

ANNO NONO

GEORGII IV. REGIS.

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heretofore passed for the lighting, cleansing, and watching of Cities, Towns Corporate, and Market Towns, the Regulations and Powers of the said herein-before recited Acts were extended to Towns Corporate and Market Towns, not being Cities: And whereas by an Act made in the Parliament of the United Kingdom in the Forty-seventh Year of His said late Majesty's Reign, so much and such Parts of the said herein-before recited Acts as relate to the lighting, cleansing, and watching of any Cities, Towns Corporate, or Market Towns, in *Ireland*, for the lighting, cleansing, and watching of which no particular Provision is made by any Act of Parliament in force in *Ireland*, were continued for Twenty-one Years; and by an Act made in this present Session of Parliament, so much and such Parts as aforesaid of the said several recited Acts are continued for One Year, and from thence until the End of the then next Session of Parliament, unless Provision shall in the meantime be made by Parliament for the Repeal of the said Acts, or of any of them: And whereas the Provisions so made have not answered the good Purposes thereby intended, and it would greatly tend to the Improvement, good Order, and Security, and much promote the Trade and Prosperity, of the several Cities, Towns Corporate, Boroughs, Market Towns, and other Towns throughout *Ireland*, if effectual Provisions were established for the Purposes aforesaid, in lieu of the Provisions contained in the said recited Acts, and also for the Purpose of paving such Cities, Towns Corporate, Boroughs, and Market Towns, and for such Purposes as are herein-after mentioned; 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 so much and such Parts of the said several herein-before recited Acts, or any of them, as relate to the lighting, cleansing, and watching of any Cities, Towns Corporate, or Market Towns, in *Ireland*, for the lighting, cleansing, and watching of which no particular Provision is made by any Act of Parliament in force in *Ireland*, shall be and the same are hereby repealed.

All continued by 47 G. 3. st. 1. c. 42. for 21 Years.

The recited Acts, so far as they relate to lighting, &c. of Cities and Towns, repealed.

II. And be it further enacted, That from and after the passing of this Act, upon the Application of Twenty-one or more Householders residing in any City, Town Corporate, Borough, Market Town, or other Town, in *Ireland*, the lighting, watching, cleansing, or paving of which is not provided for by or under any Act of Parliament, each of such Householders occupying a Dwelling House or other Tenement of the annual Value of Twenty Pounds or more, it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* to authorize the carrying this Act into Execution, and for that Purpose to order and direct that the Mayor or other Chief Magistrate of any such City, Town Corporate, or Borough, or any Two or more Justices of the Peace resident within Ten Miles of any such Borough or Market Town, or other Town, not being a Town Corporate, shall convene a Meeting for the Purpose of carrying this Act into Execution, and shall preside thereat; such Orders and Directions to be signified by the Chief Secretary of the Lord Lieutenant or other Chief Governor or Governors, or in his Absence by the Under Secretary; and a Copy of such Orders and Directions, with

On Application of 21 Householders of any City, &c. the lighting of which is not provided for, the Lord Lieutenant may order the Mayor, &c. of such City to convene a Meeting for the Purpose of carrying this Act into Execution.

with the Names of the Parties signing the Application for the same, shall be inserted, under the Direction of such Chief Secretary, in the *Dublin Gazette*, and in some One or more public Newspaper or Newspapers published in such City, Town Corporate, Borough, Market Town, or other Town, if any be therein published, and if none be therein published, then and in such Case in the Newspaper published nearest to such City, Town Corporate, Borough, Market Town, or other Town.

Notice of Meeting shall be given within Ten Days after Receipt of Orders, and Meeting shall be held 21 Days after Notice.

III. And be it further enacted, That such Meeting shall be holden at some convenient Place within such City, Town Corporate, Borough, Market Town, or other Town, and that the said Mayor or other Chief Magistrate or Justices, as the Case may be, shall, within Ten Days after the Receipt of such Orders and Directions signified as aforesaid, appoint and notify a Time and Place for the said Meeting; and 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 first Notification of the same; and that such Notification shall be made by affixing a Notice on the principal outer Door or Doors of any and every Parish Church situate within such City, Town Corporate, Borough, or Market Town or other Town, and also on the principal Market House or Place where Markets are usually holden in the same, and also on the Guildhall or Townhall, if any, and also on the Door of the Sessions House where the General Quarter Sessions of the Peace shall be holden for such City, Town Corporate, Borough, or Market Town, or for the Division in which any such Market Town or other Town shall be situate, and also by causing a Notice to be inserted Three Times in some One Newspaper published within such City, Town Corporate, Borough, Market Town, or other Town, if any be therein published, and if none be therein published, then and in such Case in the Newspaper published nearest to such City, Town Corporate, Borough, Market Town, or other Town.

Notice to be affixed on Church Door, Sessions House, &c.

At such Meetings, all Inhabitants of Houses rated at 5*l.* in the City, &c. or within One Mile thereof, shall vote.

IV. And be it further enacted, That at any Meeting convened as herein-before directed, every Person who shall reside within the City, Town Corporate, Borough, Market Town, or other Town where such Meeting shall be held, and who shall have been assessed or charged by the last Rate made at Vestry in the Parish wherein such Person shall dwell, for or in respect of a Dwelling House or other Tenement of the computed annual Value, according to the said Rate, of Five Pounds or more, shall be admitted and entitled to vote, and no other Person whatsoever; and that wherever it shall happen that the Limits of any Town may not be defined, every Person shall be admitted to vote who, being assessed as aforesaid, shall reside within the Distance of One *Irish* Mile from the principal Market House of such Town, if any there be, and if none, then within the Distance of One such Mile from the Verge or Boundary of the Place where the principal Market of such Town is usually held.

Persons liable to Parish Rates, and consenting to be rated, may vote.

V. Provided always, and be it enacted, That when any Person shall have become liable to be rated in any such Parish at any Time after the making of the last preceding Rate, and shall consent to be rated in like Manner as if he had been actually rated for the same, such

such Person shall, if otherwise qualified, be entitled to vote as if he had been actually rated; and that every Person residing in any Extra-parochial Part or Place, and occupying therein a Dwelling House or Tenement of the annual Value of Five Pounds or more, shall be entitled to vote, although not charged in any Parochial Rate to the same; any thing herein-before contained to the contrary notwithstanding.

Persons neglecting to pay on Demand shall not vote.

VI. Provided also, and be it enacted, That no Person who shall have refused or neglected to pay any Rate duly imposed at Vestry as aforesaid, and which shall have been demanded from him, shall be entitled to vote or to be present at such Meeting called as has been herein-before directed, until he shall have paid and satisfied such Rate.

Right of voting shall be decided by Chairman of Meeting.

VII. And be it further enacted, 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 to be qualified or eligible, such Controversy shall be determined by the Mayor or other Chief Magistrate or Justices, as the Case may be, presiding at such Meeting.

Mayors, &c. shall preside at the Meeting, which shall determine whether this Act shall be executed in the Place where Meeting is held.

VIII. And be it further enacted, That the Mayor, Chief Magistrate, or Justices (as the Case may be) to whom such Orders or Directions shall be given as aforesaid, shall preside at any Meeting assembled as herein-before directed, and shall read or cause to be read the Requisition whereupon he or they have summoned such Meeting, and shall require the Persons assembled thereat to determine, by Plurality of Votes, whether the Provisions of this Act, as herein-after set forth, for the several Purposes of lighting, watching, cleansing, paving, and the other Purposes of the same, shall or shall not be adopted and acted upon within such City, Town Corporate, Borough, Market Town or other Town, and the Liberties and Suburbs thereof, or any Part of such Liberties and Suburbs.

If Meeting determine against adopting Provisions of this Act, it shall be adjourned sine Die, not to be again convened for Three Years from Time of Adjournment, and so toties quoties every Three Years.

IX. And be it further enacted, That if such Meeting shall determine against adopting the said Provisions, such Meeting shall adjourn *sine Die*; and it shall not be competent for any Householders within the same City, Borough, or Town to make any such Application as has been herein-before described, nor shall any such Orders and Directions as have been described issue for convening a like Meeting within the same City, Borough, or Town, for and during the Term of Three Years, computed from the Term of Adjournment aforesaid; and at and after the Completion of such Term it shall become again competent to make such Application, and thereon to issue such Orders and Directions as aforesaid; provided that if at any Time after the Completion of such Term of Three Years a Second Application should be made, and such Orders and Directions a Second Time issued, and a Meeting thereupon convened, and that such Second Meeting should in like Manner determine against adopting the Provisions of this Act, such Meeting shall adjourn *sine Die*, and it shall not be lawful to make such Application as has been herein-before described, nor thereupon issue such Orders and Directions, for and during

during another Term of Three Years, to be computed from the Time of Adjournment of such Second Meeting, and so for ever *toties quoties*; it being hereby intended, and it is hereby enacted, that no such Application shall be made, nor such Orders and Directions issued, nor Meeting thereupon convened, as has been herein-before described, within any such City, Borough, or Town for and during the Space of Three Years from the Time of the Adjournment of any former Meeting of the like Nature, such former Meeting having determined against the Adoption of the Provisions of this Act: Provided also, that upon the Completion of such Term of Three Years from any such Adjournment, the Powers, Ability, Competency, Authority, and Duties by this Act created or conferred, for the Purpose of bringing the Provisions of this Act into Operation within any such City, Borough, or Town, shall revive and be restored, and be of the same Force, Effect, Validity, and Obligation, as if no former Meeting had been at any Time convened.

Meeting may adopt the Provisions of this Act for any One or more of the Purposes thereof; in such Case the Act to be applied to such Purposes only; but may be afterwards extended to the Purposes omitted or excepted.

X. Provided always, and be it enacted, That if any such Meeting convened as aforesaid should determine against adopting the Provisions of this Act for all and every the Purposes of the same, it shall and may be lawful for any Person entitled to vote at any such Meeting as aforesaid to propose the Adoption of the Provisions of this Act for any One or more of such Purposes, and if such Meeting should determine to adopt such Provisions for any One or more of the said Purposes, then and in such Case the Provisions of this Act shall be valid and effectual to accomplish, and shall and may be applied to, and all the Powers by this Act conferred upon any Person or Persons shall extend to accomplish, the Purpose or Purposes comprised in the Resolution of such Meeting only, as if any other Purpose or Purposes had not been mentioned in this Act: Provided also, that the Provisions of this Act, with regard to any Purpose or Purposes omitted or excepted out of such Resolution, may be proposed for Adoption and brought into Operation in the Manner before appointed, and subject to the like Provisions and Regulations appointed for bringing this Act into Operation generally.

If Meeting determine to proceed in the execution of this Act, Commissioners shall be elected from Residents rated to 20*l* a Year.

XI. And be it further enacted, That if at any such Meeting it shall be determined that the Provisions of this Act shall be adopted for all or any of the Purposes of this Act, then and in such Case it shall forthwith be determined at such Meeting, that a Number of Commissioners, not being less than Nine nor more than Twenty-one, shall be elected to carry such Purposes into Effect, and upon such Determination such Number of Commissioners shall be elected in manner herein-after mentioned; and every Person who shall reside within such City, Borough, or Town, and who shall have been assessed or charged, by the last Rate made at Vestry in the Parish wherein such Person shall dwell, for or in respect of a Dwelling House or other Tenement of the computed annual Value, according to the said Rate, of Twenty Pounds or more, shall be eligible to be elected a Commissioner for the Purposes of this Act; provided nevertheless, that in the Case of any Town the Limits of which may not be defined, every Person assessed as aforesaid, who shall reside within One *Irish* Mile of the principal Market House of such Town, if

if any there be, and if none, then within One such Mile of the Verge or Boundary of the Place where the principal Market of such Town is usually held, shall be eligible as aforesaid; and that every Person residing in any Extra-parochial Part or Place, occupying therein a Dwelling House or other Tenement of the annual Value of Twenty Pounds or more, although not charged in any Parochial Rate for the same, shall also be eligible as aforesaid; and provided further, that the Mayor, Chief Magistrate, or Justices presiding at such First Meeting and Election, shall not be eligible to be elected thereat, but shall and may be eligible at any subsequent Election under this Act.

Mode of Election of Commissioners.

XII. And be it further enacted, That such Commissioners shall be elected in manner following; that is to say, each Candidate 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 Commissioners required shall be proposed, and that a Poll shall be demanded by any Ten Persons qualified to vote on behalf of any of such Candidates, then the Mayor or other Chief Magistrate or Justices presiding, as the Case may be, shall adjourn the said Meeting until Ten of the Clock in the Forenoon of the Day next succeeding, unless such Day shall be *Sunday*, and in that Case to the *Monday* following, and shall at such Time and at the same Place open and proceed with such Poll, and in a Book or Books prepared for that Purpose, which Book or Books he or they is and are hereby required previously to prepare, enter or cause to be entered the Names 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 said Poll shall have been commenced, then the said Mayor or other Chief Magistrate or Justices, as the Case may be, shall adjourn such Poll to the Day next succeeding, unless such Day shall be *Sunday*, and in that Case to the *Monday* following, and if such Second Day shall likewise prove insufficient, shall adjourn to the Day next succeeding, unless such Day shall be *Sunday*, and in that Case to the *Monday* following, and so proceed, *de Die in Diem*, to collect and register the Votes of all Persons duly qualified and applying to vote; and on each Day to which an Adjournment shall be made, the Poll shall open at Ten of the Clock in the Forenoon, and close at Four of the Clock in the Afternoon; provided nevertheless, that the Poll shall finally close so soon as all the Persons duly qualified and desirous to vote shall have voted, or after the Lapse of One Hour without any Person offering to vote; and so soon after the Close of the Poll as may be possible, the Result thereof shall be proclaimed at the Place where the Election may have been holden; and such Mayor or other Chief Magistrate or Justices, as the Case may be, shall forthwith, by public Advertisement, and by Notice to be given in manner herein-before directed for convening the First Meeting, appoint and notify a Time and Place whereat the Persons so elected Commissioners as afore-

said shall assemble, and the Names of the Persons so elected shall, together with the Number of Votes given for each of them respectively, be set forth in such Notice, and the Time appointed for the assembling of such Persons so elected as aforesaid shall be not less than Seven Days, and not more than Fourteen Days, from the Date of such Notification; and the said Mayor or other Chief Magistrate or Justices, as the Case may be, shall, out of the first Monies raised by virtue of the Assessment herein-after directed to be made, 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 prescribed to them, and the said Commissioners are hereby empowered and required to make such Reimbursement of such Monies accordingly; provided that in case the said Meeting shall determine against the Adoption of this Act for all or any of the Purposes of the same, the said Mayor, Chief Magistrate, or Justices shall be reimbursed all such Charges and Expences incurred as aforesaid by and out of the Funds applicable to such general Purposes, under the Direction of the Chief Secretary of the Lord Lieutenant or other Chief Governor or Governors, and the said Chief Secretary is hereby empowered and required to direct such Reimbursement accordingly.

Expences of Elections.

XIII. And be it further enacted, That over and above the Number of Commissioners appointed to be elected in any City or Town Corporate, the Mayor or other Chief Magistrate of such City or Town Corporate for the Time being, if not elected to be a Commissioner by virtue of this Act, shall and may by virtue of his Office be one of such Commissioners, and shall and may attend and vote at all Meetings of the Commissioners; but such Mayor or other Chief Magistrate, if not elected to be a Commissioner, shall not be eligible to be Chairman of such Commissioners, nor shall he, unless elected as aforesaid, be subject or liable to any Fines or Penalties by reason of Nonattendance at any Meeting of the Commissioners, or to become disqualified or vacate his Place by reason of Absence from such Meetings for any Period; provided that in all Cases where in this Act Mention may be made of a certain Quorum or Proportion of the entire Number of Commissioners, as required to do or perform certain Acts and Functions, such Mayor or Chief Magistrate, although not elected to be a Commissioner, shall and may when present be reckoned for such special Purpose among the Persons making up the required Proportion of the whole Number of Commissioners.

Mayor of a City, &c. may be a Commissioner in Right of his Office.

XIV. And be it further enacted, That all Persons who shall be first elected Commissioners in any City, Town Corporate, Borough, or Town, at the First Meeting held under the Provisions of this Act, shall go out of Office on the Thirty-first Day of *July* in the Third Year from the said First Election; and in place of such Commissioners so going out of Office a like Number of other Commissioners, to be elected as herein-after provided, shall come into Office, and remain in Office for a Term of Three Years, and at the Expiration of such last-mentioned Term of Three Years shall in like Manner go out of Office, and be succeeded by other Commissioners, who shall remain in Office for a like Term of Three Years, and so on for ever: Provided always, that

Commissioners shall go out of Office on the 31st of July, at the End of every Three Years, but may be re-elected.

that any of such out-going Commissioners, except the Chairman of the said Commissioners who shall hold and preside at the Election of Commissioners as herein-after directed, 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.

Property vested in Commissioners going out shall vest in their Successors.

XV. And be it further enacted, That whenever and so soon as any Body of Commissioners shall have completed their appointed Term of Office, all Right, Title, and Interest in and to any Monies, Books, Papers, Lands, or Tenements, and all other Property whatsoever, Real or Personal, theretofore vested in or appertaining to such Commissioners by virtue of this Act, or acquired by or arising from the Powers by this Act created, shall be divested from and out of such Body of Commissioners, and shall be transferred to and shall become vested in the Body of Commissioners elected to supply the Places of such former Commissioners, to all Intents and Purposes, as fully and effectually as if the same had been assigned, transferred, or conveyed by any Instrument or Assurance in Law, by Delivery of Seisin, or of actual Possession.

Triennial Meetings, for electing Commissioners, shall be held on the First Monday in July by Chairman of Commissioners, at which Inhabitants of Houses rated at 5*l.* a Year shall vote.

XVI. And be it further enacted, That at all Meetings for the Election of Commissioners for the Execution of this Act, which shall be held subsequent to the First Election of Commissioners, saving and excepting the Elections herein-after appointed to be made by the surviving or remaining Commissioners, in any City, Borough, or Town, every Person shall be admitted and entitled to vote who shall occupy, and who for Twelve Months then next previous shall have occupied, within such City, Borough, or Town, or the Liberties or Suburbs thereof, to which, as determined by the Commissioners for such City, Borough, or Town, in virtue of the Discretion herein-after vested in them, the Purposes of this Act shall extend or be extended, a Dwelling House of the annual Value of Five Pounds at the least, and none other Person whatsoever, and the Registry herein-after directed to be made shall be conclusive Evidence of the afore-mentioned Qualification; and the Chairman of the Commissioners for the Time being for the Execution of this Act shall, previous to the First *Monday* in *July* in the Year in which such Election shall take place, give due Notice, in manner by this Act required with respect to the First Meeting to be held under this Act, that a Meeting will be holden on such First *Monday* in *July* for the Election of Commissioners for the Execution of this Act for the Three Years next succeeding; and such Chairman shall at and in such Election proceed in such Manner as the Mayor or other Chief Magistrate or Justices presiding at the First Meeting to be held under this Act are herein-before directed to proceed in the Election of the Commissioners to be first appointed for the Execution of this Act, and shall decide all Questions which may arise as to the Eligibility or Qualification of any Persons whatsoever, and as to all other Matters whatsoever connected with the said Election, and shall certify the Result of the same to the Commissioners for the Time being for the Execution of this Act in such City, Borough, or Town as aforesaid, where such Election shall be made.

XVII. And

XVII. And be it further enacted, That in case any Commissioner shall die, or become disqualified by Change of Residence or otherwise, or shall refuse or neglect to act, and in case of any casual Vacancy happening in any Manner whatever, it shall be lawful for the Chairman of the Commissioners for the Time being, and he is hereby required, within Fourteen Days next after a Vacancy shall so happen, to issue a Summons for an extraordinary Meeting of the surviving or remaining Commissioners, for the Purpose of electing a new Commissioner to supply such Vacancy, such Summons to be served on the said surviving or remaining Commissioners personally, or left at their respective Dwelling Houses; and the Time appointed for such extraordinary Meeting shall be not less than Seven and not more than Fourteen Days from the Date and issuing of such Summons; and at such Meeting it shall be lawful for such Commissioners to elect a proper Person to be a Commissioner in the Room of the Person who shall have ceased to be such Commissioner as aforesaid; provided always, that until such casual Vacancy or Vacancies shall be supplied, the remaining Commissioners shall, notwithstanding any such Vacancy or Vacancies, be fully competent to do all Acts and Things which by this Act such Commissioners are authorized, empowered, or required to do; and the Commissioner elected upon any such casual Vacancy shall, on coming into Office, occupy the Place of the Person in the Room of whom he shall have been elected, and remain in Office for the Residue of the Term during which the said former Commissioner might or would have remained in Office if such Vacancy had not occurred.

In case of any casual Vacancy, the Chairman shall, within Fourteen Days, call a Meeting of the Commissioners to supply such Vacancy.

XVIII. And be it further enacted, That if such Chairman of the Commissioners for the Execution of this Act for the Time being shall neglect or refuse at such Time as has been herein-before appointed for the Election of new Commissioners, or he being thereunto required by any Person included in the Registry herein-after directed to be made shall neglect or refuse, upon the Occurrence of any Vacancy among the Commissioners, occasioned by Death, Disqualification, or any other Cause whatsoever as herein-after is provided, to notify the same, and to convene a Meeting for the Election of a new Commissioner or Commissioners, as the Case may be, and thereat and thereupon to proceed as herein directed, such Chairman shall cease to be a Chairman or Commissioner, and shall forfeit to any Person, being a Householder in the same City, Borough, or Town, who shall sue for the same, the Sum of One hundred Pounds, such Sum to be recovered, with full Costs of Suit, by Action of Debt, Bill, Plaint, or Information, in any of His Majesty's Courts of Record at *Dublin*, wherein respectively no Essoign, Wager of Law, or more than One Imparlance, shall be allowed; provided that no such Sum be recovered, unless some Prosecution, Action, or Suit for Recovery of the same be commenced within Six Calendar Months after such Forfeiture shall have been incurred; and upon such Default of such Chairman, the senior Commissioner (such Seniority to be determined by Priority of Election) shall convene such Meeting, and shall proceed to make and certify such Election, and shall convene such Meeting upon some Day not less than Seven Days and not more than Fourteen Days from the Expiration of the Time limited and appointed for

Chairman neglecting or refusing so to do, to forfeit 100*l*.

Upon such Default, Commissioners, acccording to their Seniority, required to act, under the

like Penalty as the Chairman.

for the convening of such Meeting by such Chairman, and shall notify the same and proceed thereat as the said Chairman ought to have done, and the Election so made and held shall be to all Intents and Purposes a good and valid Election, as if made by the said Chairman in conformity to this Act; and in default of such senior Commissioner, the Commissioner next in Seniority shall convene such Meeting, and so on, the Duty and Competency to call such Meeting devolving upon each Commissioner successively on Default of the next senior Commissioner; and each individual Commissioner shall by his Default incur the like Disqualification and Forfeiture, to be recovered in the like Manner, as was incurred by the Chairman upon his Default.

Commissioners shall be Occupiers of Houses of 20*l.* a Year.

XIX. And be it further enacted, That no Person shall, at any Election subsequent to the First Election held pursuant to this Act, be eligible to be elected a Commissioner for any City, Town Corporate, Borough, Market Town or other Town, unless he shall occupy, and shall for Twelve Months next previous have occupied, an House of the clear annual Value of Twenty Pounds or upwards, situate within the same City, Borough, or Town, or the Suburbs or Liberties thereof, to which, as determined by the said Commissioners pursuant to the Power herein-after vested in them, the Purposes of this Act shall extend or be extended; and the Registry herein-after directed to be made shall be conclusive Evidence of the aforementioned Qualification.

Commissioner neglecting to attend Three first Meetings, or for Six Months, his Place shall be declared vacant, unless in case of Illness, &c.

XX. And be it further enacted, That if any Person duly elected to be a Commissioner under this Act shall refuse or neglect to attend some One of the Three first Meetings of Commissioners which shall be held immediately subsequent to his Election, and thereat to take the Oath or make the Affirmation by this Act appointed to be taken or made by Commissioners, the Appointment of every such Person so refusing or neglecting shall become void, and his Place or Office shall be declared vacant, unless it shall be made appear to the Satisfaction of the other Commissioners acting in the Execution of this Act in the same City or Place, that such Person was prevented from attending by some Illness or other sufficient Cause, to be allowed by the Majority of such Commissioners present at any such Meeting; and if any Commissioner shall absent himself from the Meetings of the Commissioners for Six Calendar Months, the Clerk of the said Commissioners shall, in the first Summons or Notice of Meeting issued after the Expiration of such Six Calendar Months, insert a Notification to that Effect; and if such Person shall fail to attend the Meeting of Commissioners required to be holden by such Summons or Notice, he shall be deemed to have neglected to act as a Commissioner, and his Place shall be declared vacant, unless in the Case of Illness or other sufficient Cause, to be shown to and allowed by the Commissioners at the Meeting for which such Notice shall have been given: Provided always, that it shall and may be lawful for a Majority of the Commissioners to dispense with the Attendance of any One or more such Commissioners, not exceeding One Fourth Part of the whole Number of Commissioners, for more than Three Meetings, or for any Period of Time not exceeding Six Calendar Months,

Months, in case of the necessary and *bonâ fide* Absence from Home of any such Commissioner or Commissioners respectively, but not in any other Case.

Commissioners shall define Limits of the respective Cities and Towns, and make out a Registry of Persons occupying Houses of 5*l.* per Annum or upwards, distinguishing Houses of 20*l.*

XXI. And be it further enacted, That it shall be lawful for the Commissioners for the Time being for the Execution of this Act in any City, Town Corporate, Borough, Market Town or other Town, under this Act, and they are hereby authorized, empowered, and required, to determine the Limits of such City, Town Corporate, Borough, Market Town or other Town, respectively, and of the Suburbs and Liberties thereof respectively, to which the Purposes of this Act shall extend; and to cause to be kept, and from Time to Time with all Diligence and Care, and upon reasonable Requests at all Times, to revise and amend a Registry of all the Householders resident within such City, Town Corporate, Borough, Market Town or other Town, or the Limits of the Suburbs and Liberties thereof respectively determined by such Commissioners as aforesaid, and occupying Houses of the annual Value of Five Pounds or upwards; and such Registry shall distinguish such of the said Householders as shall occupy Houses of the annual Value of Twenty Pounds or upwards, their Descriptions and Abodes; and such Commissioners shall cause a Ticket containing an Extract from such Registry to be prepared and delivered to every Person so registered who shall demand the same, and such Ticket shall be subscribed by the Chairman of the Commissioners and by the Clerk of the said Commissioners for the Time being; and no Person shall be admitted to vote at any Election, except the first Election held pursuant to this Act, unless such Persons shall exhibit such Tickets at the Time of voting, if required so to do; and it shall be lawful for such Commissioners at their Discretion to take Measures to preclude the Intrusion of any Persons not provided with Tickets into the Place of Meeting.

Tickets shall be delivered to each Occupier.

Penalty for forging such Ticket, or fraudulently voting.

XXII. And be it further enacted, That any Person exhibiting a forged Ticket, or personating the true Party named therein, or fraudulently procuring his Vote to be registered without having a Ticket, well knowing himself to be without a due Qualification, and who shall be thereof convicted before any One Justice of the Peace within whose Jurisdiction such Offence may be committed, shall for every such Offence forfeit the Sum of Twenty Pounds, and in default of Payment, shall and may be committed to the next Gaol or Bridewell within such Jurisdiction, there to be kept to hard Labour for Six Calendar Months.

Commissioners to meet on the First Monday in every Month, at Noon.

XXIII. And be it further enacted, That the Commissioners for executing this Act in any City, Town, Borough, or Place, 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 Householder residing within any such City, Town, Borough, or Place, or the Liberties or Suburbs thereof, to which the Purposes of this Act may be extended, to appear and prefer any Matter of Complaint which he may think proper, concerning any Matter or Thing done by force or in pursuance of or under pretence of the Provisions of this Act.

XXIV. And

Commissioners shall attend monthly Meetings in Rotation of One Third of the whole Number; Penalty on Neglect, 40s.; and on Non-payment, Disqualification.

XXIV. And be it further enacted, That such Commissioners shall attend such monthly Meetings in Rotation, not less than One Third of the whole Number of such Commissioners attending at each Meeting; but it shall be lawful for any Commissioner to attend and vote at such monthly Meetings, if he thinks proper so to do, although it be not his Turn to attend; and if any Commissioner whose Turn it shall be to attend, shall fail to attend or to procure some other Commissioner to attend in his Stead, such Commissioner so making Default shall forfeit the Sum of Forty Shillings, to be paid to the Treasurer or Clerk of the Commissioners; and if any such Commissioner shall fail or refuse to pay such Fine or Penalty within Ten Days after the same shall be demanded of him personally by the said Treasurer or Clerk, he shall thereupon cease to be and shall be disqualified from acting as such Commissioner; provided always, that in case of Sickness or other unavoidable Absence, such Fine or Penalty may be remitted at any Meeting of such Commissioners.

Special Meetings of Commissioners, on Requisition of One Third of them, &c.

Quorum.

XXV. And be it further enacted, That such Commissioners 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 not less than One Third of the whole Number of such Commissioners, by Writing under their Hands, to require the Clerk of such Commissioners to summon the Commissioners for any special Purpose therein named, and for such Time as shall be therein named, subject to such Restrictions as is herein-after provided; and that at all Meetings of such Commissioners any Number not less than One Third of the whole Number of such Commissioners shall constitute a Quorum for transacting Business, except upon such Occasions as are otherwise specially provided for by this Act; and the Chairman shall have a casting Voice, but shall not be allowed to vote unless the Commissioners present be equally divided.

Forty-eight Hours Notice of each Meeting to be given, stating the Business.

XXVI. And be it further enacted, That all such Commissioners shall be summoned to every Meeting by Summons delivered to them personally or left at their respective Dwelling Houses at least Forty-eight Hours before the Time of Meeting, such Summons specifying the Business to be transacted at such Meeting as settled at the last preceding Meeting, or in case of a Special Meeting, as named by the Commissioners calling the same; and if any Matter other than that plainly and distinctly set out in such Summons shall be determined at any Meeting, such Determination may be rescinded at any subsequent Meeting, due Notice to that Effect being first given in the Summons convening such subsequent Meeting: Provided, that the Decision of any Meeting upon a Matter duly set out in the Summons convoking such Meeting shall be final, unless rescinded by a Majority of the whole Number of Commissioners at a Meeting of such Commissioners.

First Meeting of Commissioners to be appointed by Mayor, &c.

XXVII. And be it further enacted, That the Commissioners first elected in any City, Town Corporate, Borough, Market Town or other Town, shall assemble at such Time and Place as shall have been appointed and notified by the Mayor or other Chief Magistrate or Justices, as the Case may be, presiding at the Meeting for the Election of

of such Commissioners, and at such Time and Place such Mayor or other Chief Magistrate or Justices, as the Case may be, shall attend; and it shall be lawful for such Mayor or other Chief Magistrate or Justices, or either of them, and he and they is and are hereby authorized and required, to administer to any and every of the Persons elected Commissioners who shall be present at such Meeting, and every such Commissioner shall make and take and subscribe, an Oath to the Effect following; (that is to say,)

Oath of Commissioners to be first administered by Mayor.

'I *A. B.* do swear, That I am duly qualified to act as a Commissioner under an Act made in the Ninth Year of the Reign of King *George* the Fourth, intituled *An Act* [*here set forth the Title of this Act*], and that I will faithfully, impartially, and honestly execute the Powers and Trusts reposed in me as a Commissioner appointed by virtue of the said Act, to the best of my Knowledge and Ability, for the Purposes in the said Act mentioned.

'So help me GOD.'

Oath.

And if any Person elected a Commissioner shall be a Quaker, the solemn Affirmation of such Person to the above Effect shall be received instead of his Oath; and all Persons elected Commissioners, who shall not be present at such first Meeting, or who shall be elected Commissioners at any subsequent Election, shall take such Oath (or, if Quakers, make such Affirmation,) at a Meeting of the Commissioners for the Time being, and any One of such Commissioners is hereby authorized to administer such Oath in the Presence of the other Commissioners at such Meeting; and the Form of such Oath or Affirmation shall be entered by the Clerk in a Book to be prepared for the Minutes of the Proceedings of the said Commissioners, and shall be subscribed in such Book by every Commissioner making or taking the same; and such Entry shall, upon Oath of any subscribing Commissioner, be received as conclusive Evidence that such Oath or Affirmation was duly taken or made; and if any Person at any Time elected a Commissioner shall vote, or shall do any other Act or Thing as a Commissioner under this Act, without having previously taken such Oath, or made such Affirmation, such Person shall forfeit the Sum of One hundred Pounds to any Person being a Householder within the same City, Town Corporate, Borough, or Market Town or other Town, or the Suburbs and Liberties aforesaid, who shall sue for the same.

Affirmation if a Quaker.

Oath may be administered by sworn Commissioners;

and shall be entered and signed in Minute Book.

Penalty on Commissioner acting without being sworn, 100*l.*

XXVIII. And be it further enacted, That immediately after taking such Oath, or making such Affirmation, the Commissioners first elected in any City, Town Corporate, Borough, or Market Town or other Town, under this Act, shall proceed to elect, by Majority of Voices, One of such Commissioners to be their Chairman, who shall go out of Office on the Thirty-first Day of *July* next ensuing; and that on the First Day of *August* in every Year, the Commissioners for the Time being shall elect a Chairman for the ensuing Year; and in case any Chairman so appointed shall decline to act as Chairman, or shall die or become disqualified, or shall neglect or refuse to act as a Commissioner, or otherwise vacate his Place, a new Chairman shall be in like Manner elected to serve for the Residue of the Year for which such former Chairman was elected, and the Chairman for

Appointment of Chairman of Commissioners.

the Time being shall preside at all Meetings of the Commissioners at which he shall be present; and in case of Absence, such Chairman may constitute and appoint a Deputy Chairman, or if no such Deputy shall be appointed, the Commissioners present shall appoint One of their Number present at any such Meeting to act as a Chairman.

Commissioners to appoint Officers during Pleasure, and rent an Office.

XXIX. And be it further enacted, That it shall be lawful for the Commissioners elected in any City, Town Corporate, Borough, Market Town or other Town, under this Act for the Time being, and they are hereby authorized and required to appoint, during Pleasure, such Treasurer and Clerk, and Collector or Collectors, and other inferior Servants, as they shall think necessary for effectuating the Purposes of this Act, and to hire and rent a sufficient Office or House or Houses for holding their Meetings and transacting their Business, and also to appoint suitable Salaries, Wages, and Allowances to and for such Treasurer, Clerk, Collector or Collectors, and other inferior Servants, and also to agree for a reasonable Rent for such Office or House or Houses, and to pay such Salaries, Wages, and Allowances, and such Rent, out of any Monies raised or levied by such Commissioners under the Authority of this Act.

Clerk not to be Treasurer, &c.

Commissioners shall take Security from Officers in sufficient Sums, or otherwise shall be answerable for the same.

XXX. And be it further enacted, That the Clerk of the said Commissioners shall not be capable of being the Treasurer or a Collector under such Commissioners, nor shall such Treasurer be capable of being a Collector under such Commissioners; and that it shall be lawful for such Commissioners, and they are hereby authorized and required, to take and require from each and every of such Treasurer and Collectors a Bond, with Two sufficient Sureties, conditioned for the punctual and faithful Discharge of their respective Trusts, in such penal Sums as such Commissioners shall think fit and proper, according to the Amount of Money to be received by such Treasurer or Collectors respectively; and if it shall appear that such Commissioners have taken such Bonds from such Treasurer and Collectors to a sufficient Amount, and have, to the best of their Ability, ascertained the Sufficiency and Solvency of such Treasurer and Collectors, and of their respective Sureties, and that such Commissioners have, without Covin or Partiality, provided so far as in them lay for the safe and secure keeping of such Monies and Funds by the said Treasurer and Collectors, such Commissioners shall not be liable to make good the Amount of any Defalcation or Embezzlement on the Part of such Treasurer or Collectors: Provided always, that such Commissioners shall, and each of them shall, otherwise be liable to make good the Amount of any Defalcation or Embezzlement in or of any Monies and Funds raised or accruing under this Act, as if the same had actually been received by the Hands of the said Commissioners and each of them; any thing in this Act contained to the contrary notwithstanding.

Collectors shall pay Monies to Treasurer when amounting to 100*l.*, &c.

XXXI. And be it further enacted, That every such Collector shall from Time to Time, as such Commissioners may direct, and at all Times, so soon as his Receipts shall amount to One hundred Pounds, pay over to such Treasurer all Monies levied or collected by such Collector under or by virtue of this Act; and the Treasurer for the

Time being, and none other Person whatsoever, shall have Power or Authority to receive such Monies from such Collector; and no Commissioner shall receive or meddle with any Monies levied or collected under this Act; and all Payments and Disbursements shall be made by the Hands of the Treasurer, and only upon an Order in Writing, subscribed by the Chairman and countersigned by the Clerk of the Commissioners for the Time being, or upon an Order issued pursuant to a Resolution of a Meeting of Commissioners, and expressed to be so issued, and subscribed by the Person who presided at such Meeting and by the said Clerk; provided that no Order for the Payment of any Sum exceeding Fifty Pounds shall be good, unless issued pursuant to a Resolution adopted at a Meeting whereat not less than Two Thirds of the whole Number of Commissioners shall attend; and any Order duly expressed and subscribed as herein-before directed shall be in the Hands of the said Treasurer a good and sufficient Warrant for any Payment made pursuant thereto, and shall be *pro tanto* an Acquittance and Discharge of such Treasurer.

Money to be issued on Order of Chairman, &c., but no Order good if for more than 50*l.*, unless under Vote of Commissioners at a Meeting where Two Thirds are present.

XXXII. And be it further enacted, That at any Meeting of such Commissioners any Treasurer, Clerk, Officer, or Servant may be dismissed or fined for Negligence or other Misconduct, upon the Complaint of any Householder or on the Relation of any Commissioner; and in case of the Dismissal of any such Officer, he shall only be entitled to a rateable Proportion of his Salary, Wages, or Allowances, and any Fine imposed upon him shall and may be deducted thereout; and the Salary, Wages, or Allowances of any Collector appointed under this Act shall not in the whole amount to a Sum exceeding Sixpence in the Pound on the Sum collected by such Collector.

Power of Commissioners over their Servants and Officers.

Allowance to Collector.

XXXIII. And be it further enacted, That such Commissioners shall cause a Book or Books to be kept, wherein shall be entered an Account of all Monies raised or levied and paid under this Act, distinguishing the Sum raised on and levied and paid by each Individual; and also an Account of all Fines and Forfeitures levied under this Act, with a Note of the Offence whereby incurred; and also an Account of all the Salaries, Wages, Allowances, and Emoluments of the Treasurer, Clerk, Collector or Collectors, and other Officers or Servants; and also of all Disbursements made, and all Charges incurred, of what Kind soever, each Item being distinguished, in effectuating the Purposes of this Act; and the Account in such Book or Books shall be regularly balanced up to the Thirty-first Day of *July* in each Year, and a Copy of the same shall be made out and printed, and delivered to each of the Commissioners, and also to any Person subject to any Assessment under this Act, who shall demand the same, paying for such Copy the reasonable Charge of printing the same.

Commissioners shall keep Accounts, and balance same up to July 31, in each Year.

Accounts to be printed.

XXXIV. And be it further enacted, That such Commissioners shall cause their Clerk to keep a Book or Books, in which shall be entered Minutes of all their Proceedings and Transactions; and the Chairman at each Meeting shall see the Entry of the Proceedings thereat duly made, and shall subscribe the same with his Hand, and the Names of the

Commissioners shall keep a Book of Minutes of the Proceedings.

the said Commissioners present at every Meeting shall be entered; and every Book containing such Entries shall at all reasonable Times be open to the Inspection of every Person subject to Assessment under this Act, and it shall be lawful for any such Person to peruse and to make any Extract from any such Book without Fee or Reward.

Estimate of the Value of all Houses, Shops, &c. within any City or Town shall be made and sworn to before Commissioners, who shall appoint a Place for the general Inspection thereof, and Copies may be given to Parties requiring the same.

XXXV. And be it further enacted, That the Commissioners first elected in any City, Town Corporate, Borough, Market Town or other Town, under this Act, shall immediately on their entering into Office appoint a proper Person or Persons, who shall proceed with all Diligence to make a Survey, with an Estimate and a Valuation of the full improved yearly Value, of all Houses, Shops, Warehouses, Cellars, Mills, Yards, Gardens, and Tenements situate within such City, Town Corporate, Borough, Market Town or other Town, and the Suburbs or Liberties thereof, to which the Provisions of this Act shall be applied and extended; and such Estimate and Valuation shall be laid before and delivered to such Commissioners, and shall be verified upon the Oath or Affirmation of the Person or Persons making the same before such Commissioners, which Oath or Affirmation the Chairman of such Commissioners is hereby authorized and required to administer; and such Commissioners shall forthwith cause One or more fair Copies of such Estimate and Valuation to be prepared, and shall appoint some One or more convenient Place or Places within such City, Town Corporate, Borough, Market Town or other Town, or the Suburbs and Liberties thereof as aforesaid, whereat such Estimate or a Copy or Copies thereof shall lie for Ten successive Days, (*Sunday* not included in such Computation,) and between the Hours of Ten in the Morning and Four in the Afternoon of each Day, open to the Inspection and Examination of every Person subject to any Assessment under this Act; and such Place or Places, and such Period, appointed for the Inspection and Examination of such Estimate or Valuation, shall be notified by such Means as is herein-before directed for the Notification of the First Meeting to be held under this Act; and every Person subject to such Assessment aforesaid, who shall demand a Copy of the Whole or any Part of such Estimate and Valuation, and shall tender the reasonable Charge of preparing the same to the Clerk of such Commissioners, shall be entitled to such Copy within Three Days after such Demand and Tender.

Parties dissatisfied with Estimate may appeal to Commissioners.

XXXVI. And be it further enacted, That if any Person or Persons shall or may think such Estimate or Valuation, or any Part thereof, to be erroneous, whether in respect of any excessive Estimate of any Premises belonging to such Person or Persons, or of an insufficient and inadequate Estimate of Premises belonging to any other Person or Persons, it shall and may be lawful for the Person or Persons dissatisfied with such Estimate or Valuation, at any Time during or within Seven Days from the Termination of the Period of Ten Days appointed for the Inspection of such Estimate or Valuation, to deliver to the Clerk of such Commissioners a Notice in Writing of the Intention of such Person or Persons so dissatisfied to appeal to such Commissioners against such Estimate or Valuation, or any Part thereof, and such Notice shall specify the Grounds of such Appeal; and

and the Clerk of such Commissioners shall make an Entry of such Notice, and shall and may receive for the same the Fee of One Shilling; and such Commissioners shall appoint a Time and a Place for hearing such Appeal, and the Clerk of such Commissioners shall, at least Seven Days before the Time so appointed, give Notice of such Time and Place to the Party lodging such Appeal, and also to any other Person or Persons immediately concerned in the Matter of such Appeal; and at the Time and Place appointed it shall be lawful for such Commissioners, Two Thirds at least of the whole Number of such Commissioners being present, to hear such Appeal, and to determine the same by Majority of Votes, and to make such Amendment in such Estimate or Valuation as to such Commissioners shall seem fit and proper.

Every new Body of Commissioners shall, on coming into Office, examine the Assessment, and alter the same, if necessary, subject to Appeal, &c.

XXXVII. And be it further enacted, That such Estimate or Valuation, as finally settled by such Commissioners, shall be conclusive upon all Persons whomsoever, until the End of the Term for which such Commissioners shall have been elected; and it shall be lawful for each successive Body of Commissioners subsequently elected, and they are hereby authorized and required, to cause the existing Estimate to be examined, and to be amended, if need be, as soon as may be after such Commissioners shall come into Office; and such Estimate or Valuation so examined, whether the same shall be amended or not, shall (before such Commissioners so coming into Office shall proceed to impose or levy any Assessment) be submited to Inspection in like Manner as is herein-before directed with respect to the original Estimate; and the like Notification of Time and Place or Places for Inspection thereof shall be given, and it shall be lawful for all Persons thinking themselves aggrieved to appeal against such Estimate in like Time and Manner as is herein-before directed with respect to such Estimate or Valuation when originally made; and such Estimate or Valuation as finally settled on such Appeal, or in case the same shall not be appealed against, shall be conclusive during the Continuance in Office of the Commissioners by whom it shall have been so examined and settled, and no longer.

Commissioners upon their Election to make an Estimate of the Expences attending the Execution of the Act for the ensuing Year, and impose Rates for defraying the same.

Scale of Rates.

XXXVIII. And be it further enacted, That the Commissioners first elected to carry this Act into Execution in any City, Town Corporate, Borough, Market Town or other Town, shall with all convenient Speed after the Election proceed to make an Estimate of the Expences and Charges attendant upon carrying the Purposes of this Act into Effect, until the Thirty-first Day of *July* then next ensuing, and shall fix, ascertain, and impose certain Rates and Assessments for defraying the same, to be applotted upon and to be raised and levied from and off the Owners, Occupiers, or Tenants of all Houses, Shops, Warehouses, Cellars, Mills, Yards, Gardens, and Tenements within such City, Town Corporate, Borough, Market Town or other Town, or the Suburbs or Liberties thereof, as determined by the said Commissioners; (that is to say), on the Owners, Occupiers, and Tenants of all such Houses, Shops, Warehouses, Cellars, Mills, Yards, Gardens, and Tenements of the yearly Value (as computed under the Valuation herein-before directed to be made,) of Five Pounds, and not amounting to Ten Pounds, One or more

Rate or Rates not exceeding in the whole the Amount of Sixpence in the Pound of such yearly Value; on the Owners, Occupiers, or Tenants of all such Houses, Shops, Warehouses, Cellars, Mills, Yards, Gardens, and Tenements of the yearly Value (computed as aforesaid) of Ten Pounds, and not amounting to Twenty Pounds, One or more Rate or Rates not exceeding in the whole Nine-pence in the Pound of such yearly Value; and on the Owners, Occupiers, or Tenants of all such Houses, Shops, Warehouses, Cellars, Mills, Yards, Gardens, and Tenements of the yearly Value (computed as aforesaid) of Twenty Pounds or upwards, One or more Rate or Rates not exceeding in the whole One Shilling in the Pound of such yearly Value; and that each individual House, Shop, Warehouse, Cellar, Mill, Yard, Garden, and Tenement shall be separately rated, without reference to or including in the Applotment of such Rate any other House, Shop, Cellar, Warehouse, Mill, Yard, Garden, or Tenement belonging to or occupied by the same Person; provided that all contiguous Houses, Shops, Cellars, Warehouses, Mills, Yards, Gardens, and Tenements occupied by one and the same Person or by the same Persons, and forming One entire Concern or undivided Tenancy or Holding, shall be rated together and not separately.

Each House, &c. to be rated separately, unless One Concern.

Relative Proportion of Rates.

XXXIX. Provided always, and be it further enacted, That the Rate which shall be at any Time imposed under this Act upon Premises of the Value of Five Pounds and not exceeding Ten Pounds, shall be equal to Two Thirds of the Rate at the same Time imposed upon Premises of the Value of Ten Pounds and not exceeding Twenty Pounds, and shall be equal to One Half of the Rate at the same Time imposed upon Premises of the yearly Value of Twenty Pounds or upwards; and that the Rate to be imposed upon Premises of the yearly Value of Ten Pounds and not exceeding Twenty Pounds, shall be equal to Three Fourths of the Rate imposed upon Premises of the yearly Value of Twenty Pounds or upwards; and that it shall not be lawful to or for such Commissioners to impose and levy any such Rate for or in respect of any Premises situate beyond the Limits to which the lighting, paving, watching, and cleansing by this Act provided shall extend; and that all Premises under the yearly Value of Five Pounds, as computed under the Valuation afore-mentioned, shall be exempt from any and every such Assessment.

Rates not to extend beyond the Limits, nor to affect Premises under 5*l.* of yearly Value.

Manner of proceeding in the Collection of the Rates.

XL. And be it further enacted, That such first elected Commissioners having determined upon and imposed such first Assessment and Applotment, shall issue Orders to their Collector or Collectors to collect such Rates as aforesaid; and such Collector or Collectors, and each of them, shall be furnished with a written Warrant or Order empowering him or them in that Behalf, subscribed by the Chairman and Clerk of the Commissioners for the Time being, and shall also be furnished with a Copy of such Applotment, or such Part thereof as shall be requisite for any such Collector, respectively attested by the Signatures of the Chairman and Clerk of the Commissioners for the Time being, and every such Collector shall, if so required, exhibit such Warrant and Copy of Applotment upon demanding the Sum applotted; and such Collector or Collectors, on receiving the Sum applotted,

applotted, shall give a Receipt for the same, and such Receipt shall be to the Party holding the same a full Acquittance and Discharge for the Sum expressed therein to have been received; and every such Collector shall proceed with all due Diligence, after receiving such Warrant and Copy of Applotment, to collect and levy the Monies assessed upon the said several Premises, and shall make Demand of the same, upon the Premises chargeable, of and from any Person found thereon in Occupation of the Whole or Part; and if no Person so occupying be found thereon, then and in such Case such Collector shall make Demand of the Monies so assessed at the Dwelling House of the Party chargeable for and in respect of such Premises, if such Person reside within such City, Town Corporate, Borough, Market Town or other Town, or the Suburbs or Liberties thereof; and if such Person do not reside therein, and if no Person be found in Occupation of the Premises chargeable, then and in such Case such Collector shall affix on some Part of such Premises a Notice, bearing Date the Day and Year of affixing the same, subscribed with the Name and Abode of the Collector affixing the same, requiring Payment of the Sum applotted within Fourteen Days from the Date of such Notice; and in case upon making Demand of the Sum applotted as before directed, either from any Person found in Occupation of the Whole or Part of the Premises rated, or at the Dwelling House of the Party chargeable, the Sum demanded be not paid, such Collector shall deliver to such Person, or shall leave at such Dwelling House, a Notice of the like Tenor and Purport, dated, subscribed, and expressed as aforesaid, and within the Fourteen Days specified in any such Notice the Money demanded may be paid to the said Collector at his House or Office; and if not paid within that Time, such Collector, or any other Collector duly authorized, shall make further Demand of the same upon the Premises chargeable, or at the Dwelling House of the Party chargeable, or shall affix a Notice of such second Demand upon some Part of the Premises chargeable, in like Manner as is herein-before required and directed in case of the first Demand of such Money; and if such Money be not paid to such Collector upon such second Demand, nor within Three Days after making the same, then such Collector may at any Time afterwards procure a Warrant, subscribed by the Chairman of the said Commissioners, which Warrant the said Chairman of the Commissioners is hereby authorized and required to grant, upon a Certificate, signed by the said Collector or Collectors, of such Demands having been made, and such Notices having been given or affixed, and such Money remaining unpaid, and it shall be lawful for such Collector, by virtue of such Warrant, and such Collector is hereby authorized and empowered, to enter upon the Premises chargeable, and to seize and distrain the Goods and Chattels of any Person whomsoever which he can find thereon; and if no sufficient Distress can be found thereon, then to seize and distrain the Goods and Chattels of the Party chargeable for and in respect of such Premises wheresoever the same can be found; and for that Purpose to enter any Dwelling House or other House, Shop, Warehouse, or other Tenement within such City, Town Corporate, Borough, Market Town or other Town, or the Suburbs or Liberties aforesaid, belonging to such Party; and if the Sum charged be not paid within Fourteen Days from such Seizure, together with the

the Costs of Distress, it shall be lawful for such Collector to sell the Goods so seized by public Cant or Auction for such Sum and Costs, such Costs to be set forth and specified in the Warrant authorizing such Distress; and the Overplus, if any, shall be paid to the Party distrained, or his Representatives.

Occupiers chargeable with Rates.

XLI. And be it further enacted, That the immediate Tenant or Occupier, or Tenants or Occupiers, of any Premises charged with any Assessment or Applotment under this Act, shall be deemed chargeable with and liable to every Assessment or Applotment made and imposed in respect of the same; provided that if any Premises or any Part thereof be tenanted or occupied by the Month or any shorter Period, it shall be lawful for any Person so holding or occupying, and such Person is hereby authorized and empowered, (any special Covenant or Agreement to the contrary notwithstanding,) to deduct from out of the Rent paid or payable by such Person, for and in respect of such Holding, Tenancy, or Occupation, any Sum or Sums paid or levied by or from such Persons for or in respect of any such Assessment, such Person producing the Receipt for such Sum or Sums subscribed as before directed by the Collector receiving the same.

Premises shall remain at all Times chargeable; and Parties paying may recover against former Parties rated.

XLII. And be it further enacted, That if no sufficient Distress can be found on the Premises chargeable, and if the Sum or Sums assessed or charged or applotted upon or in respect of any Premises be not otherwise paid or satisfied, the Premises for or in respect of which such Sum or Sums shall have been charged shall remain at all Times chargeable with the same, into the Hands of whatsoever Person or Persons such Premises may come or fall; and so soon as at any Time sufficient Distress can be met with thereon, it shall be lawful for any such Collector or Collectors to enter upon such Premises, and to distrain any Goods or Chattels therein or thereon, and to levy all Arrears of Rates and Assessments, with all Costs, at any Time previous accrued or incurred for and in respect of such Premises: Provided always, that it shall and may be lawful for any Person or Persons, on whose Goods or Chattels such Arrears and Costs may be levied by Action at Law or otherwise, to recover of and from the Person or Persons, or his or their Representatives, primarily chargeable with the same, and during whose Tenancy or Holding or Enjoyment of such Premises the same may have accrued, the full Amount thereof, together with full Costs and Damages for the Injury sustained by such Levy as aforesaid.

Future Commissioners, after 1st of August in each Year, to make an Estimate and Assessment.

XLIII. And be it further enacted, That so soon as conveniently may be after the First Day of *August* in every Year, the Commissioners for the Time being for the Execution of this Act, in any City, Town Corporate, Borough, Market Town or other Town, shall estimate the Charges, Costs, and Expences of carrying the Purposes of this Act into Effect during the ensuing Year, and shall, for the Purpose of defraying such Charges, Costs, and Expences, direct any Rates, Assessments, and Applotments to be made, and shall impose, collect, and levy all such Rates, Assessments, and Applotments, and Sums of Money, in the like Manner and subject to the same Restrictions and Regulations,

Regulations, and in the same Proportions, as any Assessments, Applotments, Rates, and Sums of Money are directed to be made and levied by the first-elected Commissioners.

Surplus of any preceding Year shall be applied to succeeding Year, and preceding Deficiencies may be supplied.

XLIV. And be it further enacted, That any Surplus or redundant Funds which may remain after defraying the Expences of any preceding Year, shall and may be applied towards defraying the Expences of a succeeding Year; and that any Deficiency of Funds on the Expenditure of a preceding Year, shall and may be made good and supplied out of the Monies raised in a succeeding Year; provided that such Monies raised in such succeeding Year shall not exceed the several Amounts herein-before authorized to be raised or assessed within any One Year, unless in the Case of an extraordinary Assessment to be made pursuant to the Powers herein-after reserved, mentioned, and contained.

An extraordinary Assessment may be levied once in any Year, if recommended by Two Thirds of all the Commissioners, and sanctioned by a Meeting of Persons subject thereto.

XLV. And be it further enacted, That in case it should happen that the Sums to be raised in any City, Town Corporate, Borough, Market Town or other Town, by the Rates of this Act herein-before authorized to be levied, should be deemed insufficient within any one Year, and if Two Thirds of all the Commissioners for the Time being elected for the Execution of this Act in such City, Town Corporate, Borough, Market Town or other Town, at a Meeting of such Commissioners, should be of Opinion than an extraordinary Rate or Assessment should be made and levied for the Purposes of this Act, to an Amount to be specified in a Resolution of such Commissioners, then and in such Case it shall and may be lawful for the Chairman of such Commissioners for the Time being, and he is hereby required, to appoint and convene a Special Meeting of all Persons in such City, Town Corporate, Borough, Market Town or other Town, subject to the Assessment under this Act, and duly registered as by this Act is before directed, and such Meeting shall be convened within such Time and shall be conducted in such Manner, and the Time and Place of the same shall be notified in like Manner as is herein-before directed with regard to any Triennial Meeting herein-before appointed to be convened by the Chairman of any such Commissioners; and at such Meeting such Chairman shall cause the Resolution adopted as aforesaid by Two Thirds of such Commissioners to be read, and shall require such Meeting to determine by Majority of Voices whether such Resolution of such Commissioners shall be affirmed or negatived; and if at such Special Meeting of Persons subject to Assessment as aforesaid, such Resolution of such Commissioners shall be affirmed or agreed to, either to the Amount specified in such Resolution or to any less Amount, then and in such Case it shall be lawful for such Commissioners, and they are hereby authorized and empowered, to levy such extraordinary Assessment to such Amount as shall be so affirmed or agreed to, together with or in addition to the ordinary Assessment or Assessments, any thing herein-before contained to the contrary notwithstanding; and all the Powers, Duties, and Authorities by this Act given, created, or conferred, and the Regulations and Proportions ordained for the raising or levying any ordinary Assessment, shall be good, valid, obligatory, and effectual towards the

levying and raising of such extraordinary Assessment; provided that such Resolution, so affirmed or agreed to, shall not be held or construed to extend the Limits or to raise the Amount of the ordinary Assessment made or to be made in or for any subsequent Year; and if such Meeting of the Persons subject to such Assessment shall wholly negative such Resolution of such Commissioners, then and in such Case such Meeting shall adjourn *sine Die*, and it shall not be competent for such Commissioners, at any Time within One Year from the Day of such Adjournment, to propose or adopt any Resolution for any such extraordinary Assessment, nor for the Chairman of such Commissioners to convene any such Meeting of the Persons subject to Assessment, as herein-before directed, nor in any Manner to impose or levy any Assessment other than the ordinary annual Assessment, nor otherwise than subject to the Limitations herein-before appointed to be observed in such ordinary annual Assessment: Provided also, that upon and after the Expiration of such Year, it shall and may be competent for such Commissioners to propose and to adopt such Resolution, and thereupon to convene such Meeting, and to proceed thereat in manner herein-before directed, and so on for ever *toties quoties*.

Streets, &c. to be lighted by Gas or Oil, by Contract or otherwise.

XLVI. And be it further enacted, That it shall be lawful for the Commissioners for the Execution of this Act, in any City, Town Corporate, Borough, Market Town or other Town, and they are hereby authorized and empowered, to direct and cause the several Streets, Squares, Lanes, and Passages within such City, Town Corporate, Borough, Market Town or other Town, to be lighted in such Manner as such Commissioners shall judge proper, either with Oil or Gas, and to contract with any Company or Companies of Proprietors, or any Body Corporate, or any other Person or Persons for that Purpose; and also to order Lamp Posts to be erected in the Streets, and Lamp Irons to be fixed on the Walls of Houses and other Buildings, and from Time to Time to alter and remove the same, as such Commissioners shall judge proper.

And to be watched.

XLVII. And be it further enacted, That it shall be lawful for such Commissioners, and they are hereby authorized and empowered, to appoint a sufficient Number of able Watchmen, to keep watch within any such City, Town Corporate, Borough, or Market Town, or the Suburbs and Liberties thereof, and to appoint and pay proper Salaries and Wages for such Watchmen, and to provide proper Watch-houses, and all necessary Articles for such watching, and to appoint the Times of Watch, and the Stations and the Duties of the several Watchmen, and to fine and dismiss any such Watchmen at the Pleasure of such Commissioners.

Powers of Watchmen.

XLVIII. And be it further enacted, That it shall be lawful for such Watchmen, and they are hereby authorized and empowered, to apprehend all such idle and disorderly Persons as they or any of them shall find committing any Breach of the Peace during the Night, or making any improper Noise or Disturbance, and to detain such Persons till Morning, and then to carry such Person or Persons

before any of His Majesty's Justices of the Peace for the Borough, City, Town, or Place in which such Person or Persons shall have been apprehended, to be dealt with according to Law.

Penalty for harbouring Watchmen during the Hours of Duty.

XLIX. And be it further enacted, That if any Victualler, Publican, or other Person or Persons selling Spirituous Liquors, shall entertain or harbour in his or her or their House any Watchmen appointed under this Act, during such Watchman's appointed Hours of Duty, every such Victualler, Publican, or other Person shall forfeit for such Offence any Sum not exceeding Twenty Shillings.

Streets, &c. to be cleansed.

L. And be it further enacted, That it shall be lawful for the Commissioners for the Execution of this Act in any City, Town Corporate, Borough, Market Town or other Town, to employ or contract with Scavengers to cleanse and sweep and water the Streets, Squares, Lanes, and Passages within any such City, Town Corporate, Borough, Market Town or other Town, or the Suburbs and Liberties thereof; and to direct in what Manner and how often the said Streets, Squares, Lanes, and Passages shall be swept and cleansed and watered, and to provide all necessary Articles for such Purposes.

Penalty on Persons carrying away Dirt, not duly authorized.

LI. And be it further enacted, That if any Person or Persons shall take or carry away any Dirt, Dung, Ashes, or Soil out of any of the said Streets, Squares, Lanes, and Passages, other than the Scavengers or other Persons authorized so to do by the said Commissioners as before-mentioned, every such Person shall for such Offence forfeit a Sum not exceeding Twenty Shillings.

Streets to be paved, and if formerly repaired as a Turnpike or Presentment Road, may be put under Commissioners for this Act.

LII. And be it further enacted, That it shall be lawful for the Commissioners for the Execution of this Act, in any City, Town Corporate, Borough, Market Town or other Town, and they are hereby authorized and empowered, to employ or contract with any Person or Persons to pave, flag, maintain, and keep in order the Streets, Squares, Lanes, and Passages within any such City, Town Corporate, Borough, Market Town or other Town, and the Suburbs or Liberties thereof as aforesaid, in such Manner as such Commissioners shall direct, and to provide all necessary Articles for the said Purpose; and any Street forming Part of a Road running through any such City, Town Corporate, Borough, Market Town or other Town, or the Suburbs or Liberties thereof as aforesaid, which may at any Time before the Appointment of such Commissioners have been paved, maintained, or repaired as Part of such Road by any Board of Turnpike Commissioners or Trustees, or by Grand Jury Presentment, or by any other Body or Person or Persons, or in any other Manner whatsoever, shall and may, from and after the Appointment of Commissioners for the Execution of this Act in any such City, Town Corporate, Borough, Market Town or other Town, be paved, maintained, and repaired only by such Commissioners, if such Commissioners shall think fit so to determine and require: Provided that nothing herein contained shall extend or be construed to exonerate any such Turnpike Commissioners or Trustees, or any other Body or Person or Persons whatsoever, from his or their Duty or Obligation to maintain and

and repair such Street or Road, unless such Commissioners shall desire to take upon themselves such Duty or Obligation; and in such Case such Commissioners shall become liable in like Manner as the Party or Parties originally liable to such Duty or Obligation, and shall in like Manner answer for and be punishable for any Default in the Discharge or Observance of such Duty or Obligation.

Wells, Pumps, &c. to be dug and made.

LIII. And be it further enacted, That it shall be lawful for such Commissioners, and they are hereby authorized and empowered, to cause Wells to be dug, and Pipes to be laid, and Pumps to be erected in any Streets, Squares, Lanes, and Passages of any City, Town Corporate, Borough, Market Town or other Town, as such Commissioners shall think most advantageous for supplying Water to the Inhabitants; and also to make and maintain, or cause to be made and maintained, Fire Plugs for extinguishing Fire.

Sewers, Drains, &c. to be made, and Fire Engines kept.

LIV. And be it further enacted, That it shall and may be lawful for such Commissioners, and they are hereby authorized and empowered, to make or cause to be made Common Sewers, Drains, and Watercourses, and the same from Time to Time to repair and cleanse, and to purchase One or more Fire Engine or Engines, with all necessary Apparatus, and to name and appoint, during Pleasure, or to contract with a proper Person or Persons to take charge of such Engine or Engines, with such Number of Persons as may be necessary to work such Engine or Engines, with such Salaries and Allowances, and under such Regulations, as such Commissioners shall judge proper, and to hire or rent any convenient House or Houses for keeping such Engine or Engines.

Drains, &c. to be cleansed under the Inspection of the Commissioners.

LV. And be it further enacted, That all private Drains or Sewers within any such City, Borough, or Town, issuing into any public Drain or Sewer, shall, when and as the said Commissioners shall require, be repaired or cleansed under the Inspection and Direction of any Person thereto authorized or appointed by the said Commissioners, at the Costs and Charges of the Owner or Owners, Occupier or Occupiers of the Premises to which the said private Sewers or Drains may belong.

Streets, &c. to be named, and Houses numbered.

LVI. And be it further enacted, That it shall be lawful for such Commissioners, and they are hereby authorized and empowered, to cause the said Streets, Squares, Lanes, and Passages to be named, and the Name of each to be painted or otherwise inscribed at or near the End or Corner thereof; and also to cause the Houses, Buildings, Shops, and Warehouses to be numbered, and the Figures denoting the Numbers to be painted on the Doors.

Cellar Stairs or other Nuisances to be closed or removed.

LVII. And be it further enacted, That it shall be lawful for such Commissioners, and they are hereby authorized and empowered, to cause any Penthouse, Bow Window, Sign or Sign Post, or Irons or Fences, or Grates, or any Cellar or other underground Apartment, or any Stairs or Opening into such Apartment, or any other Thing encroaching upon or projecting into any Street, Lane, Square, or Passage,

Passage, which may seem dangerous to Passengers, to be removed, altered, closed up, or grated over, or otherwise sufficiently secured; and for such Purposes it shall be lawful for such Commissioners to require any Alteration to be made, in such Manner as they may deem fit, and within such Time as they shall appoint, by written Order, signifying their Desire in such respect, and subscribed by the Chairman and Clerk of the Commissioners for the Time being, issued and expressed to be issued pursuant to a Resolution adopted at a Meeting of such Commissioners, and delivered to the Occupier of the Premises causing such Encroachment, if the same be occupied, and if not occupied, then and in such Case to the Owner of such Premises, if resident within the same City, Town Corporate, Borough, or Town, and if not resident within the same, and if the Premises be unoccupied, then and in such Case affixed on some Part of the same Premises; and if any such Alteration shall not be made, done, or performed agreeably to such Order, within the Time therein specified, it shall be lawful for such Commissioners to cause the same to be made, done, and performed, and to levy the Expences thereof, together with the Costs of Distress, upon any Goods and Chattels found upon such Premises, or upon the Goods and Chattels of the Owner wheresoever found; and every such Distress shall be made in like Manner as by this Act is directed in the Case of Distress for Assessments remaining unpaid, and with and subject to the like Powers and Regulations.

Commissioners may break up or open Streets, Roads, &c.

LVIII. And be it further enacted, That it shall and may be lawful for the Commissioners for the Execution of this Act, in any City, Borough, Town Corporate, Market Town or other Town, and they are hereby authorized and empowered, so often as to them may seem fit, to break up or open, or by Warrant, subscribed by the Chairman and Clerk of the Commissioners for the Time being, to authorize any Person or Persons with whom they shall or may contract to break up or open any Street, Square, Lane, or Passage within any such City, Town Corporate, Borough, Market Town or other Town, or the Suburbs and Liberties thereof as aforesaid, for the Purpose of laying Pipes or digging Wells, or any other of the Purposes of this Act, notwithstanding any such Street, Square, Lane, or Passage may form Part of a Turnpike Road or County Road: Provided that such Commissioners shall and they are hereby required to cause such Holes and Openings to be properly secured and fenced at Night, and Lights set up thereby, so as to warn Passengers and prevent Accidents.

Footways to be cleansed.

LIX. And be it enacted, That it shall and may be lawful for the Commissioners acting in Execution of this Act, in any City, Borough, or Town, if they shall so think fit, to direct and require the respective Owners and Occupiers of all Houses or other Buildings or Premises abutting upon any of the Streets, Squares, Lanes, or Passages within such City, Borough, or Town, so often, and at such Times, and at and under any such Penalty as to the said Commissioners shall seem meet, not exceeding Two Shillings for each Default, to cause the Footways or Foot Pavements to be well and sufficiently swept and

cleansed before, behind, and on the Sides of the same, as the Situation thereof shall require, and the Dirt and Soil arising from such sweeping and cleansing to be collected and put together in such Place and Manner as to the said Commissioners shall seem meet; and the said Commissioners, if they shall think fit to establish such Order and Regulation, shall cause the same to be publicly notified in manner herein-before appointed for the Notification of the Election of Commissioners under this Act.

Commissioners liable for Nuisances from Gas Works.

LX. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to prevent any Person or Persons from proceeding by Indictment, Action, or otherwise, against any such Commissioners, their Officers, Servants, or Workmen, or any Body Politic or Corporate, for or in respect of any Nuisance or Injury arising from or occasioned by Gas Works.

Expences of lighting, &c. to be defrayed out of Funds arising from Assessment.

LXI. And be it further enacted, That the Expences of Printing, Stationery, Coals and Candles, for the Purposes of this Act, and all Expences of lighting, watching, cleansing, and paving, of digging Wells, laying Pipes, and erecting Pumps, of making and maintaining Fire Plugs, and making Sewers, Drains, and Watercourses, of purchasing Fire Engines and employing Workmen, and of renting Offices for the Transaction of Business, or Houses for keeping Fire Engines, and of naming the Streets, Squares, Lanes, and Passages, and numbering the Houses, Buildings, Shops, Warehouses, and all other Costs and Charges of providing the necessary Articles for all and every of the aforesaid Purposes, and relating to all other Things which under this Act any Commissioners for the Execution of this Act are directed or empowered to do in any City, Town Corporate, Borough, Market Town or other Town, shall be paid out of any Rates, Assessments, and Sums of Money authorized to be raised and levied under this Act in any City, Town Corporate, Borough, Market Town or other Town, respectively, and from the other Funds by this Act directed to be applied to such Expences: Provided always, that such Rates, Assessments, Monies, and Funds, or any Part thereof, shall not be applied to defray or satisfy any Penalties to which any such Commissioners may render themselves liable, or any Damages or Costs which may be recovered against and incurred by any such Commissioners in any Suit or Process at Law or Equity whatsoever, for or by reason of any wilful Misfeasance or Malfeasance on the Part of any such Commissioners.

Property of Pavements, &c. vested in the Commissioners.

LXII. And be it further enacted, That the Property of all Pavements, Flags, Lamps, Wells, Buckets, Pipes, Pumps, Fire Plugs, Fire Engines, and any and every other Material, Article, or Thing purchased or paid for by any Monies applicable to the Purposes of this Act, shall be vested in the Commissioners for the Time being for the carrying this Act into Execution in any City, Town Corporate, Borough, Market Town, or other Town respectively; and it shall be lawful for such Commissioners to bring Actions or prefer Indictments against any Person stealing or carrying away or injuring any such Articles, Matters, or Things, stating the Property to be in such Commissioners

missioners by virtue of this Act; and no Change made or happening in or among the Persons composing any Body of Commissioners shall in any Action, Indictment, or other Civil or Criminal Proceeding whatsoever, by, for, or on behalf of or against or concerning the said Commissioners or their Property, abate, or otherwise stay, delay, or affect any such Action, Indictment, or Proceeding.

Penalties for Injury or Damage, &c. to Works, &c. made under this Act.

LXIII. And be it further enacted, That if any Person or Persons shall wilfully injure, damage, or destroy any Watch-house or Watchbox, or any Lamp, Lamp Iron, or Lamp Post, or any Well, Pipe, Spring, Pump, Watercourse, Fire Plug, Sewer, Drain, or Fire Engine, or shall wantonly extinguish any Lamp or Lamps, or shall tear up the Pavement or Flagway in any Street, Square, Lane, or Passage within any City, Town Corporate, Borough, Market Town or other Town, or the Suburbs or Liberties thereof, in which this Act shall be carried into Execution, or shall in any other Manner wilfully damage, injure, or destroy any Article or Material, Matter or Thing employed for effectuating the Purposes of this Act, or any Work which any Commissioners for the Execution of this Act may undertake for such Purposes, or any of them, it shall and may be lawful for any Person or Persons to apprehend and detain any and every such Offender, until such Offender can be carried before any Justice of the Peace; and every Person so offending, being convicted of such Offence before such Justice, shall for the First Offence forfeit a Sum not exceeding Five Pounds, and for the Second Offence a Sum not exceeding Ten Pounds, and for the Third and every subsequent Offence a Sum not exceeding Fifteen Pounds; provided that the levying any such Penalty shall be no Bar to any Action at the Suit of the said Commissioners.

For preventing Nuisances.

LXIV. And be it enacted, That every Person who shall commit or be guilty of any of the Offences herein-after specified in any City, Borough, or Town, in which this Act shall be carried into Execution, shall be subject and liable to such Penalties as are herein-after specified and set forth; that is to say, if any Person shall, in or upon any Way used or appointed to be used as a Footway only, in any such City, Borough, or Town, draw, drive, or carry any Truck, Sledge, Wheelbarrow, Bier, or other Carriage, except directly across such Footway on necessary Occasions, or shall lead, ride, or drive on any such Footway any Horse or other Beast, except directly across the same as aforesaid, or shall suffer to stand or shall tie or fasten any Horse or other Beast on or across the same; or shall, in or on any of the Streets, Squares, Lanes, or Passages within any such City, Borough, or Town set up any Stall or Table, or erect any Shade or Awning, or expose any Goods or Wares for Sale, or place or leave therein or thereon any thing whatsoever, so as to create any Impediment or Annoyance to the free Passage thereof, and shall not remove the same when thereunto required by any Person whomsoever; or shall, in or on any of such Streets, Squares, Lanes, or Passages, ride or drive any Horse or other Animal in a furious and improper Manner; or shall thereon drive or suffer to proceed any Cart, Waggon, or other Carriage, without some Person leading or guiding with Reins the Horse or Horses yoked thereunto;

unto; or shall leave or suffer to remain in any of such Streets, Squares, Lanes, or Passages any Cart, Waggon, or other Carriage, with any Horse or Horses, or other Cattle or Animal being yoked thereunto, without a proper Person to take Charge of the same; or shall place or leave in or on any of such Streets, Squares, Lanes, and Passages, in such a Manner as to obstruct or endanger the Passage thereof, any Cart, Waggon, or other Carriage; or shall shew or expose any Stallion or Stone Horse kept for the Purpose of being let to Mares, except in such Place or Places as the Commissioners for the Execution of this Act shall appoint, and except in directly proceeding to and returning from such Place; or shall in or on any Cart, Waggon, or other Carriage, carry or convey any Timber, Iron, or other Thing, in such a Manner as to protrude Two Feet beyond the Wheel of such Cart, Waggon, or other Carriage; or shall, in or on any of such Streets, Squares, Lanes, and Passages, place or leave any Mortar, Lime, Sand, Bricks, Stones, Timber, or other Materials for building, or shall sift or screen any Lime, Sand, or other Thing, such Mortar or other Thing being so placed or left, or such Sifting or Screening being without the Permission of the Commissioners for the Execution of this Act, or not so defended and enclosed within a Frail or otherwise, and in conformity to such Regulations as such Commissioners at their Discretion shall impose, and which they are hereby authorized to impose; or shall cast or leave any Dung, Dirt, Rubbish, or other Thing, or suffer to flow or fall from any Slaughter House, Soap House, Tan Yard, or other Yard or Premises, any Muck, Mire, Blood, or other noisome Matter in or upon such Streets, Squares, Lanes, and Passages, except only in such Manner and in such Place or Places as such Commissioners shall direct and appoint or allow; or shall, in any of such Streets, Lanes, and Passages, kill or slaughter or scald and dress any Animal for Meat; or shall, in any of such Streets, Lanes, or Passages, play at Bullets or Quoits, or other dangerous Game, to the Annoyance or Obstruction of Passengers; or shall make any Bonfire, or let off any Fire Works or Squibs, or unnecessarily and wantonly discharge any Fire Arms; or if any Person shall do or commit any Act, or shall leave or place or set up any Material or Thing whatever, which shall cause or create any Impediment, Obstruction, Nuisance, Danger, or Annoyance in or to the free Passage of such Streets, Squares, Lanes, or Passages; every such Person shall for the First Time of committing such Offence forfeit and pay a Sum not exceeding Twenty Shillings and not less than Five Shillings, and for the Second Time of committing any such Offence shall forfeit and pay a Sum not exceeding Forty Shillings and not less than Ten Shillings, and for the Third or any subsequent Time of committing any such Offence shall forfeit and pay a Sum not exceeding Five Pounds and not less than Twenty Shillings: Provided always, that every such Offence shall be deemed to be a First Offence in all Cases, unless the same shall be proved to have been committed within One Calendar Month next after some such former Offence of the same Nature and Quality.

Not to prevent the exposing of

LXV. Provided always, and be it enacted, That nothing herein contained shall extend or be construed to extend to prevent or hinder

hinder any Person or Persons from selling or exposing to Sale any Horse, Beast, or other Cattle, or from placing any Stool, Bench, Stall, or Booth for the Sale of Goods and Wares, or from exposing to Sale any Meat, Poultry, Vegetables, Fruit, or other Goods, Wares, and Merchandizes whatsoever, in the usual and accustomed Market or other Place or Places within any such City, Borough, or Town, or in the usual Places of holding public Fairs, on the usual Days of such Market or Fairs; and that it shall and may be lawful for any Person to leave on any Quay, Wharf, or other Place any Timber, Flax, Seed, Bales, or Goods, Wares, Merchandizes, for such Time as the Commissioners for the Execution of this Act shall appoint and allow, and which they are hereby authorized and empowered to appoint and allow, so as the same be disposed and piled in such Manner as the said Commissioners shall direct, and so as from Sun-set till Sun-rise sufficient Lights be placed on such Timber or other Thing, so as to warn Passengers and prevent Accidents.

Goods for Sale in Markets or Places of holding Fairs, &c.

LXVI. And be it further enacted, That if any Horse, Cow, Swine, or other Beast shall be found wandering or straying in or about any Streets, Squares, Lanes, and Passages in any City or Borough or Town in which this Act shall be carried into Execution, it shall and may be lawful for any Person whatsoever to impound such Horse, Cow, Swine, or other Beast in the nearest Common Pound, and the Owner thereof shall for every such Beast so found wandering or straying as aforesaid forfeit a Sum not exceeding Five Shillings, together with the reasonable Charges of impounding and keeping such Beast; and such Beast shall be detained until the said Penalty and Charges shall be paid; and if the same be not paid within Seven Days after such Beast shall be impounded, it shall be lawful for any Justice of Peace acting in or for the County or Place within which such Pound shall be situate, upon the Application of the Person who shall have impounded such Beast, to appoint and notify by public Advertisement, and otherwise as to such Justice shall seem meet, a Time and Place for the Sale of such Beast, and such Time shall be not sooner than Fourteen Days from the Date of the first Notification thereof, and at the Time so appointed and notified such Beast shall be sold by public Auction, unless the said Penalty, with all the Costs and Charges of impounding and advertising such Beast, shall be then and thereupon paid; and the Money arising from such Sale shall be in the first Instance applied to the Payment of such Costs and Charges, and the Person who impounded such Beast shall thereout receive the Sum of Five Shillings, and the Residue of such Money shall be paid to the Treasurer of such Commissioners, to be by him paid, upon Application, to the Person whose Property such Beast shall appear to have been, and in default of and until such Application shall be applied to the Purposes of this Act.

Cattle found astray may be impounded, and the Owner thereof fined.

LXVII. And be it further enacted, That all Penalties and Forfeitures inflicted or imposed by this Act (the Recovery and Application whereof are not before provided for) may, in case of Nonpayment thereof, be recovered in a summary Way by the Order and Adjudication of any One Justice of the Peace or Magistrate for the City,

Recovery of certain Penalties before One Justice of the Peace.

Town Corporate, or Borough in which such Penalty shall be incurred, or of any Justice for the County, District, or Division within which any Market Town or other Town in which such Penalty shall be incurred shall be situate, on Complaint to him for that Purpose exhibited, and shall afterwards be levied, as well as the Costs of such Proceedings, in case of Nonpayment, by Distress and Sale of the Goods and Chattels of the Offender or Offenders or Person or Persons liable to pay the same, by Warrant under the Hand and Seal of such Justice; and such Justice is hereby authorized and required to summon before him any Witness or Witnesses, and to examine such Witness or Witnesses upon Oath (or Affirmation) of and concerning all or any such Offences, Matters, or Things, and to hear and determine the same; and the Overplus, if any, of the Money so levied 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, shall be returned, upon Demand, to the Owner or Owners of the Goods or Chattels so seized or distrained; and in case such Penalties or Forfeitures shall not be forthwith paid upon Conviction, then it shall be lawful for such Justice to order the Offender or Offenders so convicted to be detained and kept in safe Custody until Return can be conveniently made to such Warrant of Distress, unless the Offender or Offenders shall give sufficient Security, to the Satisfaction of such Justice, for his or their Appearance before such Justice on such Day or Days as shall be appointed for the Return of such Warrant of Distress, such Day or Days not being more than Seven Days from the Time of taking any such Security, and which Security the said Justice is hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Distress can be had thereupon, then it shall be lawful for such Justice, or any other Justice of the Peace for such City, Town Corporate, Borough, County, or Place as aforesaid, and he is hereby authorized and required, by Warrant under his Hand and Seal, to cause such Offender or Offenders to be committed to the Gaol of such City, Town Corporate, Borough, County, or Place, there to be kept to hard Labour, and to remain, without Bail or Mainprize, for any Term not exceeding One Calendar Month, if the Conviction be for a First Offence, and not exceeding Two Calendar Months, if the Conviction be for a Second Offence, and not exceeding Three Calendar Months, if the Conviction be for a Third or any subsequent Offence, unless such Penalties or Forfeitures respectively, and all reasonable Charges, shall be sooner paid and satisfied; and one Moiety of such Penalties or Forfeitures, when so levied, shall be paid to the Person who shall sue or prosecute for the same, and the other Moiety shall be paid to the Treasurer or Clerk of the Commissioners for the Execution of this Act, to be applied to the Purposes of this Act, in the City, Town Corporate, Borough, Market Town or other Town, in which such Offence shall be committed, in such Manner as such Justice shall direct and appoint.

Application of Penalties.

Contracts by Commissioners not valid for more than Three Years;

LXVIII. And be it further enacted, That no Contract made by any Commissioners for the Execution of this Act shall be valid or binding for any longer Term than Three Years next after making the

the same, nor unless made under sealed Tenders and Proposals, delivered in such Manner as such Commissioners shall by public Advertisement openly appoint and notify; and that in case any such Commissioner, or the Treasurer or Clerk of such Commissioners, or any Joint Stock Company or Partnership of or in which such Commissioner, Treasurer, or Clerk is or shall be a Member or shall have any Interest, shall be or become a Party to such Contract, the same shall be voidable, at the Discretion of the Commissioners for the Time being.

if any Commissioner, &c. be a Party thereto, it shall be voidable.

LXIX. And be it further enacted, That if any Commissioner for the Execution of this Act in any City, Town Corporate, Borough, Market Town or other Town, or any Treasurer or Clerk of any such Commissioners, shall directly or indirectly contract with, or shall be or become in any Manner beneficially interested in any Contract made with, any Commissioner for the Execution of this Act, every such Commissioner, Treasurer, or Clerk shall thereupon be and become and is hereby declared to be disqualified from continuing to act in his Capacity of Commissioner, Treasurer, or Clerk, and the Place of any such Commissioner, Treasurer, or Clerk shall be declared vacant, and shall be supplied in such Manner as by this Act is directed in case of a Vacancy occasioned by any other Cause; and such Commissioner, Treasurer, or Clerk so offending as aforesaid shall forfeit the Sum of One hundred Pounds to any Person, being an Householder within such City, Town Corporate, Borough, Market Town or other Town, or the Suburbs or Liberties thereof as aforesaid, who shall sue for the same, to be recovered, with full Costs of Suit, by Action of Debt or on the Case, or by Bill, Plaint, or Information, in any of His Majesty's Courts of Record, in which no Essoign, Protection, Wager of Law, nor more than One Imparlance, shall be allowed.

Penalty on any Commissioner, &c. being interested in any Contract.

LXX. Provided always, and be it enacted, That in case any Interest in any such Contract as aforesaid shall, by Devise, Succession, or Inheritance, become vested in or devolve upon any such Commissioner, Treasurer, or Clerk, and that he shall forthwith make Discovery of the same, such Contract shall not be thereupon liable to be avoided, nor such Forfeiture as aforesaid incurred, but the Party in or on whom such Interest shall vest or devolve shall be thereby disqualified as aforesaid, and his Place supplied accordingly.

Proviso as to Contracts devolving on any Commissioner, &c. by Devise, &c.

LXXI. And be it further enacted, That every Justice of the Peace before whom any Person or Persons shall be convicted of any Offence under this Act, shall and may cause the Conviction to be drawn up in the following Form of Words, as the Case shall happen, or in any other to the same Effect; (that is to say,)

Form of Conviction.

'City, Borough, or Place, to wit.' BE it remembered, That on the Day of in the Year of our Lord *A. B.* 'is convicted before me *C. D.*, one of His Majesty's Justices of the 'Peace for the said City, Borough, Town, or Place, by virtue of an Act 'made

'made in the Ninth Year of the Reign of King *George* the Fourth, 'intituled [*here set forth the Title of this Act*], of having [*here set forth 'the Offence*], and I do hereby adjudge that the said *A. B.* shall for 'the said Offence forfeit the Sum of
'. Given under my Hand and Seal this
'Day of
'in the Year of our Lord
'*C. D.* [L. S.]'

And every such Justice is hereby required, in any Warrant of Committal issued in default of Payment of any such Penalty, to specify and set forth the Amount of such Penalty.

Penalty may be paid at any Time, and the Party released.

LXXII. Provided always, and be it enacted, That whenever any Fine or Penalty imposed upon or adjudged against any Offender by any Justice under this Act shall not be paid forthwith upon Conviction, and the Offender shall in default of such Payment be committed for any Term whatsoever, it shall and may be lawful for such Offender at any Time to make Payment of such Penalty, and such Offender shall then and upon such Payment be forthwith discharged out of Custody, notwithstanding the Term for which such Offender shall have been committed shall be then unexpired.

Appeal from Conviction of Justice to Sessions.

LXXIII. Provided always, and be it enacted, That it shall and may be lawful for any Person who shall think himself or herself aggrieved by the Judgment of any Justice of the Peace upon any Conviction had or made by virtue of this Act, to appeal to the Justices of the Peace at the next General Quarter Sessions to be holden for the City, Town Corporate, or Borough in which such Conviction shall have been made, or for the County or Riding in which any Place, not being a City, Town Corporate, or Borough, shall be situate; and such Person so appealing shall, before some Justice for such County, City, Town Corporate, Borough, or Place, enter into a Recognizance, with Two sufficient Sureties, conditioned in a Penalty of Double the Amount of the Fine or Penalty adjudged by such Conviction, to appear at such Sessions, and to abide the Hearing of such Appeal, and upon entering into such Recognizances such Person shall be forthwith discharged out of Custody; and it shall be lawful for the Justices at such Sessions, and they are hereby empowered and required, to hear and determine the Matter of such Appeal, and to make such Order therein as shall be agreeable to the Circumstances of the Case, and to award Costs at their Discretion against either Party; and in case such Justices shall adjudge the Party appealing to pay any Fine or Penalty or Costs, and such Party shall fail to pay the same, such Justices shall and may commit such Party for such Term as any Justice might have done in the like Case, and subject to the like Restrictions and Provisions as are herein-before contained in the Case of a Conviction or Committal by any such Justice.

Limitation of Actions.

LXXIV. And be it further enacted, That no Action, Suit, or Proceeding shall be commenced or prosecuted against any Commissioner or other Person or Persons for any thing done in pursuance of this

Act, until after Thirty Days Notice thereof shall be given to such Commissioner or other Person or Persons, nor after a sufficient Satisfaction of Tender thereof hath been made to the Party or Parties aggrieved, nor after the Expiration of Three Calendar Months next after the Fact committed; and every such Action, Suit, or Prosecution shall be laid or brought in the County, County of a City, or County of a Town where the Cause of Action shall have arisen, and not elsewhere; and the Defendant or Defendants in every such Action, Suit, or Prosecution shall and may plead generally Not Guilty, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by Authority of this Act; and if any Replevin shall be brought for any Cattle, Goods, or Chattels seized or taken by virtue or in pursuance of this Act, it shall and may be lawful and sufficient to and for the Defendant or Defendants or Avowant or Avowants in any such Replevin to avow, plead, or make Cognizance generally that he or they took the same Cattle, Goods, or Chattels as a Distress, by force of the Statute in that Case made and provided, without more particularly setting forth this Act or the Cause of making or detaining the said Distress, or making any other more special Plea, Avowry, or Cognizance, any thing herein contained to the contrary notwithstanding; and if it shall appear that the Matter on which the Cause of Action arose was done, or the Distress replevied made in pursuance of this Act, or that such Action or Suit shall have been brought before the Expiration of Thirty Days after Notice thereof given as aforesaid, or after sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or shall be brought in any other County, County of a City, or County of a Town than as aforesaid, then the Jury shall find for the Defendant or Defendants, Avowant or Avowants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited or shall discontinue his or their Action, Suit, or Prosecution, after the Defendant or Defendants shall have appeared, or upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants, Avowant or Avowants, shall recover Double Costs, and shall have such Remedy for the same as any Defendant or Defendants hath or have in other Cases of Costs given by Law.

Notice; Tender of Amends; Venue, &c.

LXXV. And be it further enacted, That in all Actions, Suits, Prosecutions, or Indictments brought by or against any Commissioner or Commissioners under this Act, he or they shall be sufficiently described as a Commissioner or Commissioners of the City (or Town or Borough, as the Case may be) of appointed by virtue of an Act made in the Ninth Year of the King *George* the Fourth, intituled [setting forth the Title of this Act].

Commissioners how to be described in Actions, &c.

LXXVI. And be it further enacted, That in all Actions, Suits, or legal Proceedings whatsoever, brought, commenced, or had by or against any Commissioner or Commissioners for the Execution of this Act in any City, Town Corporate, Borough, Market Town or other Town, concerning or in respect of any Matter, Act, or Thing done by virtue or under pretence of any Provisions of this Act contained, any

Inhabitants, though paying Rates, to be competent Witnesses.

Inhabitant of any such City, Town Corporate, Borough, or Market Town, or the Suburbs or Liberties thereof, shall be a good and competent Witness, although such Inhabitant shall or may pay or be liable to the Payment of any Rate, Assessment, or Sum or Sums of Money under this Act, or any of the Provisions therein contained.

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