ANNO QUINQUAGESIMO QUARTO

GEORGII III. REGIS.

Cap. 172.

An Act to repeal an Act, passed in the Twenty-first Year of His present Majesty, for better maintaining and regulating the Poor within the Town of *Plymouth Dock* and Parish of *Stoke Damarel*, in the County of *Devon*, and for other Purposes, and granting further Powers in lieu thereof; for lighting, watching, and otherwise improving the said Town and Parish, and regulating Porters and Watermen therein. [20th *June* 1814.]

WHEREAS an Act was passed in the Twenty-first Year of the Reign of His present Majesty, intituled *An Act for the better maintaining and regulating of the Poor within the Town of* Plymouth Dock *and Parish of* Stoke Damarel, *in the County of* Devon; *and for paving, cleansing and watching the Streets, Lanes and Passages, and removing and preventing Encroachments, Nuisances and Annoyances; and regulating the Drivers of Coaches, Chaises and Carts, and also Chairmen and Porters, within the said Town:* And whereas the Powers and Provisions of the said recited Act have been found inadequate for the several Purposes thereby intended; and it would tend greatly to facilitate the Execution of the Purposes intended to be provided by the said recited Act, if the same were repealed, and further and better Provisions made in regard thereto: And whereas it would be of great Advantage and Convenience 21 G. 3.

to the Inhabitants of the ſaid Town and Pariſh, and Perſons reſorting thereto, if the Streets, Lanes, and other public Paſſages and Places within the ſaid Town and Pariſh were properly lighted, watched, and otherwiſe improved; and if certain Regulations were made, for the better Government of the ſaid Town, and alſo for the better regulating of the Watermen working to or from the Beaches and Paſſages of the ſaid Town and Pariſh: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That from and after the paſſing of this Act, the ſaid recited Act, and all and every the ſeveral Powers, Proviſions, Clauſes, Matters, and Things, therein reſpectively contained, ſhall be and the ſame is and are hereby repealed and declared to be null and void, to all Intents and Purpoſes whatſoever.

Appointment of Commiſſioners.

II. And be it further enacted, That the Lord of the Manor of *Stoke Damarel* for the Time being, the Steward or Stewards of the ſaid Manor for the Time being, the Rector of the Pariſh of *Stoke Damarel* for the Time being, the Admiral of the Port of *Plymouth* for the Time being, the Commiſſioner of His Majeſty's Dock Yard at *Plymouth* for the Time being, the Mayor, Aldermen and Recorder of the Borough of *Saltaſh* for the Time being, the Mayor, Aldermen and Recorder of the Borough of *Plymouth* for the Time being, the Lord of the Manor of *Eaſt* and *Weſt Stonehouſe* and the Stewards thereof for the Time being, the Lord of the Manor of *Eaſt* and *Weſt Antony*, and the Steward thereof for the Time being, the Lord of the Manor of *Inſworth*, and the Steward thereof for the Time being, Sir *Maſſeh Manaſſeh Lopes* Baronet, *John Hawker*, *Philip Langmead*, *John Clark Langmead*, *Jonathan Elford* junior, *John Arnold*, *Jonathan Elford*, *John Holman*, *John Johns*, *Daniel Little*, *Vaughan May*, *Thomas Netherton*, *Charles Raſhleigh*, *John Scott*, *William Tuſon*, *Richard Lear Pinhey*, *William Clark*, *Jonathan Williams* Clerk, *George Jope* Clerk, *Nathaniel Grigg*, *William Foot*, *John Billing*, *John Hodge*, *Andrew Aberfield*, *Richard Blackmore*, *John Hulk*, *William Davie* ſenior, *Thomas Huſband*, *John Church*, *Richard Hayes Southwell*, *Robert Billing*, *William Tucker*, *James Glencroſs*, *John Lampen*, *Iſaiah Birt*, *Richard Dunning*, *Peter Manico*, *William Hodge*, *Robert Bone*, *Benjamin Parham*, *John Sole*, *Edward Hoxland*, *William Davie* junior, *Richard Rodd*, *Thomas Mumford*, *Thomas Gill*, *John Hore*, *Henry Hutchings Birkhead*, *Digory Spry*, *Jane John Smith*, *John Foot*, *Samuel Fry*, *Chriſtopher Beer*, *Thomas Simpſon*, *Thomas Martin Hitchens* Clerk, *Thomas Billing*, *John Penkivel*, *Jonathan Clouter*, *William Thomas*, *Richard Thomas Nelſon*, *Hannibal Sandys*, *John Clouter*, *Charles Tink*, *William Mould*, *Richard Berryman*, *John Sumpter* Foreman of *Plymouth Dock Yard*, *Jonathan Clouter*, *William Pike*, *Thomas Croſſing*, *Richard Tarraway*, *James Dickerſon*, *John Bone*, *Charles Tink* junior, *Richard Burnett*, *James Gilbard*, *Joſeph Skinner*, *John Garland*, *Henry Incledon Johns*, *Thomas Spearman*, *John Pollard*, *Pearce Edgcumb*, *Olive Lang*, *Thomas Francklin*, *William Ady*, *Thomas Roberts*, *John Hancock*, *George Forſter*, *John Lower*, *George Spuring*, *William Hancock*, *John Liſcomb*, *John Wells Bozon*, *Jonathan Ramſey*, *John Rutlidge*, *James Batten*, *David Graves Davie*, *William Joll*, *Richard Oliver Backwell*, *John Cornthwaite*, *John Foſter*, *John Hoar* junior, *Thomas Pinſent*, *William Davey Sole*, *Cornelius Tripe*, *William George*, *Richard Miall*, *Robert Weakley*, *John Smith* Attorney, *Lazarus Congdon*, *Edward Thomas*, *Edmund Body* junior, *Thomas*

Thomas Thomas, *Robert Cree*, *Richard D. Hayward*, *Benjamin Nicholſon*, *William Friend*, *Iſaiah Birt* junior, *Robert Treffry*, *John Lloyd Lugger*, *James Reeby*, *Edward Williams*, *William Warn*, *Uriah Rowe*, *James Atkins*, *Moſes Savery*, *Samuel Carpenter*, *John Norman*, *William Webſter*, *Charles Peers*, *John Butcher*, *Richard Collor*, *James M'Arthur*, *John Winſland*, *Samuel Cock*, *William Clark Tinman*, *John L. Hinton*, *Richard Digory Iſbell*, *Dougall M'Dougall*, *John Budd*, *James N. Dunsford*, *William Proctor Smith*, *Lewis Slight*, *John Creſſwell*, *John Roach*, *John Finemoore*, *Charles Carpenter*, *James Foſter*, *Cornelius Nevill*, *Martin Thomas*, *Thomas Clinton Shields*, *Watkin Tench*, *Mark Anthony Prynn*, *John Hawker* Clerk, *Richard Fillis*, *Peter Clarke*, *Samuel Kerſwill*, and their Succeſſors, to be appointed as herein-after mentioned, ſhall be and they are hereby appointed Commiſſioners for putting this Act, and the ſeveral Powers herein contained, into Execution.

Meeting of Commiſſioners.

III. And be it further enacted, That the ſaid Commiſſioners ſhall be, and they are hereby required to meet in the Workhouſe of the ſaid Pariſh, on the Fourth *Friday* after the paſſing of this Act, and afterwards on every *Friday* Fortnight, between the Hours of Ten and Eleven of the Clock in the Forenoon, in order to put this Act into Execution.

Adjournment of Meetings.

IV. Provided always, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Seven or more of them, to adjourn for any longer or ſhorter Space of Time than Fourteen Days immediately ſubſequent to the laſt Meeting, or to any other Place or Places within the ſaid Pariſh, than the ſaid Workhouſe; but then and in every ſuch Caſe, a printed or written Notice of ſuch Adjournment, to which Notice the Name of the Clerk to the ſaid Commiſſioners ſhall be ſigned, ſhall be affixed at the Door of the ſaid Workhouſe, and at ſuch other Place at which the ſaid Meeting is appointed to be held, and at the Door of the Pariſh Church of *Stoke Damarel*, and at the Gates of the Dock Yard, Three Days at leaſt before every ſuch Meeting.

Commiſſioners to convene a Public Meeting.

V. Provided alſo, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Seven or more of them, from Time to Time to meet together in the ſaid Workhouſe, for the Purpoſe of appointing, and at ſuch Meeting to appoint a Public Meeting of the ſaid Commiſſioners, at ſuch Time and Place in the ſaid Town or Pariſh as they ſhall judge proper, for the Execution of this Act; but then and in every ſuch Caſe, Notice in Writing (or printed) of ſuch appointed Meeting, the Name of the Clerk to the ſaid Commiſſioners being thereunto ſigned, ſhall be affixed at the Door of the ſaid Pariſh Church of *Stoke Damarel*, and on the Front Door of the ſaid Workhouſe, and alſo at the Gate of His Majeſty's Dock Yard at *Plymouth Dock* aforeſaid, at leaſt Three Days before ſuch intended Meeting; and Notice alſo of ſuch Public Meeting ſhall be given in any Newſpaper which may be then publiſhed in the ſaid Town: Provided nevertheleſs, that every Meeting ſo to be held by Adjournment or by Appointment as aforeſaid, ſhall be held between the Hours of Ten and Eleven of the Clock in the Forenoon.

No Act of Commiſſioners valid, unleſs at a Meeting, &c

VI. And be it further enacted, That no Act of the ſaid Commiſſioner ſhall be or be deemed to be good or valid, unleſs made and done at a Meeting to be holden as aforeſaid, by virtue of this Act (except as may be

be herein excepted); and all the Powers and Authorities by this Act granted to or veſted in the ſaid Commiſſioners ſhall from Time to Time be exerciſed by the major Part of them preſent at any public Meeting, the Number preſent at ſuch Meeting not being leſs than Seven, (except in ſuch Caſes where by this Act a greater Number is required); and all the Orders and Proceedings of the major Part of ſuch Commiſſioners preſent at ſuch Meetings ſhall have the ſame Force and Effect as if the ſame were made or done by all the Commiſſioners for the Time being; and at every ſuch Meeting, one of the ſaid Commiſſioners, to be appointed by a Majority of the Commiſſioners then preſent, ſhall be a Chairman; and in all Caſes the ſaid Commiſſioners ſhall vote by Ballot, in caſe the ſame ſhall be deſired by any Two or more of the ſaid Commiſſioners then preſent; and in caſe of an equal Number of Votes upon any Queſtion (including the Chairman's Vote) the Chairman ſhall have the caſting Vote; and the ſaid Commiſſioners ſhall at their Meetings defray their own Expences.

Appointment of new Commiſſioners.

VII. And be it further enacted, That as often as any of the Commiſſioners hereby appointed, or to be appointed as herein-after mentioned, ſhall die, or neglect or ſhall reſign, or refuſe to act for the Space of Twelve Months, except ſuch Perſons hereby appointed in virtue of their reſpective Offices or Poſſeſſions for the Time being, or otherwiſe be diſqualified from acting in the Execution of this Act, then and in every ſuch Caſe it ſhall and may be lawful to and for the ſurviving or remaining Commiſſioners, together with all Perſons rated at Eight Pounds *per* Year, according to the Mode of Aſſeſſments now uſed and adopted in the ſaid Pariſh, and paying towards the Relief of the Poor of the ſaid Pariſh, and they are hereby required at a Meeting to be holden for that Purpoſe in the ſaid Workhouſe, of which Ten Days Notice ſhall be given by the Clerk of the ſaid Commiſſioners, by affixing the ſame to the Doors of the Pariſh Church of *Stoke Damarel*, and the ſaid Workhouſe, and at the Gates of the ſaid Dock Yard, to elect another Perſon or Perſons in the room or ſtead of the Commiſſioner or Commiſſioners ſo dying, neglecting, reſigning, or refuſing to act, or removing or otherwiſe being diſqualified to act as a Commiſſioner or Commiſſioners in the Execution of this Act, and ſo *toties quoties*; and every Commiſſioner ſo to be nominated and appointed ſhall have the ſame Powers and Authorities for putting this Act into Execution, as if he had been named a Commiſſioner in and by this Act.

Qualification of Commiſſioners.

VIII. Provided always, and be it further enacted, That no Perſon ſhall be capable of acting as a Commiſſioner in the Execution of any of the Powers or Authorities by this Act given (except in firſt adminiſtering the Oath herein-after directed to be taken by the ſaid Commiſſioners) unleſs he ſhall be in his own Right, or in Right of his Wife, in the actual Poſſeſſion, Enjoyment, or Receipt of the Rents and Profits of a Real Eſtate, of the clear yearly Value of Fifty Pounds above Reprizes; or poſſeſſed of or entitled to a Perſonal Eſtate, to the Amount or Value of One hundred Pounds *per Annum*, or in the Whole to One thouſand five hundred Pounds, and if reſident within the ſaid Pariſh, is now or ſhall hereafter be rated or aſſeſſed and pay towards the Relief of the Poor of the ſaid Pariſh, nor until he ſhall have taken and ſubſcribed an Oath to the Effect following, (which Oath the ſaid Commiſſioners, or any One of them, at a Meeting of any Seven or more of them, are hereby empowered to adminiſter); that is to ſay,

'I, *A. B.*

Oath.

'I, *A. B.* do ſwear, That I am in my own Right (*or*, in Right of my Wife) in the actual Poſſeſſion, Enjoyment, or Receipt of the Rents and Profits of a Real Eſtate of the clear yearly value of Fifty Pounds above Reprizes; *or* poſſeſſed of and entitled to a Perſonal Eſtate, to the Amount or Value of One hundred Pounds *per Annum*, or in the Whole to One thouſand five hundred Pounds, after Payment of all my juſt Debts; and that I will execute faithfully and impartially, and according to the beſt of my Skill and Judgment, all and every the Powers and Authorities repoſed in me, in and by an Act paſſed in the Fifty-fourth Year of the Reign of King *George* the Third, intituled *An Act* [*here ſet forth the Title of this Act*] without Prejudice or Malice, Favour or Affection to any Perſon or Perſons whomſoever. So help me GOD.'

And if any Perſon not being ſo qualified ſhall act in the Execution of this Act, every ſuch Perſon ſhall for every ſuch Offence forfeit and pay the Sum of One hundred Pounds to any Perſon or Perſons who ſhall ſue for the ſame; to be recovered in any of His Majeſty's Courts of Record, by Action of Debt or on the Caſe, by Bill, Suit, or Information, wherein no Eſſoign, Protection, or Wager of Law, or more than One Imparlance, ſhall be allowed; and every Perſon ſo ſued or proſecuted ſhall prove that he is qualified as aforeſaid at the Time of his acting as a Commiſſioner, or otherwiſe ſhall pay the ſaid Penalty, without any other Proof or Evidence being given on the Part of the Plaintiff or Proſecutor, than that ſuch Perſon hath acted as a Commiſſioner in the Execution of this Act: Provided always, that in caſe any Commiſſioner or Commiſſioners appointed under this Act, other than the Commiſſioners appointed or acting by virtue of the reſpective Offices and Poſſeſſions as herein-before mentioned, ſhall neglect to qualify himſelf or themſelves, in purſuance of the Proviſions of this Act, in that Behalf contained, for the Space of Six Months next after the paſſing of this Act, or the Election of ſuch Commiſſioners reſpectively; the Appointment of ſuch Commiſſioner or Commiſſioners reſpectively ſhall be deemed null and void; and every ſuch Commiſſioner ſhall be diſqualified from acting in the Execution of this Act, unleſs re-appointed on ſome future Vacancy, in purſuance of the Proviſions herein-before in that Behalf contained.

Limiting the Power of certain Commiſſioners.

IX. Provided always, and be it enacted, That nothing herein contained ſhall extend, or be conſtrued to extend, to give Authority to the Commiſſioners appointed in and by this Act, and next herein-after mentioned, (that is to ſay) the Mayor, Aldermen, and Recorder of the Borough of *Saltaſh* for the Time being, the Mayor, Aldermen, and Recorder of the Borough of *Plymouth* for the Time being, the Lords of the Manor of *Eaſt* and *Weſt Stonehouſe* and the Stewards thereof for the Time being, the Lord of the Manor of *Eaſt* and *Weſt Antony* and the Steward thereof for the Time being, the Lord of the Manor of *Inſworth* and the Steward thereof for the Time being, to be preſent at any Meeting held by the ſaid Commiſſioners in purſuance of the Directions of this Act, or to intermeddle in the Execution thereof by virtue of their ſaid Offices, unleſs ſuch Meeting be held by the ſaid Commiſſioners, for the Purpoſe of putting into Effect the Powers and Authorities hereby veſted in them for the Government and Regulation of the Watermen herein mentioned.

No Commiſſioner to act while in Office, &c.

X. Provided alſo, and be it further enacted, That no Perſon ſhall be capable of acting as a Commiſſioner in purſuance of this Act, during the Time

Time he ſhall enjoy any Office of Profit under, or be concerned directly or indirectly in any Contract, or Tender for any Contract, to be made by virtue of this Act, or during the Time he ſhall be Churchwarden or Overſeer of the Poor, or Surveyor of the Highways of the ſaid Pariſh, or in any Caſe wherein he ſhall be perſonally intereſted: Provided nevertheleſs, that the Churchwardens and Overſeers of the Poor of the ſaid Pariſh for the Time being, may reſpectively be preſent at any Meeting or Meetings relative to the Poor to be held by the ſaid Commiſſioners in purſuance of this Act: Provided alſo, that it ſhall be lawful for any of the ſaid Commiſſioners, who ſhall be in the Commiſſion of the Peace, to act as Juſtices of the Peace in the Execution of this Act, notwithſtanding their being ſuch Commiſſioners as aforeſaid, except in Caſes where they ſhall be perſonally intereſted.

All Acts of Commiſſioners, previous to Conviction, valid.

XI. Provided always, and be it further enacted, That all Judgments, Orders, Acts, and Proceedings of all and every Perſon and Perſons acting as a Commiſſioner or Commiſſioners in the Execution of this Act, though not duly qualified as aforeſaid, previous to his or their being convicted of ſuch Offence, ſhall, notwithſtanding ſuch Conviction, be as valid and effectual, as if ſuch Perſon or Perſons had been duly qualified according to the Directions of this Act.

Books to be kept.

XII. And be it further enacted, That the ſaid Commiſſioners ſhall cauſe to be provided and kept, proper Books, and ſhall cauſe fair and regular Entries to be made in ſuch Books, of all their Acts, Orders, and Proceedings, relative to the Execution of this Act, and of the Names of all ſuch Commiſſioners as ſhall be preſent at any Meeting; and alſo an Account of all Monies to be aſſeſſed and raiſed by virtue of this Act, and of the Payment and Application of the ſame, and of all Contracts to be made with any Perſon or Perſons, either for employing or maintaining the Poor of the ſaid Pariſh, or otherwiſe, by virtue or in purſuance of this Act; all which ſaid Accounts ſhall be examined, adjuſted, and ſettled quarterly, by the ſaid Commiſſioners, or any Seven or more of them; and the ſaid Commiſſioners, or ſuch Number of them as are directed to do any any Act or Proceeding by virtue hereof, ſhall ſubſcribe their Names at the End of their Proceedings at every Meeting to be held in purſuance of this Act; and all Entries in ſuch Books, being ſigned as aforeſaid, ſhall be deemed Originals, and ſhall be allowed to be read as Evidence in all Cauſes, Suits, and Actions, touching any Thing done in purſuance or by virtue of this Act; and that ſuch Books ſhall at all ſeaſonable Times be open to the Inſpection of all Perſons intereſted.

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

XIII. And be it further enacted, That the ſaid Commiſſioners ſhall and may ſue and be ſued in the Name of their Treaſurer or Clerk; and that no Action that may be brought or commenced by or againſt the ſaid Commiſſioners, or any of them, by virtue or in purſuance of this Act, in the Name of their Treaſurer or Clerk, ſhall abate or be diſcontinued by the Death or Removal of ſuch Treaſurer or Clerk, or by the Act of ſuch Treaſurer or Clerk, without the Conſent of the ſaid Commiſſioners, but the Treaſurer or Clerk to the ſaid Commiſſioners for the Time being, ſhall always be deemed Plaintiff or Defendant in ſuch Action (as the Caſe may be): Provided always, that any ſuch Treaſurer or Clerk, in whoſe Name any Action or Suit ſhall be commenced, proſecuted, or defended in purſuance

ſuance of this Act, ſhall always be reimburſed and paid, out of the Monies to ariſe by virtue of this Act, all ſuch Coſts and Charges as by the Event of any ſuch Proceedings he ſhall be put to, or become chargeable with, by reaſon of his being ſo made Plaintiff or Defendant therein.

Appointment of Officers.

XIV. And be it further enacted, That the ſaid Commiſſioners, or any Thirteen or more of them, ſhall, and they are hereby authorized and required, by Writing under their Hands, to elect and appoint ſuch Clerks, Treaſurers, Collectors, Receivers of the Rates, Aſſeſſments and Monies, to be collected and received by virtue of this Act, and alſo ſuch Surveyors, Scavengers, and other Officers, for the Execution of this Act, as they ſhall from Time to Time think proper; and any ſuch Clerks, Treaſurers, Collectors, Receivers, Surveyors, Scavengers, and other Officers, from Time to Time to remove or diſplace as they ſhall think fit, and to chooſe and appoint others in the Room or Place of ſuch of them as ſhall be removed, or ſhall die or reſign their Office, Notice of ſuch intended Removal, and of the Time and Place of Meeting for conſidering and determining thereon, and Notice of ſuch Removal, Death, or Reſignation, and of the Time and Place of Meeting, for the Purpoſe of filling up the Vacancy thereby occaſioned, being firſt given and affixed on the Church Door of the ſaid Pariſh of *Stoke Damarel*, and on the Front Door of the Workhouſe within the ſaid Town, and alſo on the Gates of the ſaid Dock Yard, and being alſo publiſhed in ſuch Newſpaper as ſhall be printed and circulated in the ſaid Town, at leaſt Ten Days before ſuch Election; and the ſaid Commiſſioners may, and they are hereby authorized and empowered, by and out of the Monies to be raiſed or received by virtue of this Act, to pay ſuch Salaries or Allowances to ſuch Officers, and to all other Perſons by the ſaid Commiſſioners to be employed in the Execution of this Act, as they ſhall think reaſonable; and the ſaid Commiſſioners, or any Seven or more of them, ſhall and they are hereby required to take ſuch Security from their Treaſurers, Collectors, Receivers, Surveyors, Scavengers, and other Officers, for the due Execution of their reſpective Offices, as the ſaid Commiſſioners, or any Seven or more of them, ſhall think proper.

Officers to account.

XV. And be it further enacted, That all Officers and Perſons to be appointed as aforeſaid, and alſo all and every Treaſurer and Treaſurers, Surveyor and Surveyors, and all and every other Perſon and Perſons appointed by virtue of, or acting, or who have acted in Execution of the ſaid recited Act of the Twenty-firſt Year of the Reign of His preſent Majeſty, and who ſhall have in his, her, or their Cuſtody or Power, any Monies collected by virtue of, or any Books, Papers, or Writings relative to the Execution of the ſaid recited Act or this Act, ſhall, when thereunto required by Notice in Writing, ſigned by any Seven or more of the ſaid Commiſſioners, given to him, her or them, or left at his, her, or their laſt or uſual Place or Places of Abode, within Three Days after the Receipt of ſuch Notice, deliver up to the ſaid Commiſſioners, or to ſuch Perſon or Perſons as ſhall be appointed by them for that Purpoſe, at the Time and Place to be mentioned in ſuch Notice, all the Monies received by him or them, by virtue of the ſaid recited Act or of this Act reſpectively; and all the Books, Papers, and Writings relating to the Execution of this Act or of the ſaid recited Act reſpectively; and all the Accounts of the ſeveral Monies received or diſburſed by him, her, or them, together with the Vouchers relating thereto; and every ſuch Treaſurer, Officer, or other Perſon

Perſon ſo accounting ſhall upon Oath (which Oath any One of the ſaid Commiſſioners being a Juſtice of the Peace for the ſaid County of *Devon*, or any Juſtice acting for the ſaid County, is hereby empowered to adminiſter) verify all their ſaid Accounts; and in Default thereof for the Space of Twenty-four Hours after ſuch Demand made as aforeſaid, it ſhall be lawful for the ſaid Commiſſioners, or any Seven or more of them, and they are hereby authorized and empowered, to commence and proſecute an Action in any of His Majeſty's Courts of Record at *Weſtminſter*, in the Name of any One of them, or of their Treaſurer, againſt any Perſon making ſuch Default, for the Recovery of the Monies that ſhall be in the Hands of ſuch Perſon, with Coſts of Suit; or if Complaint ſhall be made by the ſaid Commiſſioner, or any Seven or more of them, or by ſuch Perſon or Perſons as ſhall be appointed by them for that Purpoſe, of any Default as aforeſaid, to any Juſtice of the Peace for the County or Place wherein the Party ſo making Default ſhall be and reſide, ſuch Juſtice may and is hereby authorized and empowered by Warrant under his Hand and Seal, to cauſe the Perſon ſo making Default to be brought before him, and upon his or her appearing (or not appearing) to hear and determine the Matter in a ſummary Way; and if upon a Confeſſion of the Party, or by the Teſtimony of any credible Witneſs or Witneſſes upon Oath, it ſhall appear to ſuch Juſtice that any of the Monies that ſhall have been collected or raiſed by virtue of this Act, or of the ſaid recited Act reſpectively, ſhall be in the Hands of ſuch Perſon, ſuch Juſtice may and is hereby authorized and empowered by Warrant under his Hand and Seal to cauſe ſuch Monies to be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Perſon offending as aforeſaid; and if no ſuch Goods or Chattels can be found ſufficient to anſwer and ſatisfy the ſaid Monies, and the Charges of diſtraining and ſelling the ſame, or in caſe of Refuſal to account as aforeſaid, or that it ſhall appear to ſuch Juſtice by the Confeſſion of the Party ſo offending, or by the Teſtimony of any credible Witneſs upon Oath (which Oath ſuch Juſtice is hereby empowered to adminiſter) that any Books, Papers, or Writings relating to the Execution of the ſaid recited Act or of this Act, ſhall be in the Cuſtody or Power of any ſuch Perſon, and ſuch Perſon ſhall refuſe to deliver up the ſame as aforeſaid, then and in either of the ſaid Caſes, ſuch Juſtice ſhall commit every ſuch Offender to the Common Gaol or Houſe of Correction, for the County or Place where ſuch Offender ſhall be and reſide, there to remain without Bail or Mainprize, until ſuch Offender ſhall give and make a true and perfect Account and Payment as aforeſaid, or until ſuch Offender ſhall compound with the ſaid Commiſſioners, and ſhall have paid ſuch Compoſition in ſuch Manner as the ſaid Commiſſioners, or any Seven or more of them, ſhall appoint (which Compoſition the ſaid Commiſſioners, or any Seven or more of them, are hereby empowered to make,) and until ſuch Offender ſhall deliver up ſuch Books, Papers, and Writings as aforeſaid, or give Satisfaction in reſpect thereof to the ſaid Commiſſioners; provided that no Perſon who ſhall be committed by virtue of this Act, on account of his or her not having ſufficient Goods or Chattels, ſhall be detained in Priſon for any longer Time than Three Calendar Months.

Officers not to take Fees, or be concerned in any Contract.

XVI. And be it further enacted, That if any Clerk, Collector, Surveyor, or any other Officer or Servant employed by the ſaid Commiſſioners in putting this Act or any of the Powers thereof in Execution, ſhall exact, take, or accept any Fee or Reward whatſoever, other than ſuch Salaries,

Salaries, Allowances, and Rewards, as ſhall be appointed and allowed to them reſpectively by the ſaid Commiſſioners, for on on account of any Thing done or to be done by virtue of this Act, or on any account whatſoever relative to the putting this Act into Execution, or ſhall in anywiſe be concerned or intereſted in any Bargain or Contract made or to be made by the ſaid Commiſſioners for any of the Purpoſes of this Act; every ſuch Perſon ſo offending ſhall, upon Conviction thereof before the ſaid Commiſſioners, or any Seven or more of them, at any of their Meetings, or upon Verdict or Judgment being had againſt him in any ſuch Action as next herein-after mentioned, be for ever incapable of ſerving or being employed under this Act, in any Office of Profit or Emolument, and ſhall over and above forfeit and pay any Sum not exceeding the Sum of Fifty Pounds, to any Perſon or Perſons who ſhall ſue for the ſame, by Action of Debt, Bill, Plaint or Information, in any of His Majeſty's Courts of Record at *Weſtminſter*, or elſewhere, within Six Calendar Months after the Offence committed, in which Action, no Eſſoign, Protection, or Wager of Law, or more than one Imparlance, ſhall be allowed.

Poor put under the Care of the Commiſſioners, and Workhouſe, &c. veſted in the Commiſſioners.

XVII. And for the better Relief, Management and Employment of the Poor belonging to the ſaid Pariſh, be it further enacted, That from and immediately after the paſſing of this Act, all poor Perſons belonging to the ſaid Pariſh incapable of providing for themſelves, ſhall be under the Care, Government and Management of the ſaid Commiſſioners; and that the preſent Workhouſe, and all Buildings, Lands, Hereditaments, Goods and Effects, which at the Time of the paſſing of this Act any Perſon or Perſons are or is ſeiſed or poſſeſſed of, intereſted in or entitled unto, in Truſt for or for the Benefit or Relief, Maintenance or Support of the Poor of the ſaid Pariſh, ſhall be and the ſame are hereby veſted in and ſhall be poſſeſſed by the ſaid Commiſſioners, as fully and effectually, and in as large and ample a Manner to all Intents and Purpoſes, as the ſame were poſſeſſed by ſuch Overſeers or other Perſon or Perſons as aforeſaid, in Truſt nevertheleſs to be uſed, poſſeſſed, applied and diſpoſed of by the ſaid Commiſſioners for the Uſe and Benefit of the Poor of the ſaid Pariſh, and not otherwiſe; and it ſhall be lawful for the ſaid Commiſſioners, or any Twenty-one or more of them, to ſell the ſaid Workhouſe, Buildings, Lands, and Hereditaments, and purchaſe ſuch other Buildings, Lands, and Hereditaments reſpectively, not exceeding Four Acres, and cauſe any new Workhouſe to be erected thereon, as they may from Time to Time deem expedient; and in like Manner from Time to Time to ſell any future Workhouſe, Buildings, Lands, and Hereditaments, and purchaſe other Buildings, Lands, and Hereditaments, and cauſe any new Workhouſe to be erected thereon; and that the ſaid Commiſſioners, or any Seven or more of them, ſhall and may from Time to Time cauſe the preſent or any future Workhouſe to be altered and enlarged in ſuch Manner, and ſuch Buildings to be erected adjoining thereto, and alſo to make ſuch Bye Laws, Rules, Orders, and Regulations, as they ſhall from Time to Time think proper, for the well ordering and better Relief, Management, and Employment of the Poor of the ſaid Pariſh.

Paupers to be removed by Beadles inſtead of Overſeers.

XVIII. And be it further enacted, That whenever any poor Perſon or Perſons, or any Vagrant or Vagrants, ſhall be ordered to be removed from the ſaid Pariſh of *Stoke Damarel* to the Place or Pariſh of his, her, or their legal Settlement, it ſhall be lawful for the ſaid Commiſſioners or Overſeers

Overſeers (if they ſhall think fit) to cauſe ſuch poor Perſon or Perſons, Vagrant or Vagrants, to be reſpectively removed, in the uſual Manner of removing Paupers or Vagrants, by a Beadle, or ſome Perſon or Perſons to be appointed by the ſaid Commiſſioners or Overſeers, or any Seven or more of them, for that Purpoſe, by Writing under their Hands; and every Overſeer and other proper Officer of the Pariſh or Place to which ſuch poor Perſon or Perſons, Vagrant or Vagrants, ſhall be ordered to be removed as aforeſaid, is hereby required to receive every ſuch poor Perſon or Perſons, Vagrant or Vagrants, in like Manner as he or they would have been bound to do, if ſuch poor Perſon or Perſons, Vagrant or Vagrants, had been delivered to him, her, or them, by one of the Overſeers of the Poor of the ſaid Pariſh; any Law, Cuſtom or Uſage to the contrary notwithſtanding.

Overſeers to pay the Money to the Treaſurer of the Commiſſioners.

XIX. And be it further enacted, That ſo much Money as ſhall be neceſſary to defray the Charges and Expences of carrying this Act into Execution, ſo far as the ſame relates to the Poor of the ſaid Pariſh, ſhall from Time to Time be paid out of the Money which ſhall be raiſed, collected, or received for the Relief and Maintenance of the Poor of the ſaid Pariſh; and the Churchwardens and Overſeers of the Poor ſhall and are hereby required from Time to Time to pay the ſame to the Treaſurer to the ſaid Commiſſioners; and that all the Money which ſhall come to the Hands of the ſaid Treaſurer by virtue of this Act, for or on account of the Poor of the ſaid Pariſh, ſhall from Time to Time be applied by the ſaid Commiſſioners, or any Seven or more of them, towards the Relief, Maintenance, Management and Employment of the ſaid Poor, and in defraying the ſeveral Expences of carrying this Act into Execution, ſo far as the ſame relates to the Poor of the ſaid Pariſh, and to or for no other Uſe or Purpoſe whatſoever: Provided always, that it ſhall and may be lawful for the Overſeers of the Poor of the ſaid Pariſh, out of the Money which ſhall be raiſed for the Relief of the Poor as aforeſaid, to afford from Time to Time ſuch Relief as they ſhall think requiſite, to poor Perſons not belonging to the ſaid Pariſh, who from Time to Time may reſort thereto, or be caſually reſident therein.

Caſual Poor to be relieved.

Compelling Overſeers to pay Money into the Hands of Commiſſioners.

XX. And be it further enacted, That if the ſaid Overſeers, on Three Days Notice in Writing ſigned by the ſaid Commiſſioners, or any Seven or more of them, or their Clerk, ſhall neglect to pay over, into the Hands of the Treaſurer of the ſaid Commiſſioners, ſuch Sums of Money as they the ſaid Overſeers are by this Act required ſo to pay, they ſhall forfeit for every ſuch Offence the Sum of Fifty Pounds: Provided that it ſhall be lawful for the ſaid Overſeers at all Times to retain in their Hands any Sum not exceeding Three hundred Pounds, to ſatisfy the Exigencies incident to their Place and Office, as ſuch Overſeers; which Penalty ſhall and may be recovered by Action of Debt, or on the Caſe, in any of His Majeſty's Courts of Record at *Weſtminſter* or elſewhere.

Authorizing Contracts.

XXI. And be it further enacted, That it ſhall and may be lawful for the ſaid Commiſſioners, or any Thirteen or more of them, and they are hereby authorized and empowered, to contract and agree from Time to Time with any Perſon or Perſons for the erecting ſuch new Workhouſe, or for the Repairs, Enlargement or Improvement of the preſent or any future Workhouſe, and for making any new Erections or Buildings which may hereafter

hereafter be erected, by virtue of the Powers and Authorities hereby given for the Benefit of the Poor aforesaid; and also, that it shall and may be lawful for the said Commissioners, or any Seven or more of them, and they are hereby authorized and empowered, to contract and agree from Time to Time with any Person or Persons for Provisions and Necessaries to be used or brought into the said Workhouse, and for the Purchase of Materials for the Employment of such Poor; and also if they shall think proper, to contract and agree with any Person or Persons for the lodging, keeping, maintaining, and employing of any of the Poor of the said Parish, upon such Terms as they shall judge reasonable: Provided always nevertheless, that the said Commissioners shall and they are hereby required to cause public Notice to be given in Writing, to be affixed on the Front Door of the said Workhouse, and at the Gates of the said Dock Yard, and by publishing the same in the Newspaper printed or circulated in the said Town, and by printed Hand Bills or Advertisements, to be affixed and circulated as other Hand Bills or Advertisements in the said Town and Parish usually are, at least Ten Days before the Time appointed for receiving Proposals for such Contract or Contracts.

Commissioners not to revoke Orders of a former Board.

XXII. And be it further enacted, That no Order to be made by the said Commissioners at any of their Meetings to be held in pursuance of this Act, save and except such Orders as may relate to the Pay or Allowance to any poor Person or Persons, or to the placing him, her, or them within the Workhouse of the said Parish, shall be revoked or altered, unless at a Meeting to be specially called and holden for that Purpose, of which Twenty-one Days Notice in Writing shall have been given by the Clerk to the said Commissioners, by affixing the same at the Gate of the said Workhouse, the Gates of His Majesty's Dock Yard, and at the Door of the Parish Church of *Stoke Damarel*, or in any other public Manner, as any Seven or more of the said Commissioners shall think proper.

Indemnifying Persons against the Maintenance of Bastard Children.

XXIII. And be it further enacted, That the said Commissioners, or any Seven or more of them, shall and may, and they are hereby empowered to take, accept, and receive Security from any Person, to indemnify such Person against any Claim or Demand to be made by the said Parish, for the Maintenance of any Bastard Child or Children.

Punishment of Persons for embezzling Goods, &c.

XXIV. And be it further enacted, That if any Person maintained or employed in the said Workhouse shall embezzle or purloin any of the Goods, Furniture or Materials belonging thereto, or be guilty of profane Cursing, Swearing, Drunkenness, or any lewd, immoral, or indecent Behaviour, or shall refuse or neglect to perform the reasonable Work or Service which he or they shall be required to do, or shall be remiss therein (such Work or Service being suited to his or her Age, Strength, or Ability), it shall be lawful for the said Commissioners, or any Seven or more of them, to cause such Person to be punished in the said Workhouse, either by Confinement not exceeding Twenty-four Hours, or such further Space of Time as may be necessary, in order to have such Person or Persons before a Justice, or by Distinction in Dress, or Change in Diet.

For punishing Persons buying, or receiving in Pawn, any

XXV. And be it further enacted, That if any Person shall knowingly buy, or receive into Pawn, or into their Possession or Keeping, for the Purpose of selling or pawning any of the Clothes or Wearing Apparel of any

of

Clothes, &c. belonging to the Poor.

of the Poor in the ſaid Workhouſe, or any of the Goods, Materials, Proviſions or Furniture belonging to the ſaid Workhouſe, every Perſon ſo offending, and being thereof convicted by his or her own Confeſſion, or by the Oath of any credible Witneſs, before any Juſtice of the Peace for the ſaid County of *Devon* (which Oath ſuch Juſtice is hereby authorized and required to adminiſter), ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Ten Pounds, One Moiety whereof ſhall go to the Informer, and the other Moiety to the Treaſurer to the ſaid Commiſſioners, for the Uſe of the ſaid Poor.

Commiſſioners empowered to relieve induſtrious Poor not being in the Workhouſe.

XXVI. And whereas there may be induſtrious Poor belonging to the ſaid Pariſh, who may by ſome ſmall Relief be enabled to maintain themſelves at their reſpective Homes; be it therefore further enacted, That it ſhall be lawful for the ſaid Commiſſioners, or any Seven or more of them, from Time to Time, if they ſhall ſee Cauſe, to relieve any induſtrious poor Perſons or Family belonging to the ſaid Pariſh, although ſuch poor Perſons or Family ſhall not belong to or reſide within the ſaid Workhouſe.

This Act not to alter the Laws, relating to the Office of Churchwarden or Overſeer.

XXVII. Provided always, and be it further enacted, That the ſeveral Laws relating to the Office of Churchwarden or Overſeer of the Poor, and for the Relief and Employment of the Poor, ſhall continue in force with reſpect to the ſaid Pariſh, as fully and effectually as if this Act had not been made, except in ſuch Caſes where otherwiſe particularly directed by this Act; any Thing herein contained to the contrary thereof notwithſtanding.

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

XXVIII. And, in order that the Streets, Lanes, and other public Paſſages and Places within the ſaid Town and Pariſh may be properly paved, cleanſed, lighted, and watched, be it further enacted, That from and immediately after the paſſing of this Act the Property of and in all the preſent and future Pavements in the Streets, Lanes, and other public Paſſages and Places within the ſaid Town and Pariſh, as well in the Footways as Carriage Ways, and of and in all Materials, Implements and other Things, which ſhall be purchaſed, provided or made uſe of for the Purpoſes of this Act, and all the Soil, Dung, Manure or Dirt which ſhall ariſe or be made in any of the ſaid Streets, Lanes, Paſſages, and Places, and of all Aſhes, Cinders, Dirt and Rubbiſh, to be taken and carried away from the Houſes in the ſaid Streets, Lanes, Paſſages and Places, and alſo of and in all Lamps, Lamp Irons, Lamp Poſts, Watch-boxes, Watch-houſes and Stands, to be purchaſed, erected, and fixed for the Purpoſes of this Act, and all the Materials to the ſame reſpectively belonging (other than Rubbiſh or Dirt in any of the ſaid Streets, Lanes, Paſſages, or Places, before the Houſe or Tenement of any Perſon, which ſhall ariſe or be occaſioned by the building, pulling down or repairing any ſuch Houſe or Tenement) ſhall belong to and be the Property of, and the ſame are hereby veſted in the ſaid Commiſſioners; and they or any Seven or more of them are hereby authorized and empowered to bring or cauſe to be brought any Actions in the Name of any one of them, or in the Name of their Treaſurer, or to prefer or order and direct the preferring of any Bills of Indictment, as the Caſe ſhall require, againſt any Perſon or Perſons whomſoever, who ſhall take or carry away, detain, ſpoil, injure or deſtroy the ſame, or any Part thereof, or diſturb them in the Poſſeſſion thereof; and the ſaid Commiſſioners, or any Seven or more of them, ſhall and have hereby full Power and

Authority, from Time to Time to fell and diſpoſe of all or any Part of the old Pavement or other Materials, and ſuch Soil, Dung, Manure, Dirt, Aſhes, Cinders and Rubbiſh as aforeſaid; and if any Perſon or Perſons ſhall wilfully or maliciouſly break up, injure, deſtroy, or otherwiſe damage any of the Articles or Things hereby veſted in the ſaid Commiſſioners, or any of the Works done by them in purſuance of this Act, every ſuch Perſon ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Ten Pounds, and ſhall moreover pay ſuch Sum and Sums of Money as ſhall be a full Satisfaction for the Damages ſo by him or her done as aforeſaid; and ſuch Damages ſhall be aſcertained by; and may, together with the ſaid Penalty, be recovered before any Juſtice of the Peace for the ſaid County; and in caſe ſuch Offender ſhall not on Conviction (before ſuch Juſtice as aforeſaid) pay ſuch Forfeiture, and alſo ſuch Satisfaction as aforeſaid, the Juſtice before whom ſuch Conviction ſhall take place ſhall be and is hereby required to commit ſuch Offender to the Common Gaol or Houſe of Correction of and for the ſaid County or Pariſh, there to be kept to hard Labour for any Space of Time not exceeding Three Calendar Months; and ſuch Offender ſhall not be diſcharged before the Expiration of the Time for which he ſhall be ſo committed, unleſs ſuch Penalty and Satisfaction ſhall be ſooner paid and ſatisfied.

Commiſſioners may order the Streets to be paved and cleanſed.

XXIX. And be it further enacted, That from and immediately after the paſſing of this Act it ſhall be lawful for the ſaid Commiſſioners, at a Meeting of any Seven or more of them, from Time to Time and at all Times when and ſo often as they ſhall think proper, to cauſe, order and direct all or any of the preſent or future Pavements in the ſeveral Streets, Lanes, Paſſages and Places, already erected or made, or which ſhall hereafter be erected or made, in the ſaid Pariſh of *Stoke Damarel* (except ſuch Streets, Lanes, Paſſages, and Places within the ſaid Town and Pariſh as have been or ought to be paved and repaired by the Officers and Commiſſioners of His Majeſty's Navy and Ordnance), as well in thoſe Parts uſed by Carriages as thoſe uſed by Foot Paſſengers, to be taken up, and the ſaid Streets, Lanes, Paſſages, and Places to be raiſed, lowered, altered, relaid, paved or repaired, in ſuch Manner as the ſaid Commiſſioners, or any Seven or more of them, ſhall think proper; provided all the Foot Ways in the ſaid ſeveral Streets and Places be laid with a Pavement of Flag Stones, not leſs than Three Feet in Breadth, where the ſame can properly be done, and that all other Parts of the ſaid Streets, whether conſiſting of Horſe Ways, Carriage Ways, or Foot Ways, ſhall be paved with good Rag Stones, Pebbles, or other Materials; and alſo in like Manner to cauſe, order, and direct the ſaid ſeveral Streets, Lanes, Paſſages, and Places within the ſaid Town and Pariſh, to be cleanſed and watered, and all Annoyances, Obſtructions, Nuiſances and Encroachments therein, to be removed, and the preſent Drains, Sinks, Gutters, or Watercourſes, as well private as public, for conveying the Water out of and from the ſaid Streets, Lanes, Paſſages, and Places, to be amended, repaired, cleanſed and ſcoured, and new ones to be made, in ſuch Manner as the ſaid Commiſſioners, or any Seven or more of them, ſhall think proper; and the Perſons appointed by them for that Purpoſe ſhall and have hereby full Power and Authority to do the ſame: Provided nevertheleſs, that it ſhall not be lawful for the ſaid Commiſſioners, or any Perſon by their Authority, to ſtop up ſuch private Drains, Sinks, Gutters or Watercourſes, in ſuch Manner as to deprive

the Perſon or Perſons to whom they may reſpectively belong, of the Uſe and Benefit thereof, or otherwiſe to prejudice them in reſpect of the ſame.

For lighting and watching.

XXX. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners at a Meeting of any Twenty-one or more of them, from Time to Time to cauſe, order, and direct all or any of the ſaid ſeveral Streets, Lanes, Paſſages and Places within the ſaid Town and Pariſh, to be watched and lighted, as to them ſhall appear moſt proper and convenient for the public Safety.

Power to get Materials.

XXXI. And be it further enacted, That the ſaid Commiſſioners or their Surveyor, or ſuch other Perſon or Perſons as they or any Seven or more of them or as ſuch Surveyor ſhall employ and appoint, having an Order in Writing under the Hands of the ſaid Commiſſioners, or any Seven or more of them, for that Purpoſe, may and is and are hereby authorized and empowered to ſearch and dig for, cut, gather, take and carry away any Stone, Gravel, Sand or other Materials fit and proper for the raiſing, repairing, paving, covering the Pavement, and pitching of the ſaid Streets, Lanes, Paſſages and Places, or which they ſhall adjudge otherwiſe neceſſary and proper to be uſed in or about the ſaid Streets, Lanes, Paſſages and Places, out of or from and over ſuch convenient Parts of the Lands or Grounds belonging to the Lord of the Manor ſituate in the ſaid Pariſh of *Stoke Damarel*, as ſhall be allotted for that Purpoſe by the ſaid Lord of the Manor of *Stoke Damarel* for the Time being, and who is hereby required to allot the ſame accordingly, (not being the Land or Ground of His Majeſty, His Heirs or Succeſſors, or a Yard, Garden, Orchard or Nurſery for Trees) where the ſame may or are likely to be had and found, or out of any Quarry or Quarries already opened or in working, within the ſaid Pariſh, and the ſame to dig and take away in common with any Tenant or Inhabitant of the ſaid Pariſh, without paying any Thing for ſuch Materials, ſuch Surveyor or other Perſon keeping ſuch Quarry in a proper courſe of Work, and removing the Deads or Rubbiſh occaſioned thereby, and filling up the Pits and levelling the Ground, or ſloping down the Banks where ſuch Materials ſhall be taken, or railing or fencing off ſuch Pits, ſo that the ſame may not remain in a dangerous State; and alſo the ſaid Surveyor or other Perſons aforeſaid, paying or tendering to the Owners and Occupiers of ſuch Lands, for the Damage which ſhall be done to ſuch Lands thereby, ſuch Equivalent in Money as the ſaid Commiſſioners or any Seven or more of them ſhall adjudge reaſonable; and in caſe of any Difference between the ſaid Commiſſioners, Surveyor or Surveyors, or other Perſon or Perſons appointed and employed as aforeſaid, and the ſaid Owners or Occupiers, any Two Juſtices of the Peace for the ſaid Town or the County of *Devon* ſhall, in a ſummary Way, hear, ſettle, and determine the Matter of ſuch Payments and Damages; and the Judgment or Order of the ſaid Juſtices therein ſhall be final and concluſive to all Parties.

Penalty on obſtructing the Working.

XXXII. And be it further enacted, That if any Perſon or Perſons ſhall at any Time obſtruct, hinder, or moleſt any Surveyor or other Officer, Workman, or other Perſon whomſoever, employed by virtue of this Act in the Performance or Execution of his Duty, every Perſon ſo offending ſhall for every ſuch Offence forfeit any Sum not exceeding Forty Shillings.

XXXIII. And

Pavement not to be altered without Consent of Commissioners.

XXXIII. And be it further enacted, That no Person shall at any Time after the passing of this Act make or cause to be made any Alteration in the Form of the Pavements of any Street, Lane, Passage, or Place within the said Town and Parish, or shall raise any Building over or upon any public Drain passing through the Premises of such Person, without the Consent and Approbation of the said Commissioners, or any Seven or more of them, under their Hands first had and obtained, upon Pain of forfeiting for every such Offence any Sum not exceeding Ten Pounds; and the Person or Persons offending herein shall relay and restore the Pavement so altered, and remove the Building so raised, in the Manner to be by the said Commissioners, or any Seven or more of them, in that Behalf directed, within the Space of Ten Days next after Notice for that Purpose given to such Person or Persons by the Clerk to the said Commissioners, or the Surveyor of the Highways of the said Parish for the Time being respectively, on Pain of forfeiting for Neglect thereof any Sum not exceeding the Sum of Five Shillings *per Diem* during such Neglect: Provided always, that the said Commissioners shall and may authorize and direct any Person, through whose Premises such public Drain may pass, to arch over the same with Stone or Brick, in such Manner as the said Commissioners, or the Surveyor to be by them appointed, shall think proper.

Contracts under former Acts valid.

XXXIV. And be it further enacted, That all and every Contracts or Contract, Agreements or Agreement still existing, and entered into and made by the Commissioners, under and by virtue and in pursuance of the Directions of the said recited Act, shall be and be deemed to be as good and valid to all Intents and Purposes as if the said recited Act had not been repealed, and the Observance and Performance thereof may be compelled and enforced by such Ways and Means as the Performance of any Contract or Agreement made by the Commissioners by virtue of this Act may be enforced and compelled.

Commissioners empowered to enter into Contracts for Paving, Lighting, &c.

XXXV. And be it further enacted, That it shall be lawful for the said Commissioners, or any Thirteen or more of them, and they are hereby authorized and empowered from Time to Time to contract and agree with any Person or Persons for the paving, relaying, raising, lowering, amending, altering, cleansing, watering, keeping in Repair, and lighting the Streets, Lanes, Passages, and Places within the said Town and Parish; which Contract or Contracts so to be entered into, shall be reduced into Writing, and signed by the said Commissioners, or any Thirteen or more of them, and the Person or Persons contracting to perform such Works, and shall specify the Works to be done, and the Prices to be paid for the same, and the Time or Times when such Works shall be performed or completed, and the Penalties to be suffered in case of Non-performance thereof; provided that Ten Days Notice at the least be given previous to the Meeting for entering into any such Contract, in such Manner as is herein-before provided with respect to the Notice to be given for receiving Proposals for serving the said Poor with Provisions, in which Notice shall be specified the Business to be contracted for at such Meeting, to the end that Persons may give in their Proposals for contracting to perform such Works.

Surveyors to inspect the Works.

XXXVI. And be it further enacted, That it shall be lawful for the said Commissioners, or any Seven or more of them, and they are hereby directed to cause the Works to be done in pursuance of any Contract or Contracts

to

to be entered into with the ſaid Commiſſioners by virtue of this Act, to be inſpected by their Surveyor or Surveyors, or by ſuch other Perſon or Perſons as they ſhall from Time to Time appoint; and in caſe the ſame ſhall not be well and ſufficiently performed, according to the true Intent and Meaning of ſuch Contract or Contracts, or ſhall not be finiſhed and completed at or within the Time or Times to be by ſuch Contract or Contracts limited for completing the ſame, the ſaid Commiſſioners, or any Seven or more of them, ſhall and may in the Name of any One of them, or of their Treaſurer, bring an Action in any of His Majeſty's Courts of Record at *Weſtminſter*, or elſewhere, againſt any Perſon or Perſons ſo contracting and neglecting to perform ſuch Contract or Contracts, for any Penalty or Damage which ſhall be contained in ſuch Contract or Contracts, or ſuffered or ſuſtained on account of the Non-performance thereof; and upon proving ſuch Contract or Contracts, by the Production of the Book or Books of the ſaid Commiſſioners, or otherwiſe by the ſigning of the ſaid Contract or Contracts and Non-performance thereof, the ſaid Commiſſioners ſhall be entitled to and ſhall recover ſuch Penalty or Damage, with full Coſts of Suit: Provided always nevertheleſs, that it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Seven or more of them, from Time to Time, and at all Times hereafter, to compound and agree with any Perſon or Perſons on account of any Breach or Non-performance of ſuch Contract or Contracts for ſuch Sum or Sums of Money as they the ſaid Commiſſioners, or any Seven or more of them, ſhall think proper.

Commiſſioners may compound for Breach of Contracts.

No Contracts for more than Twelve Months to be valid.

XXXVII. And be it further enacted, That no Contract or Contracts to be entered into with the ſaid Commiſſioners, by virtue or in purſuance of this Act, ſhall be deemed good or valid if the ſame ſhall have been made for a longer Space or Term than Twelve Months from the Time of entering into ſuch Contract or Contracts, ſave only for paving, cleanſing, watering, and lighting the ſaid Town and Pariſh.

Scavenger's Duty.

XXXVIII. And be it further enacted, That the Surveyor, or Perſon or Perſons employed in or contracting for cleanſing the ſaid Streets, Lanes, Paſſages, or Places, ſhall once in every Week, or oftener, if the ſaid Commiſſioners, or any Seven or more of them, ſhall ſo direct, and on ſuch Days as they ſhall appoint, bring or cauſe to be brought ſome proper Cart or other Carriage into the ſaid ſeveral Streets, Lanes, Paſſages, and Places, where ſuch Carts or Carriages can paſs, and ſhall at or before his or their Approach, by Sound of Bell, or otherwiſe, give Notice to the Inhabitants of his or their coming, and give the like Notice in ſuch Parts of the ſaid Town in which ſuch Carts or Carriages cannot paſs, and ſhall abide and ſtay a reaſonable Time in or near the ſaid Places reſpectively, to the Intent that all Perſons concerned may bring forth their Dirt, Duſt, Aſhes, and Filth (except any Filth from any Privy or Neceſſary Houſe) to the Doors of their reſpective Houſes and Premiſes, from whence the ſaid Scavenger or other Perſon or Perſons aforeſaid ſhall immediately, and before leaving the Street, Lane, Paſſage, or Place in which ſuch Dirt, Duſt, Aſhes, or Filth ſhall be brought as aforeſaid, take and put the ſame into ſuch Cart or Carriage, and ſhall alſo ſweep, cleanſe, and carry away the Dirt and Soil ariſing in the ſaid Streets, Lanes, Paſſages, and Places, upon Pain of forfeiting any Sum not exceeding Twenty Shillings for every ſuch Offence or Neglect therein; and every Perſon acting as Scavenger for the Time being,

being, shall cause the Words "Scavenger's Cart" to be painted in large Roman Letters in the Fronts or other conspicuous Parts of all such Carts or Carriages,

Foot Pavements to be swept and cleansed.

XXXIX. Provided always, and be it further enacted, That all Persons occupying Houses or Tenements within the said Town and Parish, shall cause to be swept and cleansed the Foot Paths or Ways in the whole Breadth of the Length of the Front of their respective Houses or Tenements, between the Hours of Six and Twelve in the Forenoon, Twice in every Week, or oftener, as the said Commissioners shall from Time to Time require at all Times hereafter throughout the Year; and shall also cause the Dirt and Soil arising from such sweeping and cleansing to be collected and put together, without obstructing the Way or Road, or any Drain or Gutter, in order that the same may be ready for the loading and taking away by such Scavenger, or other Person or Persons employed in cleansing the said Streets, Lanes, Passages, and Places, upon Pain of forfeiting and paying for every such Default any Sum not exceeding the Sum of Five Shillings.

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

XL. And be it further enacted, That no Person shall take or carry away any Ashes, Dust, Dirt, Muck, or Manure out of any of the said Streets, Lanes, Passages, or Places, other than Persons contracting or to be appointed for such Purpose by the said Commissioners as aforesaid, upon Pain of forfeiting a Sum not exceeding Ten Pounds for every such Offence.

Persons at Liberty to keep Ashes in their Houses or Yards, in case their Neighbours are not annoyed thereby.

XLI. Provided always, and be it further enacted, That nothing herein contained shall extend to prevent any of the Inhabitants of the said Town and Parish from preserving and keeping any Ashes, Dust, Dirt, Filth, Dung, Manure, or Rubbish within their Houses, Yards, or Gardens for their own Use, so as such Ashes, Dust, Dirt, Filth, Dung, Manure, or Rubbish be not laid down or placed in any of the said Streets or Lanes, Passages or Places, for any longer Time than Three Hours, or suffered to annoy any of the Inhabitants of the said Town; but in case any Person so reserving such Ashes, Dust, Dirt, Filth, Dung, Manure, or Rubbish, shall thereby annoy any of the said Inhabitants, and shall not remove the same within the Space of Two Days after Notice in Writing given to him or her, under the Hands of the said Commissioners, or any Seven or more of them, or under the Hand of the Clerk of the said Commissioners, to be left at such Person's Dwelling House, to remove the same, such Person shall forfeit and pay any Sum not exceeding Twenty Shillings a Day for every Day such Annoyances shall be permitted to remain, after such Notice given as aforesaid; and in case any Person so reserving such Ashes, Dust, Dirt, Filth, Dung, Manure or Rubbish, shall wilfully or negligently suffer the same to lie in any of the said Streets, Lanes, public Passages or Places in the said Town and Parish, for any longer Time than Three Hours, such Person or Persons shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings; and the said Ashes, Dust, Dirt, Filth, Dung, Manure, or Rubbish, shall be forfeited to the said Commissioners: Provided always, that no Person shall be subject to any Penalty by virtue of this Act, on account of any Rubbish or Dirt in the said Streets, Lanes, Passages, or Places, before the House or Tenement of such Person, occasioned by the building, pulling down, or repairing any such House or Tenement, in case there be convenient Room left for Carriages to pass and repass, and a

Penalties not to extend to Rubbish occasioned by erecting or repairing any Building.

ſufficient Way kept clear for Foot Paſſengers, by the Perſon or Perſons laying or occaſioning ſuch Dirt or Rubbiſh to be laid; and in caſe the Owner or Occupier of ſuch Houſe or Tenement ſhall, after ſuch building, pulling down, or repairing ſhall be completed, cauſe the Rubbiſh or Dirt ſo occaſioned as aforeſaid to be removed out of ſuch Street, Lane, Paſſage, or Place at his own Coſts and Charges, within a reaſonable Time, or within the Time to be mentioned in any Notice to be given to him or left at ſuch Houſe or Tenement for that Purpoſe in Writing, ſigned by the ſaid Commiſſioners. or any Seven or more of them, or by the Clerk to the ſaid Commiſſioners; and in caſe ſuch Owner or Occupier ſhall (while ſuch Rubbiſh or Dirt ſhall be lying in ſuch Street, Lane, Paſſage, or Place) ſet up and maintain a ſufficient Light, during the Night-time, to prevent any Miſchief happening to Paſſengers or Cattle; and if any ſuch Owner or Occupier ſhall neglect to ſet up and maintain ſuch Light as aforeſaid, he ſhall forfeit for every ſuch Offence any Sum not exceeding Five Pounds.

For fencing in Houſes under Repair.

XLII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Seven or more of them, or their Surveyor, by Notice in Writing under their or his Hands or Hand, to direct, order, and require the Owner of any Houſe or Premiſes, or Building, within the ſaid Town and Pariſh, or the Owner or Occupier of any Houſe or Tenement therein undergoing Repair, as the Caſe may require, to fence in, ſecure, and in the Night-time to light the ſame, in ſuch Manner as in ſuch Notice ſhall be expreſſed; and ſuch Owner or Occupier ſhall comply with the Form of ſuch Notice on Pain of forfeiting for every Neglect or Refuſal, any Sum not exceeding Five Pounds.

Perſons contracting to cleanſe the Streets, may lodge the Dirt in certain Places with Conſent of Commiſſioners.

XLIII. Provided always, and be it further enacted, That the Perſon or Perſons contracting to cleanſe the ſaid Streets, Lanes, Paſſages and Places, or any Part thereof, ſhall have Liberty, by the Approbation and Order of Seven or more of the ſaid Commiſſioners, to lodge any Dirt, Duſt, Aſhes, or other Filth, in ſuch vacant or public Places in or near any Streets, Lanes, Paſſages and Places, other than the Streets, Lanes, Paſſages or Places of and within the ſaid Town and Pariſh, as ſhall be thought proper and convenient by the ſaid Commiſſioners, or any Seven or more of them, the Perſon ſo contracting making ſuch Satisfaction to the Owners and Occupiers of vacant Places, as the ſaid Commiſſioners, or any Seven or more of them, ſhall direct.

Regulations as to emptying of Privies, &c.

XLIV. And be it further enacted, That no Neceſſary Houſe or Bog Houſe in the ſaid Town and Pariſh ſhall be emptied at any other Time than between the Hours of Eleven at Night and Four in the Morning; and the Soil thereof ſhall be laid in ſuch Place or Places within the ſaid Pariſh as ſhall be appointed for that Purpoſe by the ſaid Commiſſioners, or any Seven or more of them, and no other; and if any Perſon or Perſons ſhall empty any ſuch Neceſſary Houſe or Bog Houſe at any other Time, or ſhall lay the Soil thereof in any other Place than as aforeſaid, then and in every ſuch Caſe all Perſons committing, or cauſing ſuch Offence to be committed, ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds; and if any Perſon or Perſons ſhall wilfully or negligently ſpill any of the Soil of any Neceſſary Houſe or Bog Houſe in any of the ſaid Streets, Lanes, Paſſages or Places, every Perſon ſo offending

ing shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Signs, Projections, and Obstructions to be removed.

XLV. And be it further enacted, That the said Commissioners, or any Seven or more of them, shall cause all Signs which now are or at any Time hereafter shall be placed or hung in any Part or Parts of the said Streets, Lanes, Passages and Places, to be fixed or placed flat on the Fronts of such Houses respectively whereunto the same shall belong, and also shall and may cause all Signs, Sign Irons, Sign Posts, or any other Posts, Spouts, Steps and Cellar Windows, and all Gratings and Areas, and other Encroachments and Annoyances in any of the said Streets, Lanes, Passages and Places, to be removed, altered or reformed in such Manner as they shall think fit; and shall and may cause all Water to be conveyed from the Roofs, Cornices and Penthouses of all Houses, Shops, Warehouses and other Buildings within the said Town and Parish, by proper and sufficient Pipes or Trunks to be fixed to the Sides of such Houses, Shops, Warehouses, and other Buildings, by the Owners or Occupiers thereof; and in case any such Owner or Occupier shall not, at his own Costs and Charges, within Fourteen Days after Notice in Writing shall be given to him, or left at his Dwelling House, under the Hand of the said Commissioners, or any Seven or more of them, or the Hand of their Clerk, fix or place flat on the Part of his House such Sign as aforesaid, or remove, alter, and reform such Sign, Sign Iron, Sign Post, or other Post, Spouts, Steps, Cellar Windows, Gratings, Areas, and other Encroachments and Annoyances, or fix and set up such Pipes or Trunks as aforesaid, in such Manner as in such such Notice shall be expressed; or in case the Palisado, Fence or Railing for separating the Area of any House or other Building within the said Town, from the Streetway or Passage, shall be broken down or out of Repair, so as to be dangerous for Passengers, and the Owner or Occupier of such House or Building shall not forthwith, being thereunto required by Writing, signed by the Clerk, Surevyor or other Person belonging to the said Commissioners, set up, amend, or repair such Palisado, Fence or Railing, it shall be lawful for the said Commissioners, or any Seven or more of them, from Time to Time to cause such Signs to be fixed or placed flat on the Fronts of such Houses whereunto the same shall belong; and all such Signs, Sign Irons, Sign Posts, or other Posts, Spouts, Steps, Cellar Windows, Gratings, Areas, and other Encroachments and Annoyances to be removed, altered and reformed, and such Pipes or Trunks as aforesaid to be fixed and set up, and such Palisados, Fences, and Railing to be set up, amended and repaired in such Manner as they shall think proper, and to levy the Charges and Expences attending the same from the Owner or Occupier of every such House or other Building, in like Manner as any Penalty or Forfeiture is by this Act authorized to be levied; and it shall be lawful for the Tenant of any such House or Building, who shall fix or place flat such Sign, or remove, alter, or reform any such Encroachments or Annoyances, or fix and set up any such Pipes or Trunks, or who shall set up, amend, or repair any such Palisado, Fence or Railing, (except in such cases wherein he, she or they shall have set up, erected or occasioned the same), to deduct and retain the Charges and Expences thereof, and also any Monies which shall or may be levied upon his Goods and Chattels, out of his Rent; and every Owner, Proprietor or Landlord is hereby required to allow the same accordingly: Provided always, that nothing in this Act contained shall extend or be construed to extend to avoid any Contract, Custom, Agreement, or Liability by which

which such Occupier may be bound to fix or place flat such Sign, or fix up such Pipe or Trunk, or remove such Encroachments or Annoyances, or set up, amend or repair such Palisado, Fence or Railing at his own Expence: Provided always, that every Grating for Cellar Windows so directed to be removed and altered or reformed, shall be altered, reformed, or replaced with a Grating of wrought Iron.

Preventing Nuisances.

XLVI. And be it further enacted, That if any Person shall wilfully run, drive, carry or place on any of the Footways paved or repaired by virtue of the said recited Act or this Act, any Wheel, Sledge, Dray, Wheelbarrow, Handbarrow, Truck or Carriage whatsoever, or shall roll any Cask, other than for the necessary loading or unloading thereof, upon or out of any Carriage, or empty the Contents thereof, or drag any Timber or Log of Wood along or upon, or wilfully ride, drive or lead any Horse or other Beast or Cattle on any of the Footways paved or repaired as aforesaid; or wilfully, carelessly or negligently suffer any Horse or other Beast or Cattle to go astray, be or remain upon any such Footways, or shall wilfully or carelessly break or damage the said Pavement or Pitching, or shall kill, slaughter, singe, scald, dress or cut up any Beast, Swine, Calf, Sheep, Lamb or other Cattle, or hoop, cleanse, wash, or scald any Cask, or hew or saw any Stone, Wood or Timber, or bind, make or repair the Wheel of any Carriage, or shoe, bleed, dress or farry any Horse or other Beast or Cattle (except in Cases of Accident), or keep or suffer to wander or be at large any Swine in any of the said Streets, Passages or Places; or if the Occupier of any House, Cellar or other Tenement within the said Town or Parish shall suffer any Door or Hatchway leading into or giving light to any Kitchen, Cellar or other Place, to be left open longer than shall be necessary for stowing or taking any Goods or other Articles therein or thereout, or shall set, place, or expose to Sale, or cause to be set, placed, or exposed, to Sale any Goods, Wares or Merchandize, whether on the Foot Ways or Carriage Ways of any of the said Streets, Lanes, or other public Passages or Places (except at the usual and accustomed Places on Fair Days and Market Days), or hang up or expose to Sale any Goods, Wares or Merchandize, or any other Thing, upon any Flap, Window, or otherwise so as to obstruct or incommode the Passage of any Foot Way or Carriage Way, or shall beat any Carpet in any of the said Streets, Lanes, public Passages or Places, after Seven of the Clock in the Morning in Summer, or Eight of the Clock in the Morning in Winter; or shall make or assist in the making any Fire or Fires commonly called Bonfires, or shall set fire to or let off, or throw any Squib, Serpent, Rocket, Cracker or other Firework whatsoever therein, or shall wilfully set fire to, or negligently suffer to take fire any Chimney or Chimnies in or about any of the said Streets, Lanes, or Passages within the said Town or Parish; or if at any Time hereafter any Person or Persons shall suffer any Waggon, Cart, Dray or other Carriage to stand or remain in any public Street, Way, Lane or other Passage or Place within the said Town or Parish, with or without Horses or other Cattle, for any longer Time than shall be necessary for the loading or unloading thereof, and which shall be placed as near to the Side of the Highway or Foot Pavement as conveniently may be, so as not to interrupt the free Passage of any Carriage, or suffer any Coach, Post Chaise, or other Carriage, to stand or remain in any such public Street, Way, Lane or other Passage or Place, without or with Horses, for any longer Time than shall be necessary for the taking up, setting down, or waiting for the Person or

Persons

Perſons belonging thereunto, or for loading or unloading their Baggage, or ſuffer the ſame or any Horſe to ſtand upon any of the Foot Pavements, or upon or ſo near to any of the Croſſings made for Foot Paſſengers as to obſtruct the ſame, and ſhall when required by any Perſon refuſe or neglect to remove the ſame, or ſuffer any Timber, Bricks, Stones, Slates, Aſhes, (except in Time of Froſt), Rubbiſh, Lime, Mortar, Dung, Duſt, Filth, Hay, Straw, Coal, Wood, Faggots, Furze, Fern, Hurdles, Boards, Blocks, Goods, Wares, Merchandize, or other Things to be laid or placed and left to remain in any of the ſaid Streets, Lanes, or other public Paſſages or Places, or upon the public Quays or Landing Places, during the Night, or for any longer Time during the Day than ſhall be neceſſary for removing and houſing the ſame, or ſhall permit or ſuffer any Blood to run or drain from any Slaughterhouſe into any of the ſaid Streets, Ways, Lanes, or other public Paſſages or Places; or if any Perſon ſhall ſift, throw, caſt, or lay any Aſhes (except in Time of Froſt only, and to prevent Accidents), or any Dirt, Duſt, Muck, Dung, Soil, Soap Dregs, Filth, Rubbiſh, Refuſe of Fiſh, or Garden Stuff, Blood, Offal, Carrion, or any other Matter or Thing in any of the ſaid Streets, Ways, Lanes, or public Paſſages or Places, or into the Gutters thereof, or upon the public Quays or Landing Places thereof; or ſhall ſift, ſcreen, or ſtack any Lime, or ſhew or expoſe any Stallion in any of the ſaid Streets, Ways, Lanes, or other public Paſſages or Places (except in ſuch Place or Places as the ſaid Commiſſioners ſhall in that Behalf appoint); or ſhall permit or ſuffer any Bull Dog, Maſtiff, or any ferocious Dog or Bitch, to go at large, not being muzzled, in any of the ſaid Streets, Lanes, or any other public Paſſages or Places; then and in every ſuch Caſe aforeſaid, every Perſon and Perſons ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds.

Penalty on not removing Nuiſances occaſioned by Hogſties, &c.

XLVII. And be it further enacted, That in caſe any Hogſty, Layſtall, Slaughterhouſe, Drain, Neceſſary Houſe, Dung, Carrion, Soil, Filth, Aſhes, Cinders, Rubbiſh, or other Thing, ſhall be a Nuiſance to any of the Inhabitants of the ſaid Town and Pariſh, it ſhall be lawful for the ſaid Commiſſioners, or any Seven or more of them, if they ſhall think fit, upon Complaint thereof made to them by any ſuch Inhabitant, to cauſe Notice in Writing under the Hand of their Clerk, to order the Perſons occaſioning ſuch Nuiſance, or to whom the ſame ſhall belong, to remove ſuch Nuiſance within ſuch Time as they ſhall think fit; and in caſe the ſame ſhall not be removed according to ſuch Notice, the Perſon who ought to remove the ſame ſhall forfeit and pay any Sum not exceeding Ten Shillings a Day, for every Day the ſame ſhall continue unremoved, after the Time to be mentioned in ſuch Notice.

Names of the Streets to be ſet up, &c.

XLVIII. And be it further enacted, That the ſaid Commiſſioners or any Seven or more of them ſhall and may cauſe to be placed on a conſpicuous Part of ſome Houſe or Building, at or near each End, Corner or Entrance of the ſeveral Streets, Lanes and Paſſages, already or hereafter to be erected within the ſaid Pariſh, the Name by which every ſuch Street, Lane or Paſſage is uſually called or known; and alſo ſhall and may cauſe every Houſe, Shop, Warehouſe or Building in the Streets, Lanes and Paſſages to be marked and numbered in ſuch Manner as they ſhall think proper for diſtinguiſhing the ſame; and if any Perſon ſhall wilfully or maliciouſly deſtroy, pull down, injure, obliterate or deface any ſuch Inſcription or

or Number, or any Part thereof, or cauſe or procure the ſame to be done, every Perſon ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Twenty Shillings.

XLIX. And be it further enacted, That all Houſes and Buildings hereafter to be built or new fronted in the ſaid Streets, Lanes, Paſſages and Places, ſhall be made to riſe perpendicularly from the Foundation thereof (except Shop Windows in Streets where the flat Pavement ſhall exceed Four Feet in Width, which ſhall be allowed to project to any Diſtance not exceeding Fifteen Inches, provided the ſame be properly ſupported by Brackets or otherwiſe), and ſhall leave Four Feet flat Pavement in Breadth at the leaſt, from the Perpendicular of ſuch Windows; and if any Perſon or Perſons ſhall at any Time build or new-front any Houſe or other Building within the ſaid Town, or cauſe the ſame to be done otherwiſe than riſing perpendicularly from the Foundation (except ſuch Shop Windows as aforeſaid), and ſhall not within Fourteen Days after Notice in Writing to be for that Purpoſe given to him, her, or them reſpectively by the ſaid Commiſſioners, or any Seven or more of them, alter and reform the ſame, according to the Directions of this Act, it ſhall be lawful for the ſaid Commiſſioners, or any Seven or more of them, by Writing under their Hands, to cauſe the ſame to be pulled down and removed by ſuch Perſon or Perſons as they ſhall direct and appoint; and the Coſts and Charges thereof ſhall be paid and reimburſed to the ſaid Commiſſioners or their Order, by the Owner or Owners, Occupier or Occupiers of ſuch Houſes or Buildings; and in Default of Payment thereof on Demand, the ſame may be recovered in like Manner as any Penalties or Forfeitures are by this Act authorized to be recovered.

Watchmen to be appointed.

L. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners at a Meeting of any Twenty-one or more of them, and they are hereby authorized, from Time to Time to aſcertain and determine what Number of Perſons ſhall be employed as Watchmen within the ſaid Town and Pariſh during the Night-time, under ſuch Regulations, and ſubject to ſuch Orders as the ſaid Commiſſioners ſhall make and give from Time to Time in that Behalf; and to provide proper Watch Houſes, Watch Boxes or Places for the Reception of ſuch Watchmen, and for the ſafe Cuſtody of ſuch Perſons as may be apprehended by ſuch Watchmen while on Duty, and to pay ſuch Watchmen reaſonable Wages or Allowances, and alſo to impoſe from Time to Time, any Fine not exceeding Twenty Shillings, on any Watchman or Watchmen for every ſuch Neglect or other Miſbehaviour (ſuch Fine to be deducted out of the Wages of ſuch Watchman or Watchmen); and from Time to Time to make ſuch Orders and Regulations as they the ſaid Commiſſioners ſhall deem expedient for the better Government of the Watchmen to be ſo appointed, and to repeal ſuch Orders and Regulations, or any of them, and to ſubſtitute others; and it ſhall and may be lawful to and for ſuch Watchmen, and they are hereby required in their reſpective Stations, to apprehend and ſecure in ſome proper Place or Places of Security to be for that Purpoſe appointed within the ſaid Town and Pariſh, all Malefactors, Rogues, Vagabonds and Diſturbers of the public Peace, and all ſuſpected Perſons who ſhall be found wandering or miſbehaving themſelves during the Hours of keeping Watch, and to conduct all ſuch Perſons, as ſoon as conveniently

Duty of Watchmen.

conveniently may be, before ſome Juſtice of the Peace for the ſaid Town and Pariſh, or County, to be examined and dealt with according to Law: Provided always, that when the Number of ſuch Watchmen ſhall have been determined by the ſaid Commiſſioners, then and in ſuch Caſe the ſaid Commiſſioners ſhall nominate and appoint ſuch fit and able-bodied Men for ſuch Watchmen as to them ſhall ſeem right and proper; and alſo from Time to Time ſhall nominate and appoint one or more fit Perſon or Perſons, in the Stead of any Watchman or Watchmen who ſhall die or ſhall be diſcharged from his or their Office, for Neglect of Duty or other Miſbehaviour in Office; and it ſhall and may be lawful to and for the ſaid Commiſſioners, at a Meeting of any Seven or more of them, to remove any ſuch Watchman or Watchmen as to them ſhall ſeem right and proper.

Penalty on Victuallers harbouring Watchmen.

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

Rewards to Watchmen.

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

Lamps to be ſet up.

LIII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Twenty-one or more of them, and they are hereby authorized and empowered from Time to Time, and at any Time or Times after the paſſing of this Act, to purchaſe and provide ſuch and ſo many Glaſs Lamps of ſuch Sorts and Sizes, and ſuch and ſo many Lamp Irons and Lamp Poſts, and Matters and Things for lighting ſuch Lamps, as they ſhall judge neceſſary, and to direct the ſame to be affixed and ſet up on or againſt the Walls or Paliſadoes of all or any of the Houſes, Tenements or Buildings, or againſt any other Walls within the ſaid Town and Pariſh, or in any other Manner they ſhall think proper and convenient, and to be taken down, altered or removed when and as often as they ſhall think fit, and to cauſe ſuch Lamps, or any of them, to be lighted at ſuch Seaſons of the Year, on ſuch Evenings, and at ſuch Hours of the Evening, and to be kept burning for ſo many Hours as ſhall to them the ſaid Commiſſioners, or any Twenty-one or more of them, ſhall ſeem neceſſary or proper, for the well and ſufficient Lighting of all or any of the ſaid Streets, Lanes, public Paſſages and Places within the ſaid Town and Pariſh.

Penalty for wilfully breaking Lamps.

LIV. And be it further enacted, That if any Perſon or Perſons ſhall wilfully break, take away, throw down, or otherwiſe deſtroy or damage any Lamp or Lamps already erected, or which ſhall be erected by or by Order of the ſaid Commiſſioners, or by any Perſon or Perſons at his or their

their own Expence, for the Purpoſe of lighting any of the ſaid Streets, Lanes, public Paſſages and Places, or any Poſt, Iron, Cover, or other Furniture thereof, or ſhall wilfully extinguiſh the Light or Lights of any ſuch Lamp or Lamps, it ſhall and may be lawful to and for any Juſtice of the Peace for the ſaid Town, Pariſh, or County, and he is hereby required, upon Complaint to him made by any One or more credible Witneſs or Witneſſes of any ſuch Offence, to iſſue a Warrant for apprehending the Party or Parties accuſed; or it ſhall and may be lawful to and for any Perſon or Perſons who ſhall ſee ſuch Offence committed to apprehend, and alſo for any Perſon or Perſons to aſſiſt in apprehending the Offender or Offenders, and by Authority of this Act, without any other Warrant, to deliver him or them into the Cuſtody of a Peace Officer, in order to be ſecured and conveyed before the Juſtice of the Peace for the ſaid Town, Pariſh, or County; and on the Party or Parties accuſed being brought before ſuch Juſtice, ſuch Juſtice ſhall proceed to examine upon Oath any Witneſs or Witneſſes who ſhall appear or be produced to give Evidence touching ſuch Offence; and if the Party or Parties accuſed ſhall be convicted of ſuch Offence, either by his, her, or their Confeſſion, or upon ſuch Evidence as aforeſaid, then and in every ſuch Caſe he, ſhe, or they ſhall for each and every ſuch Offence reſpectively, and if more than One, ſhall ſeverally forfeit and pay any Sum not exceeding Five Pounds, and ſhall beſides make a full Satisfaction (to be aſcertained by ſuch Juſtice) to the ſaid Commiſſioner, or other Party injured, for the Damage ſo done; and in caſe ſuch Offender or Offenders ſhall not upon Conviction forthwith pay ſuch Penalty by him, her, or them incurred, and alſo ſuch Satisfaction as aforeſaid, ſuch Juſtice is hereby required to commit ſuch Offender or Offenders to the Common Gaol or Houſe of Correction of the ſaid Town, Pariſh, or County, there to be kept to hard Labour for any Time not exceeding Three Calendar Months; and ſuch Offender or Offenders ſhall not be diſcharged before the Expiration of the Time for which he, ſhe, or they ſhall be ſo committed, unleſs ſuch Penalty and Satisfaction as aforeſaid ſhall be ſooner paid and ſatisfied.

Penalty for negligently breaking Lamps.

LV. And be it further enacted, That if any Perſon or Perſons ſhall careleſsly, negligently, or accidentally break, throw down, or otherwiſe deſtroy or damage any Lamp or Lamps, being hung out or ſet up by the Order of the ſaid Commiſſioners, or by any Perſon or Perſons at his or their private Expence, or any Poſt, Iron, Cover, or Furniture thereof reſpectively, and ſhall not upon Demand make Satisfaction for the Damage ſo done, then and in every ſuch Caſe it ſhall and may be lawful to and for any Juſtice of the Peace for the ſaid Town, Pariſh, or County, and he is hereby required, upon Complaint thereof made by One or more credible Witneſs or Witneſſes, by Warrant under his Hand, to ſummon before him the Party or Parties complained of for doing ſuch Damage, and upon his, her, or their appearing, or making Default to appear, Oath being made that the Party complained againſt had been ſerved with ſuch Summons, or that the ſame had been left at his, her, or their uſual Dwelling or Place of Abode, if known, or that he, ſhe, or they could not be found, ſuch Juſtice ſhall proceed to examine the Cauſe of ſuch Complaint; and upon Proof thereof, either upon the Confeſſion of the Party, or the Oath of One or more Witneſs or Witneſſes, ſhall award and order ſuch Satisfaction to be made by the Party or Parties complained againſt for the Damage ſo done

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o the ſaid Commiſſioners, or other Owner or Owners of ſuch Lamp or Lamps, as to ſuch Juſtice ſhall appear juſt and reaſonable; and in caſe the Sum ſo awarded ſhall not be paid forthwith, it ſhall and may be lawful to and for ſuch Juſtice, and he is hereby required to cauſe the ſame to be levied and recovered as any Fine or Penalty can or may be levied by virtue of this Act.

LVI. And whereas by an Act paſſed in the Forty-fifth Year of His preſent Majeſty's Reign, intituled *An Act for the making, repairing, lighting, watching, and watering certain Roads, from the Borough of* Plymouth, *to* Stonehouſe Bridge *and* Plymouth Dock, *in the County of* Devon, *and for regulating the Stands and Fares of Hackney Coaches and Carts uſing the ſame;* Powers for licenſing and regulating the Fares and Stands of Sedan Chairs, Hackney Coaches, Chaiſes, Waggons, Wains, Carts, Drays, and other Carriages, plying or kept for Hire for the Purpoſe of carrying or conveying Paſſengers, Goods, Wares, Merchandize, and other Matters and Things within the ſaid Pariſh of *Stoke Damarel*, are given to the Truſtees appointed under and by virtue of the ſaid recited Act; but no Powers or Authorities are thereby given for licenſing and regulating Porters and others carrying Goods, Wares, and Merchandize, and other Matters and Things within the ſaid Town of *Plymouth Dock* and Pariſh of *Stoke Damarel;* be it therefore enacted, That it ſhall and may be lawful for the Commiſſioners acting in the Execution of this Act, or any Seven or more of them, from Time to Time to grant Licences to ſuch Perſons as they may deem proper to be employed as Porters or otherwiſe, in carrying Goods, Wares, and Merchandize, and other Matters and Things for Hire, within the ſaid Town and Pariſh, which ſaid Licences ſhall be numbered in progreſſive Order, and a Minute thereof and of the Name and Place of Abode of the Perſons ſo licenſed, entered by the Clerk to the ſaid Commiſſioners in a Book to be kept for that Purpoſe; and that at the ſame Time a correſponding Number to that in the Licence ſhall be given to the Party to whom ſuch Licence ſhall be granted, which Number ſhall be written or printed in legible Letters and Figures, on a Ticket to be worn by the Party to whom the ſaid Licence ſhall be ſo granted; and for every ſuch Licence ſo to be granted as aforeſaid, the Party receiving the ſame ſhall pay any Sum not exceeding Five Shillings; and the ſaid Commiſſioners, or any Seven or more of them, are hereby further authorized and empowered from Time to Time, to make ſuch Bye Laws, Rules, and Orders for the better regulating of all ſuch Porters and other Perſons employed in carrying Goods, Wares, and Merchandize, and other Matters and Things, for Hire within the ſaid Town and Pariſh, or to and from any public Quays or Landing Places therein, who ſhall be ſo licenſed as aforeſaid, and to aſcertain, direct, and fix ſuch Rates or Prices for the Fares or Hire of ſuch Porters or other Perſons as aforeſaid, as the ſaid Commiſſioners, or any Seven or more of them, ſhall from Time to Time think proper and reaſonable; and all ſuch Bye Laws, Rules, and Orders ſhall be reduced into Writing and ſigned by the ſaid Commiſſioners, or any Seven or more of them; and before the ſame ſhall be in force, Copies thereof ſhall be printed and affixed upon ſuch conſpicuous Places within the ſaid Town and Pariſh, as the ſaid Commiſſioners, or any Seven or more of them, ſhall think proper; and the original Bye Laws, Rules, and Orders ſo ſigned as aforeſaid, ſhall remain

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Commiſſioners to grant Licences for Porters.

in the Cuſtody of the Clerk to the ſaid Commiſſioners; and all Perſons intereſted ſhall have free Liberty to examine the ſame at all ſeaſonable Times, without paying any Thing for ſuch Examination; and if any Perſon or Perſons ſo licenſed as aforeſaid ſhall demand or take for his or their Hire, or for the carrying of any Goods, Wares, and Merchandize, or other Matters and Things within the ſaid Town and Pariſh, or to and from any public Quays or Landing Places therein, any greater Rate or Price than ſhall be aſcertained, directed, and fixed by the ſaid Commiſſioners, or any Seven or more of them, as aforeſaid, and ſhall not conform to the ſeveral Bye Laws, Rules, and Orders of the ſaid Commiſſioners ſo to be made as aforeſaid, every Perſon ſo offending ſhall for every Offence forfeit and pay any Sum not exceeding Twenty Shillings; and if any Perſon not ſo licenſed as aforeſaid, or being licenſed, not wearing ſuch numbered Ticket as aforeſaid, ſhall preſume to engage for Hire in the Employment of a Porter, or in carrying Goods, Wares, or Merchandize, or other Matters or Things within the ſaid Town or Pariſh, every Perſon ſo offending ſhall forfeit for every ſuch Offence (on Conviction thereof before any Juſtice of Peace for the ſaid County) any Sum not exceeding Twenty Shillings: Pro-

Exemptions.

vided always, that nothing in this Act contained ſhall extend or be conſtrued to extend to charge with or make liable to any Penalty, or with or to any Fee or Reward for a Licence, any Perſon or Perſons carrying Meat or Proviſions on Hire from the Market of the ſaid Town and Pariſh, ſo as ſuch Perſon or Perſons be hired in the ſaid Market, and have previouſly delivered in his, her, or their Name or Names, Place or Places of Abode, as often as he, ſhe, or they ſhall change the ſame, to the Clerk of the ſaid Commiſſioners, to be by him duly entered and regiſtered in a Book to be kept for that Purpoſe, and numbered in progreſſive Order, and a correſponding Number, written or printed in legible Letters and Figures on a Ticket to be worn by the Party ſo to be entered and numbered; which Entry the ſaid Clerk ſhall and is hereby required to make, and to deliver ſuch Number to the Perſon ſo applying, to be entered without Fee or Reward; and if ſuch Clerk ſhall neglect or refuſe to make ſuch Entry, or to deliver ſuch Number, and being thereof convicted before One or more Juſtice or Juſtices of the Peace for the ſaid County, Town, or Pariſh, by Confeſſion or the Oath of One or more credible Witneſs or Witneſſes, he ſhall forfeit and pay for every ſuch Offence any Sum not exceeding Ten Shillings, to be recovered, paid, applied, and diſpoſed of, as herein-after mentioned: Provided alſo, that nothing in this Act ſhall prevent any Perſon or Perſons coming to or going from any of the Beaches, Paſſages, or Places within the ſaid Town or Pariſh by Water, from conveying to or from the Boat or Boats in which he, ſhe, or they ſhall come to or go from the ſame, any Goods, Wares, Merchandize, or other Things whatſoever; and the ſaid Commiſſioners ſhall cauſe the ſeveral Bye Laws, Rules, and Orders, when ſo made, to be painted on a Board and affixed in the Market Place or moſt conſpicuous Place in the ſaid Town, and ſhall cauſe the ſame to be printed and publiſhed for the Uſe and Information of the Inhabitants of the ſaid Town and Pariſh: Provided always, that no ſuch Bye Laws, Rules, and Orders be inconſiſtent with or repugnant to the Laws of that Part of the United Kingdom called *England*, nor inconſiſtent with or repugnant to the Proviſions and Directions in this Act contained, and the ſame ſhall be ſubject to Appeal in Manner herein-after directed.

Power to Commissioners to revoke Licences, and erase Names of Porters misbehaving.

LVII. And be it further enacted, That on Complaint made to the said Commissioners, or any Seven or more of them, of the Misbehaviour of any such licensed Porter or other Person as aforesaid, or of any Person or Persons carrying Meat or Provisions for Hire from the Market of the said Town and Parish, it shall be lawful for the said Commissioners to summon the Person complained of to appear before them, at a Time and Place to be appointed in such Summons, and on the Appearance of the Person so complained of, or in case of his Non-appearance, Proof being first made to the Satisfaction of the said Commissioners that such Summons has been served on such Person, or left at his or her Place of Abode, mentioned in the Book or Books in which the same is herein-before directed to be entered, Three Days before the Time by such Summons appointed for his or her Appearance, to hear and determine the said Complaint; and if they shall see fit to order and direct the Licence of such Porter or other Person to be revoked, or the Name of such Person carrying Meat or Provisions as aforesaid, to be erased from the said Book; and if any such Porter or other Person shall after such Order and Direction carry for Hire, or assist in the carrying for Hire any Goods, Wares, Merchandize, or other Matters and Things within the said Town and Parish, or any Meat or Provisions from the said Market, until a fresh Licence shall be granted to him by the said Commissioners, or any Seven or more of them, or the Name of such Person be permitted by the said Commissioners to be again entered in the said Book, as the Case may require, every Person so offending shall be deemed to be Porters acting for Hire within the said Town and Parish, without Licence, and subject and liable to the Penalties and Forfeitures herein-before in that Behalf mentioned.

For registering Watermen.

LVIII. And for the better Government of the Watermen working from *Mutton Cove*, *North Corner*, and other Beaches and Landing Places within the said Town and Parish, to *Cawsand Bay*, the *Sound* and Harbour, and the Passages and Landing Places within the same and also adjacent thereto; and from *Cawsand Bay*, the *Sound* and Harbour, and the Passages and Landing Places within the same, and also adjacent thereto, to *Mutton Cove*, *North Corner*, and other Beaches and Places within the said Town and Parish; be it further enacted, That from and after the Expiration of Four Calendar Months from the Time of passing this Act, every Waterman who shall work for Hire, from, to, and along the several Beaches, Passages, and Places aforesaid, and whenever afterwards he shall happen to change his Place of Abode, shall deliver in to the said Commissioners or their Clerk, his Name and Place of Abode, and also the Name and Place of Abode of his Apprentice, to the Intent that the said Commissioners may enter and register the same in a Book to be by them kept for that Purpose; and the said Commissioners or their Clerk are hereby required to enter and register such Name or Names accordingly, numbering the same in progressive Order, and to give to the Person or Persons so registered, a corresponding Number written or printed in legible Letters and Figures on a Ticket, to be worn by the Person so to be entered and numbered, and a like Ticket, in case of such Waterman having an Apprentice, to be worn by every such Apprentice; which said Number, together with the Name and Place of Abode of the Person to whom the same shall be so given, shall be painted upon the Inside of the Transum of the Boat of such Person,

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in White or Yellow Letters and Figures, not leſs than Two Inches in Length, on a Black Ground; and the Perſon receiving ſuch Ticket ſhall pay for the ſame and for ſuch Entry and Regiſtration ſuch reaſonable Fee or Reward as the ſaid Commiſſioners ſhall direct and require, not exceeding the Sum of Two Shillings; and if ſuch Clerk ſhall neglect or refuſe to make ſuch Entry, or deliver ſuch Numbers as is by this Act directed, and ſhall be thereof convicted, he ſhall forfeit and pay for every ſuch Offence any Sum not exceeding Five Pounds.

Penalty on Watermen not regiſtered.

LIX. And be it further enacted, That if any Waterman, Apprentice, or other Perſon ſhall work for Hire between any of the Places aforeſaid, without having been regiſtered as aforeſaid, and wearing the Ticket or Number by this Act directed to be worn by him, ſuch Waterman, Apprentice, or other Perſon, ſhall forfeit and pay for every ſuch Offence any Sum not exceeding Five Shillings for the firſt Offence, and any Sum not exceeding Ten Shillings for every ſubſequent Offence; and if ſuch Waterman or Apprentice ſhall work for Hire in any Boat in which his Number and Place of Abode ſhall not be painted according to the Proviſions of this Act, he ſhall forfeit and pay for every ſuch Offence any Sum not exceeding Ten Shillings; which ſaid Forfeitures ſhall be levied, recovered, paid, and applied in Manner herein-after mentioned; and if ſufficient Diſtreſs cannot be had, he ſhall be committed to the Common Gaol or Houſe of Correction for the County, Town, or Pariſh where the Offence ſhall be heard, for any Time not exceeding Seven Days; and ſuch Waterman or other Perſon ſo offending ſhall and may, by Authority of this Act, be apprehended by any Perſon or Perſons, and be immediately conveyed or delivered to a Conſtable or other Peace Officer, in order to be conveyed before ſome Juſtice of the Peace to be dealt with according to Law.

Clerk to Commiſſioners to make out Liſts of regiſtered Watermen.

LX. And be it further enacted, That the Clerk to the ſaid Commiſſioners ſhall and he is hereby required from Time to Time to make out and keep a correct printed or written Liſt of the Perſons who from Time to Time ſhall be ſo regiſtered, with their reſpective Numbers, Names, and Places of Abode, and ſhall once in every Year, within Thirty Days after the firſt Day of *January* in each and every Year, tranſmit to the Churchwardens or Overſeers, or One of them, of the ſeveral Pariſhes, except the Pariſh of *Stoke Damarel*, wherein any ſuch Waterman ſhall be regiſtered to reſide, the Numbers and Names of ſuch Watermen as the ſame are regiſtered and entered in the ſaid Book; and all Perſons may have acceſs and be at Liberty to inſpect the ſaid Liſt hereby required from Time to Time to be made out and kept by the ſaid Clerk, at his Office, Place of Abode, or ſuch Place as the ſaid Commiſſioners may direct, between the Hours of Ten in the Forenoon and Two in the Afternoon, on Payment of the Sum of One Shilling, if the Perſon deſiring ſuch Inſpection be not a regiſtered Waterman, and without any Fee or Reward if he be ſo.

Penalty on Watermen for Miſbehaviour.

LXI. And be it further enacted, That upon Complaint of any Miſbehaviour of any Waterman or Apprentice, in aſſaulting, inſulting, or uſing abuſive or inſulting Language to any Perſon or Perſons whomſoever, it ſhall and may be lawful to and for any Juſtice of the Peace of the County to

to ſummons ſuch Waterman or Apprentice before him to anſwer the ſaid Complaint, and upon Proof thereof upon Oath, (which Oath the ſaid Juſtice is hereby empowered to adminiſter), or by his own Confeſſion, or in the View of a Juſtice of the Peace, ſuch Waterman or Apprentice ſhall forfeit any Sum not exceeding the Sum of Twenty Shillings, to be levied and recovered, paid and applied in Manner herein-after mentioned; and if ſufficient Diſtreſs cannot be had, he ſhall be committed to the Houſe of Correction for the County or Place where the Complaint ſhall be heard for any Time not exceeding Fourteen Days.

Act not to alter the Right of Ferries and Tolls.

LXII. Provided alſo, and be it further enacted and declared, That nothing in this Act contained ſhall alter, change, prejudice, leſſen, diminiſh, or defeat the Right, Title, Authority, Immunities, Privileges, or Intereſt of any Owners or Proprietors of any Ferries or Tolls, or the Rights, Privileges, Powers or Authorities incident or belonging thereto, or to any Royalties, Charter Rights, Privileges or Immunities whatſoever.

Penalty on Perſons expoſing to Sale any unwholeſome Proviſions, &c.

LXIII. And be it further enacted, That if any Perſon or Perſons ſhall hawk or expoſe to Sale in the ſaid Town or Pariſh, any contagious Fleſh or unwholeſome Proviſions, it ſhall and may be lawful to and for any Perſon or Perſons to ſeize ſuch Fleſh or Proviſions, and to take the ſame before any Three or more of the ſaid Commiſſioners; and in caſe ſuch Commiſſioners, on Inſpection, ſhall pronounce ſuch Fleſh or Proviſions to be contagious or unwholeſome, it ſhall be lawful for them to cauſe the ſame to be deſtroyed; and it ſhall be lawful for any Perſon or Perſons to apprehend the Perſon or Perſons offending herein, and by Authoity of this Act, without any other Warrant, to deliver him or them into the Cuſtody of a Peace Officer, in order to be ſecured and conveyed before ſome Juſtice of the Peace for the ſaid Town, Pariſh, or County; and if the Party accuſed ſhall be convicted of ſuch Offence, upon Confeſſion, or by the Oath of any Witneſs or Witneſſes, then and in every ſuch Caſe the ſaid Party ſo convicted ſhall forfeit for the ſaid Offence any Sum not exceeding Five Pounds.

Penalty on Perſons expoſing to Sale Butter without a Ticket denoting the Weight.

LXIV. And be it further enacted, That no Perſon ſhall expoſe to Sale or ſell any Butter in the ſaid Town or Pariſh, without ſpecifying by Ticket or otherwiſe the true Weight, in Ounces, of each Lump of Butter ſo ſold or expoſed to Sale, on Pain of forfeiting for every ſuch Offence any Sum not exceeding Ten Shillings.

Proviſions of Act for cleanſing the Streets, &c. not to extend to the Market.

LXV. And be it further enacted, That the ſeveral Proviſions hereinbefore contained, for cleanſing the Streets, Paſſages, and public Places of the ſaid Town and Pariſh, ſhall not, nor ſhall any of them extend or be conſtrued to extend to cleanſing the ſaid Market, but that the ſame and the Pavements, Stalls, Members, and Appurtenances thereof, ſhall be cleanſed by the Leſſee or Leſſees, Proprietor or Proprietors thereof reſpectively; any Thing in this Act contained to the contrary notwithſtanding.

LXVI. And whereas by the ſaid recited Act of the Twenty-firſt Year of His Majeſty's Reign, the Commiſſioners therein appointed to carry the

Purpoſes thereof in Execution, were empowered to raiſe for the Purpoſes in the ſaid recited Act in that Behalf mentioned, a Sum not exceeding Six thouſand Pounds, in the Manner by the ſaid recited Act directed, which ſaid Sum was accordingly raiſed by the ſaid Commiſſioners, and the whole thereof applied to the Purpoſes in the ſaid Act mentioned, in purſuance of the Directions therein contained; and it is expedient that further Proviſions ſhould be made for accompliſhing the ſeveral Purpoſes by this Act intended; be it therefore enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or Twenty-one or more of them, from Time to Time to borrow and take up at Intereſt ſuch Sum not exceeding in the whole the Sum of Five thouſand Pounds, on the Credit of the Rates or Aſſeſſments to be made, levied, and collected by virtue hereof, and by Writing under their Hands and Seals, or of any Seven or more of them, to aſſign all or any Part of the ſaid Rates or Aſſeſſments to ſuch Perſon or Perſons as ſhall lend or advance any Money thereon, or to his, her or their Truſtee or Truſtees, as a Security for the Principal Money to be advanced, with lawful Intereſt for the ſame; and the Charges and Expences of ſuch Aſſignment (to be made as herein-after mentioned) ſhall be from Time to Time defrayed by the ſaid Commiſſioners out of the Money ſo borrowed; and every ſuch Aſſignment ſhall be in the Words or to the Effect following; (that is to ſay),

Power to raiſe Money by Annuities.

Form of Aſſignment.

'WE being of the Commiſſioners acting in purſuance
'of an Act made in the Fifty-fourth Year of the Reign of King
'*George* the Third, intituled [*here ſet forth the Title of this Act*], in Con-
'ſideration of the Sum of Pounds, advanced and
'lent by of in the County of
'upon the Credit and for the Purpoſes of the ſaid Act, do hereby grant
'and aſſign unto the ſaid [*or*, to his Truſtee or Truſtees,
'[*as the Caſe may be*] his [*or* her,] Executors, Adminiſtrators, and Aſſigns,
'ſuch Proportion of the Rates or Aſſeſſments to be raiſed, levied, and
'collected by virtue of the ſame Act, as the ſaid Sum of
'doth or ſhall bear to the whole Sum which may at any Time be bor-
'rowed or become due or owing, or be charged upon the Credit of the
'ſaid Rates or Aſſeſſments; to be had and holden from this
'Day of until the ſaid Sum of with
'Intereſt after the Rate of *per Centum per Annum* for the ſame
'ſhall be fully paid and ſatisfied. In Witneſs whereof, we the ſaid Com-
'miſſioners have hereunto ſet our Hands and Seals, the Day of
' in the Year of our Lord '.

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

Power for Commissioners to raise Money.

LXVII. And be it further enacted, That in case the said Commissioners, or any Twenty-one or more of them, shall think it advisable to raise all or any Part of the Money for the Purposes of this Act, by granting Annuities for Lives instead of Assignments as aforesaid, then and in such Case it shall be lawful to and for the said Commissioners, and they are hereby authorized and empowered so to do, and by Writing under their Hands and Seals, or any Seven or more of them, to grant an Annuity or Annuities to any Person or Persons who shall contribute, advance, and pay into the Hands of the Treasurer or Treasurers of the said Commissioners any Sum or Sums of Money for the absolute Purchase of an Annuity or Annuities, to be paid and payable during the natural Life or Lives of every such Contributor or Contributors, or the Lives of Two Persons, and the Life of the Survivor, as shall be nominated by or on the Behalf of such Contributor or Contributors at the Time of the Payment of his or her Contribution or Purchase Money, so that no such Annuities do exceed the Rate of Ten Pounds for every One hundred Pounds by the Year; and the Expence of every such Annuity shall be paid by the said Commissioners out of the Monies so contributed; and the Grant of every such Annuity shall be in the Words or to the Effect following;

Form of Grant of Annuities.

'WE, being Seven of the Commissioners acting in pursuance of an Act made in the Fifty-fourth Year of the Reign of King *George* the Third, intituled [*here set forth the Title of this Act*], in Consideration of the Sum of paid by to the Treasurer appointed in pursuance of the said Act, do hereby grant unto the said an Annuity or yearly Sum of to be paid out of the Rates or Assessments to be raised, levied, and collected by virtue of the said Act, which Annuity or yearly Sum of shall be paid to the said or his or her Assigns, during the Term of his or her natural Life [*or, as the Case may be*], to the said his or her Executors, Administrators, or Assigns, during the natural Life of *or*, during the natural Lives of and and the Life of the Survivor,] upon the Day of the Day of the Day of the Day of and the Day of in every Year during the natural Life or Lives of him, her, or them the said at the The first Quarterly Payment thereof to be made upon the Day of next ensuing the Date hereof. In Witness whereof, we the said Commissioners have hereunto set our Hands and Seals the Day of in the Year '

And every such Grant shall be good, valid, and effectual in the Law, without any Enrolment or Registry of the Memorial thereof in the High Court of Chancery or elsewhere, except as herein-after mentioned, any Law or Statute to the contrary thereof in anywise notwithstanding; and every Annuity so to be granted as aforesaid shall be and is hereby charged upon, and shall be payable and paid by the Treasurer to the said Commissioners, out of the said Rates or Assessments respectively, according to the Grant of such Annuity; any Law, Statute, or Usage, to the contrary notwithstanding.

LXVIII. And

Power of transferring Aſſignments and Annuities, in a preſcribed Form.

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

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

A. B.'

And a Copy of any ſuch Security or Aſſignment, and of every Grant of Annuity which ſhall be made in purſuance of this Act, and an Extract or Memorial of every Transfer thereof reſpectively, ſhall be entered in a Book to be kept for that Purpoſe by the Clerk to the ſaid Commiſſioners, which Extract or Memorial ſhall ſpecify and contain the Dates, Names of the Parties, and Sums of Money thereby transferred; to which Book any Perſon intereſted ſhall at all ſeaſonable Times have Acceſs, and ſhall have free Liberty to inſpect the ſame without Fee or Reward; and for the entering of every ſuch Transfer, the Clerk ſhall be paid by the Perſon to whom ſuch Transfer ſhall be made, the Sum of Thirteen Shillings and Fourpence and no more; and every ſuch Transfer, after Entry thereof as aforeſaid, ſhall entitle the Perſon to whom the Transfer ſhall be made, and his or her Executors, Adminiſtrators, and Aſſigns, to the Benefit of the Security thereby transferred, without any Regiſtry or Enrolment thereof.

Proviſion for Payment of the Creditors by Ballot.

LXIX. And in order that no Preference may be given to any of the Perſons who ſhall have advanced and lent Money upon the Credit of the ſaid Rates or Aſſeſſments, be it further enacted, That the ſaid Commiſſioners (if there ſhall be more Creditors than One) ſhall cauſe the Number or Numbers of all Aſſignments or Securities granted, in caſe more than the Sum of Fifty Pounds ſhall be lent and advanced upon any ſuch Aſſignment or Security as aforeſaid, and then in force, for ſecuring the Principal Monies lent and advanced upon the Credit of the ſaid Rates or Aſſeſſments, of which Part ſhall be then intended to be paid off, to be written upon diſtinct Pieces of Paper, of an equal Size, each Piece of Paper to contain

tain only One Number in reſpect of every Fifty Pounds ſo borrowed as aforeſaid; and all ſuch Papers ſhall be rolled up in the ſame Form, as near as may be, and be put into a Box or Wheel, and the Number or Numbers of the ſaid Aſſignments or Securities ſhall be drawn ſeparately out of the ſaid Box or Wheel, by the Clerk to the ſaid Commiſſioners; and after every ſuch Ballot the ſaid Commiſſioners ſhall cauſe Notice ſigned by their Clerk to be given or left at the laſt or uſual Place of Abode of the Perſon or Perſons who ſhall be entitled to the Money, to be paid off either in full or part Payment of their reſpective Aſſignments or Securities as aforeſaid, purſuant to ſuch Ballot; and where there is only one Creditor, to give Four Calendar Months Notice to ſuch Creditor of the Intention of the ſaid Commiſſioners to pay him or her as aforeſaid; and every ſuch Notice ſhall expreſs the Sum to be paid off, together with the Intereſt due thereon; and that the ſame ſhall be paid on a Day and at a Place to be ſpecified in ſuch Notice, ſuch Day not being ſooner than Four Calendar Months after the Day of giving or leaving ſuch Notice as aforeſaid; and the Intereſt of the Principal Money to be ſo paid off ſhall, from and after the Day ſo ſpecified, ceaſe, and be no longer paid or payable, unleſs ſuch Money ſhall be demanded purſuant to ſuch Notice, and not paid; but the Principal Money in reſpect whereof ſuch Notice ſhall be given, and alſo the Intereſt thereof to the Day ſo ſpecified, ſhall nevertheleſs be payable on Demand; but nothing herein contained ſhall extend or be conſtrued to extend, ſo as to require the ſaid Commiſſioners to pay off and diſcharge any Monies lent on the Credit of the ſaid Rates or Aſſeſſments by Way of Annuity, until all other the Creditors on the ſaid Rates or Aſſeſſments ſhall be paid off and diſcharged; and the ſeveral Parties ſo lending Money by way of Annuity ſhall agree to accept the Sum or Sums of Money offered by the ſaid Commiſſioners for the Re-purchaſe of ſuch his, her, or their Annuity or Annuities.

Power to borrow Money at lower Intereſt, to diſcharge Securities at a higher Rate.

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

Annuities if in Arrear for One Month to be recovered by Action of Debt.

LXXI. Provided always, and be it further enacted, That in caſe the ſaid Annuities, or any of them, ſhall be in Arrear for the Space of Two Calendar Months, the ſame ſhall be recovered from the ſaid Commiſſioners by the Proprietor or Proprietors of the Annuity or Annuities ſo in Arrear, by Action of Debt to be brought in any of His Majeſty's Courts of Record againſt the ſaid Commiſſioners, in the Name of any Two of them, or of their Treaſurer, together with full Coſts of Suit.

Rates to be made.

LXXII. And in order to enable the ſaid Commiſſioners to pay the Annuities ſo granted and to be granted as aforeſaid, and alſo to defray the Expences

pences of carrying this Act into Execution (except so far as relates to the Poor of the said Parish); be it further enacted, That from and immediately after the passing of this Act, the said Commissioners, or any Seven or more of them, shall and they are hereby required once in every Year to rate or assess, upon the several Tenants or Occupiers of all Houses, Buildings, Lands, Tenements, and Hereditaments, which for the Time being shall be situate within the Town of *Plymouth Dock* and Parish of *Stoke Damarel* aforesaid, such Sum or Sums of Money as shall be sufficient to pay and defray the several Annuities so granted and to be granted as aforesaid, and also such further Sum or Sums of Money (not exceeding Four Shillings in the Pound of the Annual Value of the said Houses, Lands, Tenements and Hereditaments) as the said Commissioners, or any Seven or more of them, shall from Time to Time judge proper and necessary for paying and defraying the several Charges and Expences attending the Execution of this Act (except so far as relates to the Poor of the said Parish); such annual Value of the said Houses, Buildings, Lands, Tenements, and Hereditaments, to be from Time to Time settled according to the Rents the same shall be respectively charged at for the Relief of the Poor of the said Parish, for the Year next preceding the making such Rates or Assessments respectively by the said Commissioners, or any Seven or more of them; and the First Year for which such Rate or Assessment shall be made, shall commence at and be computed from the Twenty-fifth Day of *March* in the Year of our Lord One thousand eight hundred and fourteen; and the Monies so to be rated or assessed, shall from Time to Time be paid by the several Tenants or Occupiers of the said Houses, Buildings, Lands, Tenements, or Hereditaments, by equal Quarterly Payments to the Collector or Collectors to be appointed by the said Commissioners, or any Seven or more of them, and shall be paid by such Collector or Collectors to the Treasurer of the said Commissioners.

Giving Notice of making Rates.

LXXIII. And be it further enacted, That the Overseers of the Poor of the said Parish, Sixteen Days at the least before the making of any Rate or Assessment for the Relief of the said Poor, shall give Notice in Writing to the said Commissioners or their Clerk for the Time being, of such intended Rate or Assessment; and it shall be lawful for the said Commissioners, or any Seven or more of them, at any Time after the Receipt of such Notice, and before the making of such Rate or Assessment, to notify to the said Overseers in Writing, what Sum or Sums of Money they the said Commissioners may deem requisite and needful, for the Purpose of carrying into Execution any of the Provisions of this Act relating to the Poor of the said Parish; and the said Overseers, on the Receipt of such Notification from the said Commissioners, shall adapt and apportion their said Rate or Assessment to the Exigencies which the said Commissioners shall have so notified to them; and if the said Overseers shall neglect so to do, they shall forfeit for every such Offence the Sum of Fifty Pounds, to be recovered by Action of Debt or on the Case, in any of His Majesty's Courts of Record at *Westminster*.

Empty Houses not to be rated.

LXXIV. Provided always, and be it further enacted, That no House, Building, Land, Tenement, or Hereditament, within the said Town or Parish

Pariſh, ſhall be charged or chargeable with any ſuch Rate or Aſſeſſment as aforeſaid, during the Time the ſame ſhall be empty or unoccupied.

Recovery of Rates.

LXXV. And be it further enacted, That if the Tenant or Occupier of any Houſe, Building, Land, Tenement, or Hereditament, within the ſaid Town or Pariſh, ſhall at any Time neglect or refuſe to pay the ſaid Rates or Aſſeſſments, for the Space of Fourteen Days after the ſame ſhall be due, and Demand thereof made by Notice in Writing under the Hand or Hands of the ſaid Collector or Collectors to be delivered to or left at the Dwelling Houſe or uſual Place of Abode of ſuch Tenant or Occupier, then upon Proof thereof upon Oath before any Juſtice of the Peace for the ſaid Town, or the ſaid County of *Devon* (which Oath ſuch Juſtice is hereby empowered to adminiſter) the ſame ſhall and may be levied and recovered from every ſuch Tenant or Occupier, by Diſtreſs and Sale of his or her Goods and Chattels, by Warrant under the Hand and Seal of any ſuch Juſtice, rendering the Overplus (if any), after deducting all Coſts and Charges of ſuch Diſtreſs and Sale, to the Owner of ſuch Goods and Chattels on Demand; ſuch Tenant or Occupier being firſt required by a Summons in Writing under the Hand of ſuch Juſtice, to ſhew cauſe why ſuch Warrant as aforeſaid ſhould not iſſue; and Proof of the Service of ſuch Summons on the ſame Party, perſonally, or by leaving the ſame at his or her uſual Place of Abode Twenty-four Hours at the leaſt before the Return thereof, being firſt made to the Satisfaction of ſuch Juſtice.

Landlords of Houſes let in ſeparate Apartments, or ready furniſhed, deemed the Occupiers.

LXXVI. Provided always, and be it further enacted, That the ſeveral Leſſors, Landlords, Owners, or Proprietors of all ſuch Houſes, Buildings, Tenements, or Hereditaments within the ſaid Town or Pariſh, let or which hereafter ſhall be let out, in Parts, or ſeparate Apartments, or ready furniſhed, ſhall reſpectively be deemed and taken to be the Occupiers thereof, and ſhall be liable and ſubject to the Payment of the Rates or Aſſeſſments directed by this Act to be made, raiſed, levied, and received, and that each and every Perſon renting or occupying any ſuch Part or ſeparate Apartments as aforeſaid, ſhall in the firſt Inſtance, be liable to the Payments of the ſaid Rates or Aſſeſſments, and all Arrears thereof, to be recovered in Manner herein directed; and the reſpective Perſons ſo renting and occupying any ſuch Part or ſeparate Apartment, or ready furniſhed Houſe, or other Building or Tenement, who ſhall pay ſuch Rates or Aſſeſſments, or any Arrears thereof, or from whom the ſame ſhall be recovered in purſuance of this Act, ſhall and may deduct the ſame from and out of the next Rent, or any other Rent due and payable by him, her, or them, to ſuch reſpective Leſſor, Landlord, Owner or Proprietor; and the Receipt for ſuch Payment ſhall be a ſufficient Diſcharge for all and every ſuch Tenant or Tenants, Occupier or Occupiers, to his, her, or their Landlord, for ſo much Money as he, ſhe, or they ſhall pay, or ſhall be levied and recovered on the Goods and Chattels of him, her, or them reſpectively, by virtue of this Act: Provided always, that no ſuch Perſon ſo renting or occupying any ſuch Part or ſeparate Apartment as aforeſaid, of any ſuch Houſe, Building, Tenement, or Hereditament, ſhall be ſubject or liable, or required to pay for or in reſpect of any ſuch Rates or Aſſeſſments, or for or in reſpect of any ſuch Coſts, Charges, and Expences

Tenants of Houſes let in ſeparate Apartments to pay Rates, and deduct ſame out of their Rents.

Expences, any Sum or Sums of Money beyond the Amount of the Rent which ſhall be then actually due from him, her, or them reſpectively, in reſpect of the ſaid Premiſes, in his, her, or their own Occupation reſpectively.

Perſons liable to the Payment of Rates in Proportion to the Time they occupy.

LXXVII. Provided always, and be it further enacted, That whenever any Perſon or Perſons ſhall come into, or occupy any Houſe, Land, Tenement, or Hereditament, out of or from which any other Perſon or Perſons aſſeſſed ſhall be removed, or which at the Time of making any ſuch Rate or Aſſeſſment was empty or unoccupied, that then every Perſon ſo removing from, and every Perſon ſo coming into or occupying the ſame, ſhall be liable to pay ſuch Rate or Aſſeſſment in Proportion to the Time that ſuch Perſon or Perſons occupied the ſame reſpectively; and the Proportion of the ſaid Rate or Aſſeſſment ſhall be levied and recovered in the ſame Manner as if ſuch Perſon ſo removing had not removed, or ſuch Perſon ſo coming in or occupying, had been originally rated and aſſeſſed in ſuch Rate or Aſſeſſment, which ſaid Proportion in caſe of Diſpute, ſhall be aſcertained by any One or more of His Majeſty's Juſtices of the Peace for the ſaid Town or County.

Certain Leſſees deemed the Owners or Proprietors.

LXXVIII. And be it further enacted, That the ſeveral Perſons who ſhall for the Time being be in the Poſſeſſion of any Houſes, Buildings, Lands, Tenements, or Hereditaments within the ſaid Town and Pariſh by virtue of any Leaſe or Leaſes for Lives, ſhall ſo far as relates to the ſeveral Purpoſes of this Act, be deemed the Owners or Proprietors of the ſaid Premiſes reſpectively.

Annuities redeemable upon Six Months Notice.

LXXIX. And be it further enacted, That the Annuities heretofore granted by virtue of the ſaid recited Act of the Twenty-firſt Year, or to to be granted by virtue of this Act, ſhall from Time to Time be redeemable by the ſaid Sir *John Saint Aubyn*, his Heirs or Aſſigns, either wholly or in Part, in ſuch Order as he or they ſhall think proper, upon Six Calendar Months Notice for that Purpoſe being given in Writing (ſigned by the ſaid Sir *John Saint Aubyn*, his Heirs or Aſſigns) or left at the uſual Place of Abode of the reſpective Proprietors of the Annuities ſo intended to be redeemed; at the Expiration of which Time the Proprietors of the reſpective Annuities in reſpect whereof ſuch Notice ſhall be given, ſhall be entitled to receive from the ſaid Sir *John Saint Aubyn*, his Heirs or Aſſigns, or from the ſaid Commiſſioners reſpectively, at a Time and Place to be for that Purpoſe mentioned in the ſaid Notice, ſuch Sum of Money as ſhall be equal to the Money originally given or advanced for the Purchaſe of ſuch Annuities reſpectively, the ſame to be in full Satisfaction and Redemption of ſuch Annuities reſpectively; and every ſuch Annuity in reſpect whereof ſuch Notice ſhall be given, ſhall from and after the End of the ſaid Six Calendar Months ceaſe, and be no longer paid or payable, unleſs the Money to be paid for ſuch Redemption ſhall be demanded purſuant to ſuch Notice, and not paid; but the Principal Money originally given for the Purchaſe of ſuch Annuity, and alſo the Annuity up to the End of the ſaid Six Calendar Months, ſhall nevertheleſs be payable on Demand.

LXXX. And

Leſſees of Sir John St. Aubyn releaſed from any Covenants for paving under their Leaſes.

LXXX. And whereas ſeveral Perſons who hold Houſes, Buildings, Lands, Tenements, or Hereditaments within the ſaid Town, by Leaſes, under the ſaid Sir *John Saint Aubyn* as aforeſaid, are by virtue of certain Covenants or Proviſions contained in ſuch Leaſes ſubject to the repairing of certain Parts of the ſaid Streets, Lanes, Paſſages, and Places; be it therefore enacted, That from and after the paſſing of this Act ſo much of all ſuch Leaſes as ſubjects any Perſon or Perſons to the making and repairing of the Pavement of any of the Streets, Lanes, Paſſages, and Places within the ſaid Town, ſhall ceaſe and be void.

Application of Monies ariſing from the Rates, &c.

LXXXI. And be it further enacted, That all the Money to ariſe by or from the ſaid Rates or Aſſeſſments hereby directed to be laid by the ſaid Commiſſioners, or any Seven or more of them, and alſo all other Money which ſhall come to the Hands of the Treaſurer to the ſaid Commiſſioners, or any other Perſon by virtue of this Act (except the Money ariſing on account of the Poor of the ſaid Pariſh) ſhall from Time to Time be applied and diſpoſed of by the ſaid Commiſſioners, or any Seven or more of them, in the firſt Place in paying the ſeveral Annuities already granted as aforeſaid, or to be granted by virtue of this Act; and afterwards in defraying the Charges and Expences of carrying the Purpoſes of this Act into Execution (except ſo far as relates to the Poor of the ſaid Pariſh) according to the true Intent and Meaning thereof, and to or for no other Uſe, Intent, or Purpoſe whatſoever.

Coſts of Act.

LXXXII. Provided always, and be it further enacted, That one Half Part of the Coſts, Charges, and Expences incident to and attending the obtaining and paſſing of this Act ſhall be paid out of the firſt Money which ſhall ariſe by the Rates or Aſſeſſments to be raiſed for the Relief of the Poor within the ſaid Pariſh; and the Churchwardens and Overſeers of the Poor of the ſaid Pariſh are hereby authorized and required to raiſe and pay the ſame; and that the remaining Half Part of the ſaid Coſts, Charges, and Expences, ſhall be paid by the ſaid Commiſſioners, or their Treaſurer, out of the firſt Monies which ſhall be raiſed by the Annuities to be granted, or the Rates or Aſſeſſments to be raiſed or aſſeſſed by the ſaid Commiſſioners, or any Seven or more of them, in purſuance of this Act; any Thing herein-before contained to the contrary hereof notwithſtanding.

Commiſſioners to make out an Account of all Monies received.

LXXXIII. And be it further enacted, That the ſaid Commiſſioners, or any Seven or more of them, ſhall upon the Firſt Day of *June* in every Year, or within Two Months then next following, cauſe a fair and true Account to be made and drawn out in Writing by their Clerk or Treaſurer, of all Monies received and paid in purſuance of this Act, and to whom and for what Purpoſes, and at what Times the ſame have been paid, laid out, and expended; which Account ſhall be printed and publiſhed in the *Plymouth Dock* Newſpaper, or other Newſpaper publiſhed and circulated within the County of *Devon*; and the ſame, or a Copy or Duplicate thereof, ſigned by Seven or more of the ſaid Commiſſioners, ſhall be depoſited with and kept by their Clerk, who is hereby required to permit any Perſon charged with the Payment of any of the ſaid Rates or Aſſeſſments, to inſpect the ſame, at any ſeaſonable Time, on paying One Shilling and no more, for every ſuch Inſpection, and ſhall upon Demand, forth-

forthwith give Copies of the ſame or any Part thereof to any Perſon, upon paying for the ſame after the Rate of Sixpence for every One hundred Words, and ſo in Proportion for any leſs Number of Words; and if the Clerk to the ſaid Commiſſioners ſhall refuſe to permit any ſuch Perſon as aforeſaid to inſpect the ſaid Account, or ſhall refuſe to give ſuch Copies as aforeſaid, upon Demand, and being paid at the Rate abovementioned, the ſaid Clerk ſhall for every ſuch Offence (on being convicted thereof before any Juſtice of the Peace) forfeit and pay the Sum of Five Pounds, to be recovered by Diſtreſs and Sale of his Goods and Chattels, together with the Coſts and Charges attending ſuch Conviction, Diſtreſs, and Sale.

Indemnity to Commiſſioners.

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

Recovery and Application of Fines and Penalties.

LXXXV. And be it further enacted, That all Fines, Penalties, or Forfeitures impoſed by this Act, or by virtue of the Powers and Authorities thereof, the Manner of levying and recovering whereof is not hereby otherwiſe directed, and which exceed the Sum of Ten Pounds, ſhall be ſued for within Three Months next after the Offence committed, by Action of Debt, Bill, Plaint, or Information, in any of His Majeſty's Courts of Record at *Weſtminſter*, in which Action, no Eſſoign, Protection, or Wager of Law, or more than One Imparlance, ſhall be allowed; and all ſuch Fines, Penalties, or Forfeitures as aforeſaid, which do not exceed the Sum of Ten Pounds, ſhall be ſued for within One Calendar Month after the Offence or Offences committed, and all ſuch Fines, Penalties, and Forfeitures, ſhall be levied and recovered before any Juſtice or Juſtices of the Peace for the Counties of *Devon* and *Cornwall*, within their reſpective Juriſdictions, and ſuch Juſtice or Juſtices is and are empowered and required, upon Information or Complaint to him or them made, to grant a Summons or Warrant to bring before him or them, ſuch Offender or Offenders at ſuch Time and Place as ſhall be in ſuch Warrant ſpecified; and if on the Conviction of the Offenders reſpectively, either on his, her, or their Confeſſion, or on the Evidence of any One or more credible Witneſs or Witneſſes upon Oath (which Oath ſuch Juſtice or Juſtices is and are hereby empowered to adminiſter), ſuch Fine, Penalty, or Forfeiture ſhall not be forth-

with paid, the ſame ſhall be levied by Diſtreſs and Sale of the Goods and Chattels of the Offender or Offenders, by Warrant under the Hand and Seal of ſuch Juſtice or Juſtices, and the Overplus of the Money (if any) raiſed by ſuch Diſtreſs and Sale, after deducting the Fine, Penalty, or Forfeiture, and the Coſts and Charges of making ſuch Diſtreſs and Sale, ſhall be rendered to the Owner of the Goods and Chattels ſo diſtrained; and for Want of Diſtreſs, or in caſe the Fine, Penalty, or Forfeiture ſhall not be forthwith paid, it ſhall be lawful to and for ſuch Juſtice or Juſtices to commit every ſuch Offender to the Common Gaol or Houſe of Correction for the ſaid County, Town, or Pariſh, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, unleſs ſuch Fine, Penalty, or Forfeiture, and all reaſonable Charges attending the Recovery thereof, ſhall be ſooner paid; and all ſuch Fines, Penalties, and Forfeitures when paid, ſhall (unleſs otherwiſe diſpoſed of by virtue of this Act) be paid to the Treaſurer to the ſaid Commiſſioners, and ſhall be applied and diſpoſed of in carrying this Act into Execution; and in all Actions, Proſecutions, Informations, Cauſes, and Proceedings whatſoever, relating to or concerning the Execution of this Act, no Inhabitant of the ſaid Town or Pariſh ſhall be incapacitated from giving Evidence by reaſon of his or her being rated or aſſeſſed by virtue of this Act.

Appeal.

LXXXVI. Provided always, and be it further enacted, That if any Perſon ſhall think himſelf or herſelf aggrieved by any Bye Law, Rule, Order or Regulation made by the ſaid Commiſſioners, or by any Conviction, Judgment, or Determination, or any Rate or Aſſeſſment to be laid, or by any other Thing to be done in purſuance of this Act, and for which no particular Method of Relief is herein appointed, ſuch Perſon may, within Four Calendar Months after the Cauſe of Appeal ſhall have ariſen, appeal to the Juſtices of the Peace at the General Quarter Seſſions of the Peace to be holden for the ſaid County of *Devon*, ſuch Appellant firſt giving or cauſing to be given Fourteen Days Notice at leaſt in Writing of his Intention to bring ſuch Appeal, and the Matter thereof, to the ſaid Commiſſioners or their Clerk, and within Three Days after ſuch Notice, entering into a Recognizance before ſome Juſtice of the Peace for the ſaid Town or County, with Two ſufficient Sureties, conditioned to try ſuch Appeal at, and abide by the Order of the Court, and to pay ſuch Coſts as ſhall be awarded by the Juſtices at ſuch Quarter Seſſions; and the ſaid Juſtices at ſuch Quarter Seſſions, upon due Proof of ſuch Notice being given, and of the entering into ſuch Recognizance as aforeſaid, ſhall hear and finally determine the Cauſes and Matters of ſuch Appeal in a ſummary Way, and make ſuch Determination therein, and award ſuch Coſts to the Party or Parties appealing or appealed againſt, as they the ſaid Juſtices ſhall think proper; and the ſaid Juſtices may, if they ſee Cauſe, mitigate any Fine, Penalty, or Forfeiture, and may order any Money to be returned, which ſhall have been levied in purſuance of any ſuch Bye-Law, Rule, Order or Regulation; and the Determination of ſuch Quarter Seſſions ſhall be binding, final, and concluſive to all Intents and Purpoſes.

Diſtreſs not to be deemed unlawful.

LXXXVII. And be it further enacted, That when any Diſtreſs ſhall be made for any Sum of Money to be levied by virtue of this Act, the Diſtreſs itſelf

itſelf ſhall not be deemed unlawful, nor any of the Parties making the ſame be deemed Treſpaſſers on account of any Default or Want of Form in any Proceedings relating thereto, nor ſhall any of the Parties diſtraining be deemed Treſpaſſers *ab initio*, on account of any Irregularity which ſhall be afterwards done by any of the Parties diſtraining, but the Perſon or Perſons aggrieved by ſuch Irregularity may recover full Satisfaction for the Special Damage, in an Action on the Caſe: Provided always, that no Plaintiff ſhall recover in any Action for ſuch Irregularity, Treſpaſs, or other Proceeding, if Tender of ſufficient Amends ſhall be made by or on Behalf of the Party or Parties who ſhall have committed or cauſe to be committed any ſuch Irregularity, Treſpaſs, or wrongful Proceeding, before ſuch Action brought; and in caſe no ſuch Tender ſhall have been made, it ſhall be lawful for the Defendant or Defendants in any ſuch Action, by Leave of the Court where ſuch Action ſhall depend, at any Time before Iſſue joined, to pay into Court ſuch Sum of Money as he or they ſhall ſee fit; whereupon ſuch Proceedings or Orders and Judgment ſhall be had, made and given in and by ſuch Court, as in other Actions where the Defendant is allowed to pay Money into Court.

Plaintiff not to recover without Notice, or after Tender of Amends.

Form of Conviction.

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

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

Juſtices may amend without quaſhing Rates.

LXXXIX. Provided always, and be it enacted, That in any Appeal from the ſaid Rates or Aſſeſſments, or any of them to be made for the Purpoſes of this Act, the Juſtices at the General Quarter Seſſions of the Peace to be holden for the ſaid County of *Devon*, or any Adjournment thereof, as the Caſe may be, ſhall and may amend the ſame in ſuch Manner as may be neceſſary for giving Relief, without quaſhing or altering ſuch Rates or Aſſeſſments with reſpect to other Perſons mentioned therein; but if upon Appeal from the whole Rate or Aſſeſſment it ſhall be found neceſſary to ſet aſide the ſame, then and in every ſuch Caſe it ſhall and may be lawful to and for ſuch Juſtices to order a new Rate or Aſſeſſment to be made in Manner herein directed: Provided alſo, that no Proceedings to be had touching the Conviction of any Offender or Offenders againſt this Act, or any Order, Rate, or Aſſeſſment, Judgment, or other Matter or Thing to be had, done, or tranſacted, in or relating to the Execution of this Act, ſhall be vacated or quaſhed for Want of Form, or be removed by *Certiorari*, or any other Proceſs whatſoever, into any of His Majeſty's Courts of Record at *Weſtminſter*; any Law or Statute to the contrary notwithſtanding.

XC. And

Limitation of Actions.

XC. And be it further enacted, That no Action or Suit ſhall be commenced againſt any Perſon or Perſons for any Thing done in purſuance of this Act, until Fourteen Days Notice thereof ſhall be given in Writing to ſuch Perſon or Perſons, and to the Treaſurer or Clerk to the ſaid Commiſſioners, or after Six Calendar Months next after the Fact committed for which ſuch Action or Suit ſhall be brought; and every ſuch Action or Suit ſhall be brought, laid, and tried in the ſaid County of *Devon*, and not elſewhere; and the Defendant or Defendants in every ſuch Action or Suit may plead the General Iſſue, and give this Act and the ſpecial Matter in Evidence at any Trial to be had thereupon, and that the Matter or Thing for which ſuch Action or Suit ſhall be brought was done in purſuance and by the Authority of this Act; and if the ſaid Matter or Thing ſhall appear to be ſo done, or if it ſhall appear that ſuch Action or Suit was brought before Fourteen Days Notice thereof given, or that a ſufficient Satisfaction was made or tendered as aforeſaid; or if any ſuch Action or Suit ſhall not be commenced within the Time before for that Purpoſe limited, or ſhall be laid in any other County than as aforeſaid, then the Jury ſhall find for the Defendant or Defendants therein; and if a Verdict ſhall be found for the Defendant or Defendants, or if the Plaintiff or Plaintiffs in any ſuch Action or Suit ſhall become nonſuited, or ſuffer a Diſcontinuance of ſuch Action or Suit; or if upon a Demurrer, Judgement in any ſuch Action ſhall be given for the Defendant or Defendants therein, then and in any of the Caſes aforeſaid, ſuch Defendant or Defendants ſhall have Treble Coſts, and ſhall have ſuch Remedy for recovering the ſame as any Defendant or Defendants may have for his, her, or their Coſts in any Caſes of Law.

Rewarding Perſons giving Information of breach of Proviſions of the Act.

XCI. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners to reward any Perſon or Perſons who ſhall give Information of any Breach of the Proviſions of this Act, as they ſhall think proper, ſo as ſuch Reward does not exceed one Half of the Penalty or Forfeiture proved by the Information of ſuch Perſon or Perſons to have been incurred; any Thing herein contained to the contrary notwithſtanding.

Reſervation of the Rights of the Duke of Cornwall.

XCII. Provided always, and be it enacted, That nothing herein contained ſhall prejudice, leſſen, or defeat any Royalties, Rights, Privileges, mmunities or Intereſts, belonging or appertaining to His Royal Highneſs *George* Prince of *Wales* as Duke of *Cornwall*; but that the ſame ſhall reſpectively remain and continue in as full Force and Effect as if this Act had not been made.

Reſervation of the Rights of the Lord of the Manor of Stoke Damarel.

XCIII. Provided always, and be it enacted and declared, That nothing in this Act contained ſhall alter, change, prejudice, leſſen, diminiſh or defeat the Right, Title, Authority, Immunities, Privileges, or Intereſt of any Lord or Lady of the Manor of *Stoke Damarel* aforeſaid, or any of the Rights, Privileges, Powers, or Authorities incident or belonging to any Court Leet, Court Baron or other Court whatever, within or belonging to the ſaid Manor; but that the ſame ſhall reſpectively remain and continue, as fully and effectually to all Intents and Purpoſes, as if this Act had not been made.

Public Act.

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

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