Writing to the said Inspectors, nor after sufficient Satisfaction or Tender thereof has been made to the Party or Parties aggrieved, nor after Six Calendar Months next after the Fact committed for which such Action or Actions, Suit or Suits, shall be so brought; and every such Action shall be brought, laid, and tried where the Cause of Action shall have arisen, and not in any other County or Place; and the Defendant or Defendants in such Actions or Suits may plead the General Issue, or give this Act and every special Matter in Evidence, at any Trial or Trials which shall be had thereupon; and if the Matter

Matter or Thing shall appear to have been done under or by virtue of this Act, or if it shall appear that such Action or Suit was brought before Twenty-one Days Notice thereof was given as aforesaid, or if any 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 a Verdict for the Defendant or Defendants therein; and if a Verdict or Verdicts shall be found for any such Defendant or Defendants, or if the Plaintiff or Plaintiffs in such Action or Actions, Suit or Suits, shall become Nonsuit, or suffer a Discontinuance of such Action or Actions, or if, upon any Demurrer or Demurrers in such Action or Actions, Judgment shall be given for the Defendant or Defendants therein, then and in any of the Cases aforesaid such Defendant or Defendants shall have Double 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 Case by Law.

Proceedings not to be unlawful for Want of Form.

LXX. And be it further enacted, That no Proceedings to be had and taken in pursuance of this Act shall be quashed or vacated 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* or elsewhere.

Parishes may adopt only Parts of Act.

LXXI. And be it further enacted, That the Provisions of this Act may be adopted in any Parish either as to lighting or as to watching, or as to lighting and watching, as may be deemed expedient; and that the Provisions of this Act may be adopted in any Parish so far as the same relate to lighting, although such Parish shall be watched under or by virtue of any Act of Parliament passed for that Purpose, and may be adopted in any Parish so far as the same relate to watching, although such Parish shall be lighted under or by virtue of any Act of Parliament passed for that Purpose.

Limiting the Powers of the Act.

LXXII. And be it further enacted, That nothing in this Act contained shall be construed to extend to abridge, repeal, alter, amend, or interfere with the Powers and Provisions contained in an Act made and passed in the Tenth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for improving the Police in and near the Metropolis*, or to extend to any Parish or Place already regulated by or under the Provisions of any Act of Parliament for all the Purposes herein-before provided for, or to interfere with the Powers which any Corporate Body may have with respect to watching and lighting.

10 G. 4. c. 44.

Parts of Parishes may adopt the Provisions of this Act.

LXXIII. And be it further enacted, That it shall and may be lawful to and for the Inhabitants of Part of any Parish to hold a Meeting of the Inhabitants of such Part, to be convened in manner herein directed, and to be composed of such Inhabitants only, for the Purpose of determining whether the Provisions in this Act contained, or any of them, shall be adopted and carried into execution in such Part of the said Parish; and that all such Meetings shall be subject and liable to all the Clauses, Regulations, and Restrictions in this Act contained in respect of Meetings to be

convened for the Purposes thereof; and that the Churchwardens of the said Parish shall act in the same Manner for such Part of the Parish the Inhabitants of which may be desirous of adopting the Provisions of this Act, for carrying the Provisions of the same into effect, as they could by virtue hereof act for the Parish at large; and that the Overseers of the Poor of the said Parish, or of any Township or Division of the said Parish, shall be amenable to the Provisions of this Act, so far as they may relate to the Part of such Parish situate within or partly within the Division or District for which such Overseers shall act, for the Purpose of levying, raising, and paying the Rates within the Part of such Parish adopting the Provisions of this Act, in the same Manner as they would be if the whole Parish, Township, or Place for which they act had adopted the Provisions of this Act: Provided always, that no Proceedings of the said Inhabitants, nor any Rate to be raised or levied in pursuance of such Proceedings, shall extend to any Part of the said Parish which may already be regulated by or under the Provisions of any Act for the Purposes in this Act mentioned, nor interfere with the Powers and Provisions of such Act or the Execution thereof in any respect whatsoever.

but not to interfere with any Local Act.

Surveyor of Commissioners of Sewers may enter into Gas Works, to see if there be any Escape of Gas, &c.

LXXIV. And be it further enacted, That it shall be lawful for any Surveyor or other Person or Persons acting by or under the Authority of Commissioners of Sewers, at any Time or Times in the Daytime, to enter into any Manufactory, Gasometer, Receiver, or other Building belonging to any Gas Company or Companies, or the said Inspectors, in order to inspect and examine if there be any Escape of Gas, or any Washings, or other waste Liquids, Substances, or other Things whatsoever, which shall arise or be produced in the Prosecution of the said Gas Works, or in the Manufacture or Process of making or procuring such Gas, into any public Sewer or Drain; and if such Surveyor or other Person or Persons acting by or under the Authority of Commissioners of Sewers shall at any such Time or Times be refused Admittance or Entrance into any such Manufactory, Gasometer, Receiver, or other Building, for the Purpose of making such Inspection and Examination as aforesaid, or on being admitted shall be obstructed in or prevented from making such Inspection and Examination as aforesaid, the said Gas Company or Companies, or the said Inspectors, so offending, shall forfeit and pay for every such Offence the Sum of Twenty Pounds.

Not to prejudice the Rights of the Commissioners of Sewers;

LXXV. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be deemed or construed to extend, to prejudice, diminish, alter, or take away any of the Rights, Powers, or Authorities vested in Commissioners of Sewers, but all the Rights, Powers, and Authorities vested in them shall be as good, valid, and effectual as if this Act had not been made.

nor to affect the Universities.

LXXVI. Provided always, and be it further enacted, That nothing in this Act contained shall extend to alter or in any Manner to affect any of the Rights or Privileges of the Universities of *Oxford* or *Cambridge*, or any of the Powers vested by Charter or otherwise in the

Chancellors, Masters, and Scholars, and their Successors, of the said Universities.

Construction of Act.

LXXVII. And be it further enacted, That the Powers given to watch and light any Parish shall be understood to be given to any Wapentake, Division, City, Borough, Liberty, Township, Market Town, Franchise, Hamlet, Tithing, Precinct, and Chapelry, or Parts within the same; and that where the Word "Parish" is used, it shall be understood to extend to any Parts within the same; and that the Powers given to a Churchwarden shall be understood to be given to any Chapelwarden, Overseer, or other Person usually calling any Meeting on Parochial Business; and that the Words "Justice of the Peace" shall be understood to mean Justices of the Peace for the County, City, Borough, Town, Division, Riding, Shire, Liberty, or Place in which the Parish which may adopt the Provisions of this Act shall be situate; and the Word "Rate-payer" to include all Persons assessed to and paying Rates for the Relief of the Poor.

Public Act.

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

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