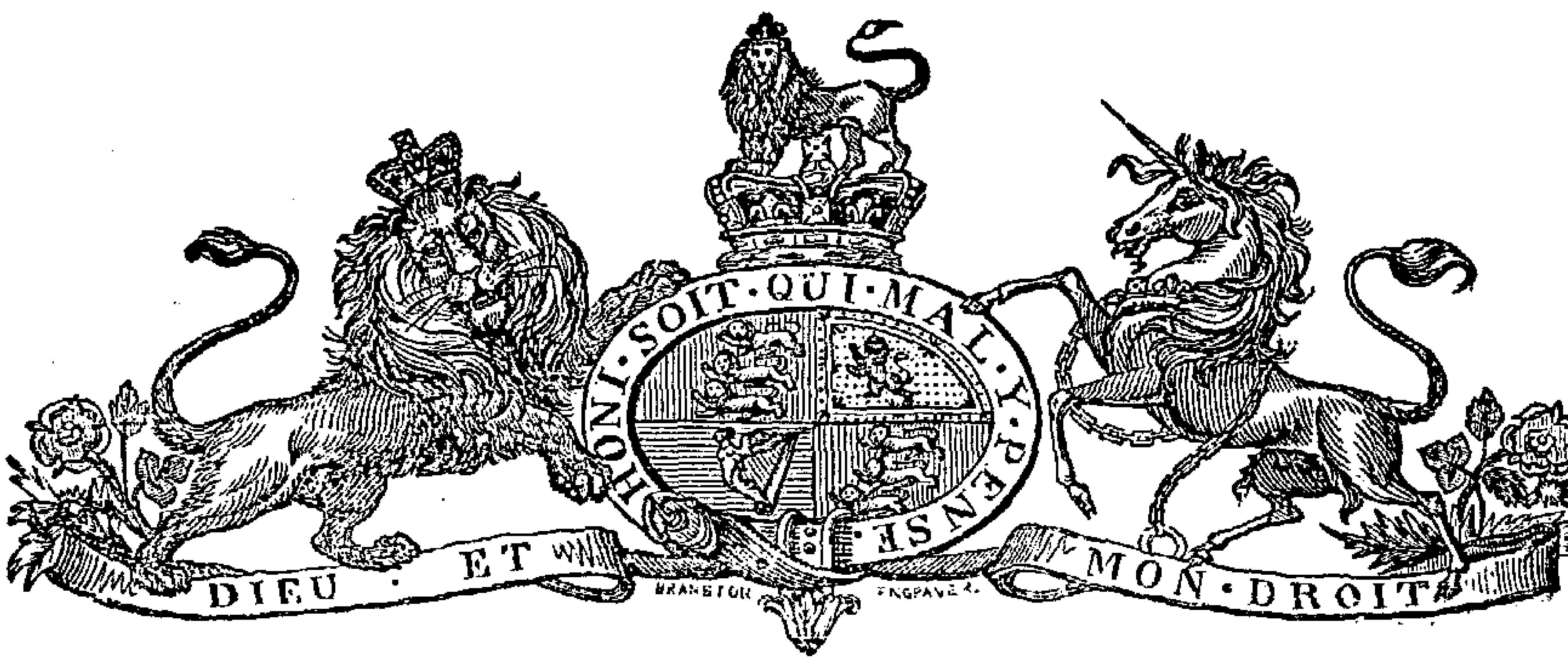


ANNO QUARTO & QUINTO

VICTORIÆ REGINÆ.

****

Cap. lxix.

An Act for paving, cleansing, and otherwise improving the Town and Borough of *Stamford* in the Counties of *Lincoln* and *Northampton*.

[21st *June* 1841.]

WHEREAS the Town or Borough of *Stamford* in the County of *Lincoln* is an ancient Market Town, and large and populous, and a Place of considerable Thoroughfare, and the several Streets within the same are not sufficiently cleansed, paved, repaired, watered, or lighted, and are subject to various Nuisances and Inconveniences, and are very incommodious and unsafe: And whereas a Portion of the Parish of *Saint Martin* in the County of *Northampton* has, by the Act passed in the Second and Third Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to settle and describe the Divisions of Counties and the Limits of Cities and Boroughs, in* England *and* Wales, *in so far as respects the Election of Members to serve in Parliament*, been added to and now forms Part of the said Borough: And whereas it would tend greatly to the Safety and Advantage, not only of the Inhabitants of the said Borough, but of all Persons resorting to the same, if the said Streets were properly cleansed, paved, repaired, watered, lighted, widened, and improved, and if all Obstructions and Annoyances therein were removed or prevented; but such beneficial

2 & 3 W. 4. c. 64.

Purposes cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen'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 the Mayor of the said Borough for the Time being, and the Twenty-six Persons to be elected in the Manner herein-after mentioned, and their Successors, to be elected in the Manner also herein-after mentioned, shall be and they are hereby declared to be Commissioners for putting this Act into execution.

Commissioners.

Election of Commissioners by Rate-payers.

II. And be it enacted, That within Twenty-one Days next after the passing of this Act the Rate-payers rated to the Rates made for the Relief of the Poor of the Parish of *All Saints with Saint Peter* in the said Borough shall, at a public Vestry to be called and holden for that Purpose, elect Three resident Inhabitants of the said Parish, duly qualified as herein-after is mentioned, to be Commissioners; that the Rate-payers rated to the Rates made for the Relief of the Poor of the Parish of *Saint George with Saint Paul* in the said Borough shall in like Manner elect Three resident Inhabitants of the said Parish of *Saint George with Saint Paul*, duly qualified as herein-after is mentioned, to be Commissioners; that the Rate-payers rated to the Rates made for the Relief of the Poor of the Parish of *Saint Michael with Saint Andrew and Saint Stephen* in the said Borough shall in like Manner elect Two resident Inhabitants of the said Parish of *Saint Michael with Saint Andrew* and *Saint Stephen*, duly qualified as herein-after is mentioned, to be Commissioners; that the Rate-payers rated to the Rates made for the Relief of the Poor of the Parish of *Saint John with Saint Clement* in the said Borough shall in like Manner elect and appoint Two resident Inhabitants of the Parish of *Saint John with Saint Clement*, duly qualified as herein-after is mentioned, to be Commissioners; that the Rate-payers rated to the Rates made for the Relief of the Poor of the Parish of *Saint Mary* in the said Borough shall in like Manner elect Two resident Inhabitants of the said Parish of *Saint Mary*, duly qualified as herein-after is mentioned, to be Commissioners; that the Rate-payers rated to the Rates made for the Relief of the Poor of the Parish of *Saint Martin* in the said Borough shall in like Manner elect Two resident Inhabitants of the said Parish of *Saint Martin*, duly qualified as herein-after is mentioned, to be Commissioners.

Election of Commissioners by Town Council.

III. And be it enacted, That the Town Council of the said Borough shall, within Twenty-one Days next after the Expiration of the Time herein-before mentioned for the Election of Commissioners by the Rate-payers of the respective Parishes within the said Borough, elect such Persons, duly qualified as herein-after is mentioned to be Commissioners, as, together with the Mayor of the said Borough for the Time being, and the Commissioners (if any) appointed as aforesaid by the Rate-payers of the aforesaid Parishes respectively, shall make up the Number of Twenty-seven; and the said Commissioners so to be appointed as aforesaid, together with the Mayor for the Time being of the said Borough of *Stamford*, who shall always be One of the Commissioners during his Mayoralty, shall

shall be the first Commissioners for carrying this Act into execution; and the Commissioners appointed by the Rate-payers of the several Parishes in the said Borough, and by the Town Council of the said Borough, shall continue in Office during their respective Lives, or until other Commissioners shall have been elected in their Place in manner herein-after mentioned: Provided always, that in case it shall happen that at any Time hereafter the Town Council of the said Borough shall elect and appoint as the Mayor of the said Borough one of the Commissioners who shall have been previously appointed as aforesaid, then it shall not be necessary to fill up the Number of Commissioners to Twenty-seven, but in such Case the Number of Commissioners necessary to carry this Act into execution shall be Twenty-six only.

Qualification of Commissioners.

IV. And be it enacted, That every Person to be appointed a Commissioner under this Act shall be a resident Inhabitant of the said Borough, and shall be rated to the Relief of the Poor of some or one of the Parishes within the said Borough, or liable to be rated under the Provisions of this Act, in the clear annual Value of Twenty Pounds and upwards.

Power to inspect the Poor Rates Assessments.

V. And be it enacted, That, for the Purposes of such Elections of Commissioners by such Rate-payers and Town Council as aforesaid, such Rate-payers in public Vestry assembled and Town Council in Common Hall assembled are respectively hereby authorized to call for and inspect the several Poor Rates for the several Parishes within the said Borough, and the several Assessments by which the same were made, and to take Copies of or Extracts therefrom respectively; and if any Person, having the Custody of such Rates or Assessments, shall not suffer the Rate-payers and Town Council respectively to inspect or take Copies thereof or Extracts therefrom for the Purposes aforesaid, he shall forfeit a Sum not exceeding Five Pounds for every such Offence.

Incapacity of Commissioners.

VI. Provided always, and be it enacted, That no Bankrupt or Insolvent, or Person not qualified as herein-before mentioned, shall be capable of being or continuing a Commissioner.

No Person holding Office or concerned in a Contract to be a Commissioner.

VII. And be it enacted, That if at any Time subsequent to the Appointment or Election of any Commissioner he shall accept or continue to hold any Office or Place of Trust or Profit under this Act, or be concerned in any Contract, or participate in any Manner in any Work to be done under the Authority of this Act, such Person shall cease to be a Commissioner, and his Office shall thereupon become vacant.

Shareholders in Companies established under Act of Parliament not disqualified by reason of Contract.

VIII. Provided always, and be it enacted, That no Person, being a Shareholder or Member of any Joint Stock Company established by Act of Parliament, shall be prevented from acting as a Commissioner by reason of any Contract entered into between such Company and the Commissioners; but no such Commissioner, being a Member of such Company, shall vote on any Question relating to the Execution of this Act in which such Company shall be interested.

IX. And

Commissioner not incapable of acting as Justice.

IX. And be it enacted, That no Person shall be incapable of acting as a Justice in any Matter relating to the Execution of this Act by reason of his being a Commissioner.

Commissioner not to act without first making a Declaration.

X. And be it enacted, That no Person shall be capable of acting as a Commissioner, except in administering the Declaration hereinafter mentioned, until he shall have made and signed before one of the Commissioners a Declaration to the Effect following:

'I *A. B.* do solemnly declare, That I will faithfully, impartially, and according to the best of my Skill and Judgment, execute all the Powers and Authorities reposed in me as a Commissioner by virtue of an Act, intituled [*here insert the Title of this Act*], and that I am a resident Inhabitant of and am rated to the Rates made for the Relief of the Poor of the Parish of in the said Borough in the clear yearly Value of Twenty Pounds at least.'

False Declaration a Misdemeanor.

XI. And be it enacted, That any Person who shall falsely or corruptly make and subscribe a Declaration under this Act, knowing the same to be untrue in any Particular, shall be deemed guilty of a Misdemeanor.

Declaration to be taken at the First Meeting.

XII. And be it enacted, That at the Meeting of the Commissioners at which any Person shall first attend as one of such Commissioners such Person shall make and subscribe the Declaration herein required; and it shall be lawful for any Person attending as one of such Commissioners, whether he shall himself have made such Declaration or not, to administer such Declaration.

Penalty on acting as Commissioner, not being qualified.

XIII. And be it enacted, That if any Person shall act as a Commissioner, being incapacitated to act, or not being duly qualified, or before he shall have made or subscribed such Declaration as aforesaid, or after having become disqualified, he shall for every such Offence forfeit the Sum of Fifty Pounds; and such Penalty may be recovered, with full Costs of Suit, in any of Her Majesty's Courts of Record at *Westminster*, by any Person who shall sue for the same, by Action of Debt or on the Case; and in every Action for the Recovery of such Penalty the Person so sued shall prove that he was qualified, and had made and subscribed the Declaration aforesaid, or he shall pay the said Penalty and Costs, without any other Proof or Evidence on the Part of the Plaintiff than that such Person had acted as a Commissioner in the Execution of this Act; nevertheless all Acts and Proceedings of any Person acting as a Commissioner not duly qualified, or being disqualified, done previously to the Recovery of the Penalty, shall be as valid as if such Person had been so duly qualified.

Commissioner neglecting to act.

XIV. And be it enacted, That if any Commissioner shall for Six consecutive Months cease to reside within the said Borough, or shall fail to act in the Execution of this Act for One Year, such Commissioner shall be deemed to have refused to act, and therefore shall cease to be a Commissioner until he shall be re-elected as herein-after mentioned.

XV. And

Power to appoint new Commissioners.

XV. And be it enacted, That in case any Commissioner so to be appointed as aforesaid shall depart this Life, resign, refuse to act or become disqualified to act as a Commissioner, by reason of any of the Causes herein-before mentioned, the Rate-payers for the Time being rated to the Rates made for the Relief of the Poor of the Parish, or the Town Council, by whom such Commissioner so dying, resigning, refusing to act, or becoming disqualified, was originally appointed, shall, in like Manner as is herein-before mentioned with regard to such original Election, from Time to Time appoint and elect one other Person, duly qualified, to be a Commissioner in the Place and Stead of the Commissioner so dying, resigning, refusing to act, or becoming disqualified: Provided always, that in all Cases of Election of Commissioner by the Rate-payers of any of the aforesaid Parishes, the Person so to be elected shall be a rated Inhabitant of the Parish in or for which such Election shall take place.

Power for Commissioners to fill up Vacancies in their Body, in default of Town Council or Inhabitants.

XVI. And be it enacted, That in case the Rate-payers of any of the said Parishes, or the Town Council of the said Borough, shall not elect a Commissioner or Commissioners within Twenty-one Days after Notice of the Death, Resignation, Refusal to act, or Disqualification of the Commissioner or Commissioners originally appointed by such Rate-payers or by the Town Council shall have been given by the Clerk of the said Commissioners to the Churchwardens and Overseers of such Parishes or respective Parishes, or to the Town Clerk of such Borough, as the Case may be, then that it shall and may be lawful for the surviving or continuing or remaining Commissioners under this Act to appoint a Commissioner or Commissioners in the Room or Place of the Commissioner or Commissioners so dying, resigning, refusing to act, or becoming disqualified as herein-before mentioned.

First and other Meetings.

XVII. And be it enacted, That the Commissioners for executing this Act shall hold their First Meeting at the Town Hall of the said Borough, or at some other convenient Place within the said Borough, on the Seventh *Monday* next after the passing of this Act, between the Hours of Ten and Eleven of the Clock in the Forenoon, and shall then proceed to put this Act into execution; and a General Annual Meeting of the said Commissioners shall be held on the First *Monday* in the Month of *May*, at the Place and between the Hours aforesaid, unless some other Place shall be appointed by the said Commissioners; and it shall be lawful for the Commissioners present at such first or any subsequent Meeting from Time to Time to adjourn such Meeting to the same or any other Place within the said Borough; and if at any such Meeting there shall not be a sufficient Number of Commissioners present within One Hour after the Time appointed for such Meeting, then it shall be lawful for the Commissioners present, or the major Part of them, to adjourn such Meeting to another Day; and if the Meeting shall not be adjourned, then it shall be lawful for any Two of the Commissioners, or their Clerk, to appoint a Meeting, to be held at any convenient Place within the said Borough; and not less than Three Days Notice shall be given of such intended Meeting.

Special Meetings.

XVIII. And be it enacted, That it shall be lawful for the said Commissioners to hold Special Meetings, and any Five or more of the Commissioners may require a Special Meeting to be held, but no such Meeting shall be held unless Three Days Notice thereof shall be given.

Quorum of Commissioners.

XIX. And be it enacted, That all the Powers of this Act may be exercised by any Five or more of the Commissioners present at any Meeting holden in pursuance of this Act; and no Business shall be transacted at any Meeting of the Commissioners unless Five or more Commissioners shall be present at such Meeting, except for the Purpose of adjourning such Meeting.

How Notices of Meetings are to be given.

XX. And be it enacted, That all Notices of any Meeting to be held under the Authority of this Act shall be in Writing, and shall be delivered or sent by the Post to the usual Place of Abode of each of the said Commissioners Three Days at least previous to such Meeting; and every Notice shall specify the Time and Place of Meeting, and in case of a Special Meeting shall specify the Object thereof; and no Business shall be transacted at any Special Meeting except such as is stated in the Notice thereof.

Expences at Meetings.

XXI. And be it enacted, That at all Meetings of the Commissioners they shall defray their own Expences, except for the Use of the Room in which the Meeting is held.

Order of Business at Meetings of Commissioners.

XXII. And be it enacted, That, at every Meeting of the said Commissioners, one of the Commissioners present shall be elected Chairman by the Majority of the Votes of the Commissioners present at such Meeting; and all Questions considered at such Meeting shall be decided by the Votes of the Majority present; and if there be an equal Division of Votes, the Chairman, in addition to his own Vote as a Commissioner, shall have a casting Vote: Provided always, that if at any such Meeting there shall be an Equality of Votes in the Election of the Chairman, that one of the Commissioners having equal Numbers of Votes whose Name would stand first if the Names of the Commissioners present were alphabetically arranged shall be Chairman of such Meeting.

No Resolution of Commissioners to be revoked at a subsequent Meeting, unless under certain Circumstances.

XXIII. And be it enacted, That no Resolution or other Act of any Meeting of the Commissioners shall be revoked or altered at any subsequent Meeting, unless such subsequent Meeting be called expressly for such Alteration or Revocation by Notice given Seven Days at least previous to the holding thereof, nor unless such Alteration or Revocation be determined on by a Majority consisting of Two Thirds of the Commissioners present at such subsequent Meeting, if the Number of the Commissioners present at such subsequent Meeting be not greater than the Number present when such Resolution was made, or such Act was done, or, if the Number of Commissioners present at such subsequent Meeting be greater than the Number present at such former Meeting, then by a simple Majority.

XXIV. And

Proceedings to be entered in a Book.

XXIV. And be it enacted, That regular Entries shall be made by the Clerk to the Commissioners, in a proper Book to be provided for that Purpose, of the Names of the Commissioners who shall attend the respective Meetings, and of all their Acts, Orders, Resolutions, and Proceedings; and the Chairman of every such Meeting shall subscribe his Name at the End of the Proceedings of every such Meeting; and all such Entries, being so signed, shall be allowed to be read in Evidence in all Causes, Suits, and Actions relating to any thing done in pursuance of this Act.

Books to be open for Inspection, &c.

XXV. And be it enacted, That such Book shall be open to the Inspection of any Commissioner, Creditor, or Rate-payer without Fee or Reward, and the Clerk shall, on Demand, furnish to any Commissioner, Creditor, or Rate-payer Copies or Extracts therefrom, on paying after the Rate of Sixpence for every One hundred Words, and so in proportion for any less Number of Words; and if the Clerk shall fail to permit any such Inspection, or shall not furnish such Copies or Extracts on being offered Payment for the same, to any Commissioner, Creditor, or Rate-payer, he shall for every such Offence forfeit Five Pounds.

For what Contracts may be made.

XXVI. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to enter into Contracts with any Person for the Execution of any Works directed or authorized by this Act to be done by the said Commissioners, and for furnishing any Materials for the same, or which may be required by the Commissioners; and every such Contract shall be in Writing, and shall specify the Works to be done and the Materials to be furnished, and a Copy thereof shall be entered in a Book to be kept by the Clerk of the Commissioners for that Purpose: Provided always, that Fourteen Days Notice at least shall be given previous to the Meeting for entering into such Contracts, by Writing, to be affixed on the outer Door of the Town Hall of the said Borough, or in such other Manner as the said Commissioners shall direct, in which Notice shall be specified the Works, Business, and Materials to be contracted for at such Meeting, to the end that Persons may tender Proposals for such Contracts, at a certain Time and Place to be specified in such Notice; and the said Commissioners shall and they are hereby authorized and empowered to take Security from such Contractor for the due Performance of his Contract.

How to be signed.

XXVII. And be it enacted, That every such Contract shall be signed by any Five of the Commissioners and the other Parties thereto; and such Contracts shall be binding on the Commissioners, and Actions and Suits may be maintained thereon, and Damages and Costs recovered, by or against the Commissioners or other Parties failing in the Execution thereof.

Materials for Works contracted for to be considered the Property

XXVIII. And be it enacted, That, during the Execution of any such Contract the Works in course of being done under such Contracts, and all the Materials of every Description brought upon or near such Works, for the Purpose of being used in the Execution of such

of the Commissioners.

such Contracts, shall, for the Purpose of protecting the same from Injury, be held to be the Property of such Commissioners.

Indictments how to be preferred.

XXIX. And be it enacted, That it shall be lawful for the Commissioners, by their Clerk, to prefer any Bill of Indictment against any Person who shall steal, take, or carry away, deface or injure, any Property, Article, or Thing belonging to the said Commissioners; and in any such Bill of Indictment it shall be sufficient to state generally the Property, Article, or Thing in respect of which such Bill of Indictment shall be preferred to be the Property of the Commissioners for executing this Act, without naming the Members thereof.

Commissioners not to be personally liable.

XXX. And be it enacted, That nothing in this Act, or in any Deed or Contract by this Act authorized to be made, by or on behalf of the said Commissioners, for any of the Purposes of this Act, shall extend to or charge or affect the Persons of any of the said Commissioners, or their Heirs, Executors, or Administrators, or their or any of their own proper Lands or Goods, with or for the Performance of any thing contained in such Instrument; but the Amount of all Damages, Costs, and Charges recovered in any Action or Suit

Liability of their Funds.

in consequence of any such Instrument, or which any such Commissioner shall be put to by virtue of this Act, shall respectively be discharged out of the Monies to arise by virtue of this Act, or other the Goods and Chattels vested in the Commissioners by virtue of their Office, unless such Action or Suit, or any such Damages or Charges, shall have arisen in consequence of wilful Neglect or Default on the Part of the Commissioners incurring the same, or unless such Action or Suit shall have been brought or defended without the Order and Direction of the Commissioners.

Actions or Suits to be brought in the Name of any Two Commissioners or their Clerk.

XXXI. And be it enacted, That in all Actions or Suits in respect of any Matter or Thing relating to the Execution of this Act, by or against the Commissioners, it shall be sufficient to state the Names of any Two of the Commissioners, or the Name of their Clerk, as the Party, Plaintiff or Defendant, representing the Commissioners in any such Action or Suit; and no such Action or Suit shall abate or be discontinued by the Death of any such Commissioner, or by the Death, Suspension, or Removal of such Clerk, or by any Act or Default of such Clerk done or suffered without the Consent and Direction of the said Commissioners.

Executions against Goods of Commissioners.

XXXII. And be it enacted, That Executions upon every Judgment or Decree against the Commissioners in any such Action or Suit shall be executed against the Goods and Chattels of the Commissioners by virtue of their Office.

Indemnity to Commissioner and Clerk.

XXXIII. And be it enacted, That every such Commissioner or Clerk in whose Name any such legal Proceedings shall be carried on, either as Plaintiff or Defendant, on behalf of the Commissioners, shall be reimbursed, out of the Monies which shall come into the Hands of the Treasurer of the Commissioners by virtue of his Office, all

all Damages, Costs, Charges, and Expences to which any such Commissioner or Clerk may be put, or with which he may become chargeable by reason of being so made Plaintiff or Defendant, and no such Commissioner or Clerk shall be personally liable for the Payment of the same, unless such Action or Suit shall arise in consequence of his own wilful Neglect or Default, or unless, if such Action have been brought by the Clerk or Two Commissioners or more as aforesaid, it shall have been so brought without the Order or Direction of the said Commissioners.

Commissioners to appoint Treasurer and other Officers.

XXXIV. And be it enacted, That the said Commissioners shall and may from Time to Time appoint a Treasurer and Clerk, Collector, Surveyor, and such other Officers and Servants as they shall think fit, with such Salaries and Allowances as they may think reasonable, and may remove such Clerk, Treasurer, Collector, Surveyor, and Officers, and appoint others in their Stead.

Offices of Clerk and Treasurer to be separate.

Penalty.

XXXV. Provided always, and be it enacted, That neither the Person who shall hold the Office of Clerk, nor the Partner of such Clerk, nor any Person in the Service or Employ of such Clerk or of his Partner, shall be eligible to be Treasurer, and that neither the Person who shall be the Treasurer, nor the Partner of such Treasurer, nor any Person in the Service or Employ of such Treasurer or of his Partner, shall be eligible to be the Clerk; and if any Person offend in any of the following Cases he shall forfeit One hundred Pounds; (that is to say,)

If any Person accept both the Office of Clerk and Treasurer:

If any Person being the Partner of such Clerk, or in the Service or Employ of such Clerk or of his Partner, accept the Office of Treasurer, or act as Deputy of, or in any Manner officiate for, the Treasurer:

If any Person being the Treasurer or the Partner of such Treasurer, or in the Service or Employ of such Treasurer or his Partner, shall accept the Office of Clerk, or shall act as Deputy of such Clerk, or in any Manner officiate for such Clerk:

If any such Clerk or Treasurer hold any Place of Profit or Trust under the Commissioners other than that of Clerk or Treasurer (as the Case may be):

And any Person may sue for such Penalty, either by Action of Debt or on the Case, in any of Her Majesty's Superior Courts of Record at *Westminster*, and shall, on Recovery thereof, be entitled to full Costs of Suit.

Officer taking Fees to lose his Office.

XXXVI. And be it enacted, That if any such Treasurer, Clerk, Collector, or other Officer employed by the Commissioners exact, take, or accept, on account of any thing done by virtue of his Office or in relation to the Functions of the Commissioners, any Fee or Reward whatsoever, other than the Salaries, Rewards, or Allowances allowed by the Commissioners, or be in anywise concerned or interested in any Bargain or Contract made by the Commissioners, he shall be incapable of being afterwards employed by the Commissioners,

sioners, and he shall forfeit and pay Fifty Pounds to any Person who shall sue for the same as aforesaid.

Commissioners to take Security from all Officers intrusted with Money.

XXXVII. And be it enacted, That the Commissioners shall take from their Treasurer, and also from all other Officers in their Employ intrusted with the Receipt or Disbursement of Money, sufficient Security for the due Execution of their respective Offices, and for answering and paying, as the Commissioners shall from Time to Time require, all Sums of Money which shall be by them respectively received, and also for their giving and making respectively true Accounts in Writing from Time to Time, when required by the Commissioners so to do, of all Monies by them respectively received or collected for the Purposes of this Act, and when, of whom, and for what, the same were so received or collected.

Officers to account.

XXXVIII. And be it enacted, That every Officer appointed or employed by the Commissioners by virtue of this Act shall from Time to Time, when required by the Commissioners, make out and deliver to them, or to any Person appointed by them for that Purpose, a true and perfect Account in Writing under his Hand of all Monies received by him on behalf of the Commissioners; and such Account shall state how, and to whom, and for what Purpose such Monies have been disposed of; and together with such Account such Officers shall deliver the Vouchers and Receipts for such Payments; and every such Officer shall pay to the Commissioners, or to any Person appointed by them to receive the same, all Monies which shall appear to be owing from him upon the Balance of such Accounts.

Remedy against Officers failing to account.

XXXIX. And be it enacted, That if any such Officer shall fail to render such Accounts, or to produce and deliver up all the Vouchers and the Receipts relating to the same in his Possession or Power, or to pay the Balance thereof when thereunto required, or if for Three Days after being thereunto required he shall fail to deliver up to the Commissioners, or to any Person appointed by them to receive the same, all Papers and Writings, Property, Effects, Matters, and Things, in his Possession or Power, relating to the Execution of this Act, or belonging to the Commissioners, then, on Complaint thereof being made to any Justice acting within the Jurisdiction where such Officer may be found, such Justice shall, by Warrant under his Hand and Seal, cause such Officer to be brought before him; or, if such Officer cannot be found, then, in his Absence, such Justice may hear and determine the Matter in a summary Way, and may adjust and declare the Balance owing by such Officer; and if it appear, either upon Confession of such Officer, or upon Inspection of the Account, that any Monies of the Commissioners are in the Hands of such Officer, or owing by him to the Commissioners, such Justice may order such Officer to pay the same forthwith; and if he shall fail to pay the Amount, it shall be lawful for such Justice to grant a Warrant to levy the same by Distress, or in default thereof to commit the Offender to Gaol, there to remain without Bail for any Time not exceeding Three Calendar Months; and in any of the following Cases (that is to say),

If

If such Officer do not appear before such Justice at the Time appointed; or

If such Officer appear, but fail to make out such Account in Writing; or

If such Officer refuse to produce and deliver to the Justice the several Vouchers and Receipts to such Account in his Possession or Power; or

If such Officer refuse to deliver up any Books or Papers, or Writings, Property, Effects, Matters, or Things, relating to the Execution of the Act, or belonging to the Commissioners, in his Possession or Power;

Such Justice may lawfully commit such Offender to Gaol; and in every such Case of Commitment the Prisoner shall remain in Custody without Bail until he has made out and delivered such Accounts, and delivered up the Vouchers and Receipts, if any, relating thereto, in his Possession or Power, and have delivered up such Books, Papers, Writings, Property, Effects, Matters, and Things, if any, in his Possession or Power.

Commitment not to discharge Sureties.

XL. And be it enacted, That no such Proceeding against or dealing with any such Officer as aforesaid shall deprive the Commissioners of any Remedy which they might otherwise have against any Surety of such Officers.

Books of Account to be kept, and to be open to Inspection.

XLI. And be it enacted, That the Commissioners shall cause a Book to be kept by their Clerk, in which such Clerk shall enter or cause to be entered true and regular Accounts of all Sums of Money received and expended for the Purposes of this Act, and of the several Matters for which such Sums of Money shall have been received or expended, and such Book shall at all seasonable Times be open to the Inspection of the Commissioners and of every Creditor on the Rate and Assessment by this Act authorized to be made, and of every Person paying such Rate or Assessment, without any Fee being demanded for such Inspection; and it shall be lawful for any of the Commissioners, Creditors, and other Persons aforesaid, at seasonable Times, to take Copies of and Extracts from the said Book without paying any thing for the same; and if, on Request for that Purpose, the Clerk shall fail to permit any of the Commissioners, Creditors, or Persons aforesaid to inspect such Book, or to take Copies or Extracts as aforesaid, such Clerk shall for each such Default forfeit a Sum not exceeding Five Pounds.

Accounts to be produced and examined at the Annual Meeting.

XLII. And be it enacted, That the Accounts of the Monies received and expended by the Commissioners shall be produced at the first Meeting of the Commissioners which shall take place in the Month of *May* in every Year, or at some Adjournment thereof, at which Meeting it shall be lawful for all Persons interested to be present; and such Accounts shall be examined and settled by the Commissioners, and if the same shall be found just and true they shall be allowed by the Commissioners, and certified accordingly under the Hand of the Chairman of such Meeting; and after such Account shall have been so allowed and signed the same shall be final in regard to all Persons whomsoever, unless an Appeal be prosecuted

secuted against such Accounts at One of the Two then next General Quarter Sessions of the Peace, which Appeal it shall be lawful for any Person interested in such Account to institute and prosecute, Notice in Writing of such Appeal having been given to the Clerk of the Commissioners Fourteen Days at least before the Hearing of any such Appeal.

Statement of Accounts to be prepared, and to be open for Inspection.

XLIII. Provided always, and be it enacted, That Ten Days at least previously to such Examination and Settlement as aforesaid the Commissioners shall cause a full and true Statement and Account to be drawn out of all Rates or Assessments made, and of all Contracts entered into, and of all Monies received and expended by virtue of this Act during the preceding Year, and also of all Debts then owing by the Commissioners, and they shall allow such Statement and Account to remain for Inspection at the Office of the Clerk to the Commissioners; and every Creditor on the Rates and Assessments by this Act authorized to be made, and every Person paying any such Rate or Assessment, or any Person acting on behalf of any such Creditor or Rate-payer, may at all seasonable Times inspect such Statement and Account; and the said Statement and Account shall be printed, and the Clerk shall, on Demand, furnish a printed Copy thereof to every such Creditor and Rate-payer, without Fee; and Fourteen Days at the least previously to the Meeting for examining and settling such Accounts the Commissioners shall give public Notice of such intended Meeting, stating in such Notice that the said Statement and Account are at the Office of the Clerk to the said Commissioners, ready for the Inspection of the Creditors or Rate-payers, or other Parties interested.

Auditors may be appointed.

XLIV. And be it enacted, That at the Meeting so to be held for examining and passing the Accounts of the Commissioners it shall be lawful for the Rate-payers to appoint, if they think fit so to do, Three Persons, not being Commissioners, to be Auditors of the Accounts of the Commissioners; and the Persons so to be appointed Auditors shall have the like Qualification, and shall be subject to the like Disqualifications or Disability as the Commissioners; and before entering on their Office they shall make and sign, before One Justice, a solemn Declaration of the like Purport and Effect to that hereby required to be signed by the Commissioners.

Auditors to inspect the Accounts, and to appeal, if they think fit.

XLV. And be it enacted, That the Auditors so nominated shall meet forthwith, or or as soon after their Appointment as conveniently may be, at the Office of the Clerk to the Commissioners, or at some other convenient Place to be appointed by the Commissioners, and from Time to Time shall, in the Presence of the Clerk to the Commissioners, in case he should desire to be present, proceed to audit the Accounts of the Commissioners for the Year preceding the Appointment of such Auditors; and the Commissioners shall by their Clerk produce and lay before such Auditors at every such Meeting the Statement and Account herein-before mentioned, accompanied with proper Vouchers in support of the same, and all Books, Papers, and Writings in their Custody or Power relating thereto; and if such Auditors think there is just Cause to disapprove

of any Part of the said Accounts, it shall be lawful for such Auditors, or any other Person interested in the said Accounts, to appeal against any such Parts of the said Accounts as shall be so disapproved of to One of the Two next General Quarter Sessions of the Peace, Notice in Writing of such Appeal being given to the Clerk of the Commissioners Fourteen Days at the least prior to the Hearing of such Appeal.

An annual Account to be prepared, and a Copy thereof transmitted to the Clerk of the Peace.

XLVI. And be it enacted, That the Commissioners shall every Year cause an annual Account in abstract to be prepared, showing the total Receipt and Expenditure of all Funds levied by virtue of this Act for the Year ending on the Thirty-first Day of *December*, or some other convenient Day in each Year, under the several distinct Heads of Receipt and Expenditure, with a Statement of the Balance of such Account duly audited and certified by the Clerk for the Time being of the said Commissioners, and shall transmit a Copy of the said Account free of Charge to the Clerks of the Peace for the said Borough of *Stamford*, and for the Parts of *Kesteven* in the said County of *Lincoln*, on or before the Thirty-first Day of *January* then next, which Account shall be open to the Inspection of the Ratepayers, at all reasonable Hours, on Payment of the Sum of One Shilling for every such Inspection: Provided always, that if the said Commissioners shall omit to prepare and transmit such Account as aforesaid, they shall forfeit for every such Omission the Sum of Twenty Pounds.

Power to borrow Money on Mortgage.

XLVII. And be it enacted, That it shall be lawful for the said Commissioners from Time to Time to borrow at Interest upon the Credit of the several Rates or Assessments by this Act granted, and other Property vested in such Commissioners, any Sum of Money, which, together with any Sum of Money previously borrowed (if any), shall not exceed the Sum of Eight thousand Pounds, and in the event of any Part of such Sum of Money being repaid by the Commissioners to re-borrow the same, and so *toties quoties*, but so nevertheless that there shall not be owing on the Security aforesaid any more than the Sum of Eight thousand Pounds in the whole; and for securing the Repayment of the Monies so borrowed, with Interest, the Commissioners, or any Five of them, may assign over the said Rates, Assessments, and Property, or any Part thereof, to the Person who shall advance or lend such Money, or his Trustee, as a Security for the Payment of the Money so to be borrowed, together with Interest for the same.

Form of Mortgage.

XLVIII. And be it enacted, That every such Assignment or Mortgage shall be by Deed duly stamped, in which the Consideration shall be truly stated; and every such Deed shall be under the Hands and Seals of Five or more of the Commissioners, and may be according to the Form in the Schedule (A.) to this Act annexed, or to the like Effect.

Mortgages to be without Preference.

XLIX. And be it enacted, That all Persons to whom such Mortgage or Assignments shall be made, or who shall be entitled to the Monies thereby secured, shall, in proportion to the Sums therein

respectively mentioned, be Creditors on the said Rates or Assessments equally one with another, without any Preference in respect of the Priority of advancing such Monies, or of the Dates of any such Assignments respectively, or on any other Account whatsoever.

Commissioners may raise Money by Annuity.

L. And be it enacted, That it shall be lawful for the said Commissioners to raise all or any Part of the Money to be borrowed for the Purposes of this Act by granting Annuities for Lives, as well as by or instead of Assignments of the Rates as aforesaid, and for that Purpose for the said Commissioners, or any Five or more of them, to charge the Rates or Assessments granted by this Act with an Annuity, to determine on a Life or Lives in being, in favour of any Person who shall advance to the Commissioners any Sum of Money for the Purchase of the same.

Form of Grant of Annuity.

LI. And be it enacted, That every such Grant of Annuity shall be by Deed duly stamped, in which the Consideration shall be truly stated, and shall be under the Hands and Seals of Five or more of the Commissioners, and may be in the Form in the Schedule (B.) to this Act annexed, or to the like Effect.

Annuities to rank before Mortgages.

LII. And be it enacted, That every Annuity so granted shall be paid out of the Rates or Assessments according to the Grant of such Annuity, and shall have Priority over any Mortgages or Assignments granted under this Act.

For preventing improvident Grants of Annuities.

LIII. And for preventing improvident Grants of Annuities, be it enacted, That the Price to be paid for any such Annuity shall not be less than the Price of a similar Annuity paid by Law for such Annuity granted by the Commissioners for the Reduction of the National Debt.

Expences of Mortgages and Annuities.

LIV. And be it enacted, That the Expences of every Assignment or Mortgage and Grant of Annuity shall from Time to Time be defrayed by the Commissioners out of the Money raised by the same.

Register of Mortgages and Annuities to be kept, and to be open to Inspection.

LV. And be it enacted, That a Register of such Mortgages or Assignments and Annuities shall be kept by the Clerk to the said Commissioners under this Act; and within Fourteen Days after the Date of any such Mortgage or Assignment or Annuity an Entry or Memorial of the Number and Date thereof, and of the Names of the Parties thereto, with their proper Additions, shall be made in such Register; and such Register shall be perused at all seasonable Times, by any Person interested therein, without Fee or Reward.

Assignment of Mortgages and Annuities.

LVI. And be it enacted, That from Time to Time any Party entitled to any such Mortgage or Assignment or Annuity may transfer his Right and Interest therein to any other Person, by Deed duly stamped, wherein the Consideration shall be truly stated; and any such Transfer may be according to the Form in the Schedule (C.) to this Act annexed, or to the like Effect.

LVII. And

Register of Transfers to be kept.

LVII. And be it enacted, That within Thirty Days after the Date of every such Transfer it shall be produced to the Clerk to the Commissioners, and thereupon such Clerk shall cause an Entry or Memorial thereof to be made in the same Manner as in the Case of the original Mortgage or Assignment or Annuity, and for such Entry the Clerk may demand a Sum not exceeding Five Shillings; and after such Entry every such Transfer shall entitle the Transferee, his Executors, Administrators, or Assigns, to the full Benefit of the original Mortgage or Assignment or Annuity in all respects; and no Party having made such Transfer shall have Power to make void, release, or discharge the Mortgage or Assignment or Annuity so transferred, or any Money thereby secured.

Interest on Mortgages to be paid half-yearly.

LVIII. And be it enacted, That, unless otherwise provided by any Mortgage or Assignment, the Interest of the Money borrowed upon every such Mortgage or Assignment shall be paid half-yearly to the several Parties entitled thereto.

Power to take up Money at a less Rate of Interest.

LIX. And be it enacted, That if the Commissioners can at any Time borrow or take up any Sums of Money for any of the Purposes of this Act at a lower Rate of Interest than any Securities given by them and then in force shall bear, then it shall be lawful for the said Commissioners from Time to Time to borrow such Sums of Money as they shall think proper, at such lower Rate as aforesaid, in order to pay off and discharge the Securities bearing such higher Rate of Interest, and to charge the Rates and Duties payable under this Act, and other the Funds and Property of the said Commissioners, or any Part thereof, with the Payment of such Sum and such lower Rate of Interest, in such Manner and subject to such Regulations as are herein contained with respect to other Monies borrowed on Mortgage.

200*l.* to be annually applied in Payment of Mortgages.

LX. And be it enacted, That the Sum of Two hundred Pounds at least shall be yearly and every Year applied by the Commissioners in or towards the paying off any Principal Sum due on any Mortgages or Assignments under this Act.

Mode of paying off Mortgages.

LXI. And in order that no undue Preference may be given in paying off any Mortgages or Assignments, be it enacted, That when and so often as the said Commissioners shall, under the Provisions of this Act, be enabled and think it expedient to pay off One or more Mortgage of the Number of such Mortgages upon which the same Rate of Interest shall be payable, they shall cause the several Numbers of such Mortgages to be written upon distinct Slips of Paper of an equal Size, and all such Papers shall be rolled or folded up in a similar Form, and be put into a Box, and the Clerk to the said Commissioners shall, in the Presence of Five or more of the said Commissioners, draw separately out of the said Box One of the said Slips, and thereupon the Mortgage corresponding with the Number so drawn shall accordingly be paid off by the Commissioners; and after every such Ballot the Commissioners shall cause a Notice, signed by their Clerk, to be given to the Person who shall be entitled to the Money to be paid off pursuant to such Ballot, and such Notice shall express the Principal Sum proposed to be paid off, and that the same will

will be paid, together with the Interest due thereon, at a Place to be specified in such Notice, at the Expiration of Three Calendar Months from the Date of giving such Notice; and at the Expiration of such Period the Interest of the Principal Money to be paid off shall cease, unless such Principal Money and Interest be not paid, on Demand, pursuant to such Notice; but such Principal Money, and the Interest thereof to the End of the said Three Calendar Months, shall nevertheless be payable, on Demand.

Commissioners may redeem Annuities.

LXII. And be it enacted, That it shall be lawful for the said Commissioners, with the Consent of the Person entitled thereto, to redeem any of the Annuities by or under the Authority of this Act charged or to be charged upon the Rates and Assessments made or to be made by the said Commissioners, and to agree for the Redemption thereof upon such Terms as the said Commissioners shall think proper.

Application of Monies to be borrowed.

LXIII. And be it enacted, That all Money which shall be borrowed on the Credit of the Rates hereby authorized to be levied shall be applied, in the first place, in paying the Expences of obtaining and passing this Act, or incident thereto, and afterwards in making such Improvements of a permanent Nature, within the Limits of the said Act, as are hereby authorized, and as the Commissioners shall direct to be made.

Commissioners may make Bye Laws to govern themselves and their Servants.

LXIV. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to make such Bye Laws, for regulating the carrying on of their Business, and the Business of their Committees, and for the Government of the Officers, Servants, or other Persons in their Employ, as they shall think fit, and to repeal or alter any such Bye Laws as they shall think fit, so as no such Bye Law be contrary to the Laws of that Part of the United Kingdom of *Great Britain* and *Ireland* called *England*, or the Provisions of this Act, and so as the same be reduced into Writing, and signed by any Five or more of the Commissioners.

Fines for Breach of such Bye Laws.

LXV. And be it enacted, That it shall be lawful for the Commissioners by such Bye Laws to impose such reasonable Forfeitures and Fines upon their Officers and Servants, or other Persons in their Employ, offending against the same, as they shall think fit, not exceeding Five-Pounds for each Offence: Provided always, that such Bye Laws shall be so framed as to allow the Justices before whom any Penalty imposed thereby may be sought to be recovered to order the Whole or a Part only of such Penalty to be paid.

Service of Notices on Commissioners.

LXVI. And be it enacted, That any Summons, Notice, or Writ, or other Proceeding at Law or in Equity, requiring to be served upon the Commissioners, may lawfully be served by delivering the same personally to the Clerk of the Commissioners, or to some Inmate at his usual Place of Abode, or by leaving the same at the Office of the Clerk to the Commissioners, or in case there be no Clerk, or his Place of Abode shall be unknown, then by delivering the same to any one Commissioner, or to some Inmate of the Place of Abode of any such Commissioner.

LXVII. And

Authentication of Notices.

LXVII. And be it enacted, That every Summons, Demand, or Notice, or other such Document under this Act, may be in Writing or in Print, or partly in Writing or Print; and if the same require the Signature of the Commissioners, the signing thereof by any One Commissioner, or by the Clerk of the Commissioners, shall be sufficient.

Releases to Witnesses.

LXVIII. And be it enacted, That in all legal Proceedings under this Act it shall be lawful for any Five or more of the Commissioners, by Order of the Commissioners, to grant general or other Releases for the Purpose of qualifying any Person in the Service of the Commissioners to give Evidence as a Witness; and every such Release or Discharge shall be under the Hands and Seals of the Parties giving the same.

Tender of Amends.

LXIX. And with respect to Actions brought in respect of any Proceeding under the Provisions of this Act, be it enacted, That if before an Action be brought any Party having committed any Irregularity, Trespass, or other wrongful Proceeding in the Execution of this Act, or by virtue of any Power or Authority thereby given, make sufficient Tender of Satisfaction, the Plaintiff shall not recover in any Action brought on account of such Irregularity, Trespass, or other wrongful Proceeding; and if no such Tender shall have been made, it shall be lawful for the Party offending, by Leave of the Court where such Action shall be pending, at any Time before Issue joined, to pay into Court such Sum of Money as he shall think fit, and thereupon such Proceedings shall be had as in other Cases where Defendants are allowed to pay Money into Court.

Power to purchase Lands.

LXX. And be it enacted, That, subject to the Provisions of this Act, it shall be lawful for the Commissioners to agree with the Owners of the Lands situate within the Limits of this Act for the absolute Purchase for a Consideration in Money of any such Lands, or such Parts thereof as they shall think proper to be purchased, for widening, opening, altering, or improving any of the Streets within the Limits of this Act, or for making new Streets and opening better and more convenient Ways and Communications to and from the several Streets within the Limits aforesaid, or for all or any of the Purposes of this Act as shall be necessary or proper for the due Execution hereof, and to take down or alter all or any of such Houses, Buildings, Tenements, and Hereditaments so to be purchased, or any Part thereof respectively, and also to appropriate all or any Part thereof, or of the Land which shall be cleared by the taking down of such Houses, Buildings, or Tenements, for all or any of the Purposes aforesaid, as the said Commissioners shall think fit, and also for the like Purchase of all subsisting Leases therein, and of all Rent-charges, Annuities, Mortgages, or Incumbrances affecting any such Lands, and all Commonable or other Rights to which such Lands may be subject, and all other Estates or Interests in such Lands, of what Kind soever.

Parties under Disability enabled to

LXXI. And be it enacted, That it shall be lawful for all or any of the following Parties, being seised, possessed of, or entitled to any such

sell and convey.

such Lands, or any Estate or Interest therein, to sell and dispose and convey or release the same to the Commissioners, and to enter into all necessary Agreements for that Purpose; (that is to say,) all Corporations, Tenants for Life or in Tail, or for any other partial or qualified Estate or Interest, Husbands of Married Women seised in their own Right or entitled to Dower, Guardians, Committees of Lunatics and Idiots, Trustees or Feoffees in Trust for charitable or other Purposes, Executors and Administrators; and the Power so to sell and convey as aforesaid may lawfully be exercised by all such Parties, not only on behalf of themselves, and their respective Heirs, Executors, Administrators, and Successors, but also for and on behalf of every Person entitled in Reversion, Remainder, or Expectancy after them, if incapacitated, unborn, or not to be found; and as to such Husbands on the Part of their Wives, and as to such Guardians on behalf of their Wards, and as to such Committees on behalf of the Lunatics and Idiots of whom they are the Committees respectively, and that to the same Extent as such Wives, Wards, Lunatics, and Idiots respectively could have exercised the same Power and the Authority of this Act if they had respectively been under no Disabili ty; and as to such Trustees, Executors, and Administrators, on behalf of their Cestuique Trusts, whether Infants, Issue unborn, Lunatics, Femes Covert, or other Persons, and that to the same Extent as such Cestuique Trusts respectively could have exercised the same Powers under the Authority of this Act if they had respectively been under no Disability.

Parties under Disability to exercise other Powers.

LXXII. And be it enacted, That every Power to release Lands from any Rent, Payment, Charge, or Incumbrance, and to agree for the Apportionment of any such Rent, Charge, or Incumbrance, shall extend to and may be lawfully exercised by every Party hereinbefore enabled to sell and dispose of or convey and release Lands to the Commissioners.

Consideration to be in a gross Sum.

LXXIII. And be it enacted, That the Consideration to be paid for the Purchase of any such Lands, or for any Damage done thereto, shall be in a gross Sum.

Acceptance of Compensation for Price of or Damage to Lands.

LXXIV. And be it enacted, That the Owners of any such Lands, or of any such Estate or Interest therein as aforesaid, and all Parties by this Act enabled to convey any such Lands, may agree to accept, and, subject to the Restrictions in this Act contained as to the Payment thereof, may accept, Satisfaction for the Value of such Lands, or any Interest therein to which such Party shall be entitled; and in addition to Compensation for the Value of such Lands, or of the Interest therein to be so conveyed, such Parties shall be entitled to, and may in like Manner accept Compensation for any Damage by them sustained by reason of the severing or dividing of such Lands or otherwise, in pursuance of the Powers of this Act.

Amount of Compensation to be ascertained by Valuation,

LXXV. And with respect to the Consideration Money to be paid for any Lands to be purchased from any Party under any Disability or Incapacity, and not having Power to sell or convey except under the Provisions in this Act contained, and the Compensation Money

to be paid for any Damage or Injury to any such Lands, be it enacted, That such Consideration Money or Compensation shall not be less than shall be determined by the Valuation of Two able practical Surveyors, one of whom shall be nominated by the Commissioners, and the other by the other Party; and if such Two Surveyors cannot agree in the Valuation, then by such Third Surveyor as any Two Justices shall for that Purpose nominate; and each of such Two Surveyors, if they agree, or if not, then the Surveyor nominated by the said Justices, shall annex to the Valuation a Declaration of the Correctness thereof.

in case of Parties under Disability.

LXXVI. And be it enacted, That all Conveyances of Lands so to be purchased as aforesaid may be made to any Three or more of the Commissioners, and may be according to the Form in the Schedule (E.) to this Act annexed, or as near thereto as the Circumstances of the Case will admit; and all such Conveyances shall be effectual to vest the Lands thereby conveyed in the Commissioners, and shall operate to merge all Terms of Years attendant by express Declaration, or by Construction of Law, on the Estate or Interest so thereby conveyed, and to bar and to destroy all such Estates Tail, and all other Estates, Rights, Titles, Remainders, Reversions, Limitations, Trusts, and Interests whatsoever of and in the Lands comprised in such Conveyances as shall have been purchased or compensated for by the Consideration therein mentioned; and although Terms of Years be thereby merged, they shall in Equity afford the same Protection as if they had been kept on foot and assigned to a Trustee for the Commissioners to attend the Reversion and Inheritance.

Form of Conveyances.

LXXVII. And with respect to the Costs of the Conveyance of any such Lands purchased or taken by the Commissioners, be it enacted, That all such Costs shall be borne by the Commissioners, and such Costs shall include all Charges and Expences, incurred on the Part as well as of the Seller as of the Purchaser, of all Conveyances and Assurances of any such Lands, and of any outstanding Terms or Interests therein, and of deducing, evidencing, and verifying the Title to such Lands, Terms, or Interests, and of making out and furnishing such Abstracts and attested Copies as the Commissioners may require, and all other Expences incident to the Investigation, Deduction, and Verification of such Title; and before the Commissioners enter into possession of the Lands so purchased or taken they shall pay the Amount of such Costs; and if there be any Dispute about the same they shall obtain an Order for the Taxation thereof as herein-after provided; nevertheless, if within Seven Days after Notice in Writing from the Commissioners the Parties from whom such Lands shall have been purchased do not deliver a Bill of their Costs to the Commissioners, then the Commissioners shall not be prevented from entering into the Possession of such Lands by reason of the Nonpayment of such Costs, or by reason of such Order for Taxation thereof not having been obtained.

Costs of Conveyances.

LXXVIII. And be it enacted, That if the Commissioners and the Party entitled to any such Costs shall not agree as to the Amount thereof,

Taxation of Costs

thereof, such Costs shall be ascertained by the Court of Exchequer, and for that Purpose either Party may apply to the Court by Petition, and thereupon the Court shall order such Costs to be referred to one of the Masters, to be taxed in the usual Manner; and upon Proof of the Service of such Order the Master shall proceed to tax such Costs accordingly, Notice of such Taxation being given to the other Party; and after the Taxation thereof it shall be lawful to the Court to order the Amount at which the same shall be so taxed, together with the Costs of Taxation, or so much of the same as shall be payable by the Commissioners, to be paid to the Party entitled thereto, and the same shall be paid accordingly; and the Expence of taxing such Costs, and of obtaining the Order referring the same to be taxed, shall be borne by the Commissioners, unless on the Taxation One Sixth Part of the Costs shall be disallowed, in which Case the Expence shall be borne by the Party from whom the Lands shall have been purchased or taken.

Purchase Money payable to Parties under Disability, amounting to 200*l.*, to be deposited in the Bank of England.

LXXIX. And for the Purpose of providing for the Deposit and Application of the Purchase Money or Compensation to be paid in respect of any such Lands which may belong to Parties under Disability, be it enacted, That if any such Purchase Money or Compensation shall be payable in respect of any such Lands, or any Interest therein, which any Corporation, Tenant for Life or for any other partial or qualified Interest, Married Woman seised in her own Right or entitled to Dower, Guardian, Committee of Lunatic or Idiot, Trustee, Executor or Administrator, or Person under any Disability, shall be entitled to, and shall under the Powers of this Act be enabled to convey or dispose of, the same shall, if it amount to or exceed the Sum of Two hundred Pounds, be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account there *ex parte* "The Commissioners of the *Stamford* Improvement Act," pursuant to the Method prescribed by an Act of the Fourth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for the better securing Money and Effects paid into the Court of Exchequer at* Westminster *on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the Court, and for other Purposes*, and pursuant to the General Orders of the said Court; and such Monies shall remain so deposited until the same be applied to some One or more of the following Purposes; (that is to say,)

1 G. 4. c. 35.

Application of Monies deposited.

In the Purchase or Redemption of the Land Tax, or the Discharge of any Debt or Incumbrance affecting the Land in respect of which such Money shall have been paid, or affecting other Lands settled therewith to the same or the like Uses, Trusts, or Purposes; or,

In the Purchase of other Lands, to be conveyed, limited, and settled upon the like Uses, Trusts, and Purposes, and in the same Manner, as the Lands in respect of which such Money shall have been paid stood settled; or,

If such Monies shall be paid in respect of any Buildings taken under the Authority of this Act, in replacing such Buildings, or

or substituting others in their Stead, in such Manner as the Court of Exchequer shall direct; or,

In Payment to any Party becoming absolutely entitled to such Money.

Order for Application.

LXXX. And be it enacted, That such Money may be so applied as aforesaid upon an Order of the Court of Exchequer made on the Petition of the Party who would have been entitled to the Rents and Profits of the Lands in respect of which such Money shall have been deposited; and until the Money can be so applied it may, upon the like Order, be invested by the said Accountant General in the Purchase of Three *per Centum* Consolidated or Three *per Centum* Reduced Bank Annuities, or in Government or Real Securities; and until such Annuities or Securities shall be ordered to be sold or converted into Money for the Purposes aforesaid, the Interest, Dividends, and annual Proceeds thereof shall from Time to Time be paid to the Party who would for the Time have been entitled to the Rents and Profits of the Lands; and the Order for such Investment and Application of the Interest, Dividends, and annual Proceeds thereof may be made on the like Petition.

Court of Exchequer may direct Investment or Payment of Money in respect of Leases for Lives, Years, &c. or Reversions as they may think just.

LXXXI. Provided always, and be it enacted, That where any such Purchase Money or Compensation so paid into the Court of Exchequer shall have been paid in respect of any Lease for Lives or Years, or any Estate in Lands less than the whole Fee Simple thereof, or of any Reversion dependent on any such Lease or Estate, it shall be lawful for the Court of Exchequer, on the Petition of any Party interested in such Money, to order that the same shall be laid out, invested, accumulated, and paid in such Manner as the said Court may consider will give to the Parties interested in such Money the same Benefit therefrom as they might have legally had from the Lease, Estate, or Reversion in respect of which such Money shall have been paid, or as near thereto as may be.

Sums not amounting 200*l.* but exceeding 20*l.* to be deposited or invested in Trustees.

LXXXII. And with respect to any such Purchase Money or Compensation which shall not amount to the Sum of Two hundred Pounds and shall exceed the Sum of Twenty Pounds, be it enacted, That the same shall either be paid into the Bank of *England*, and applied in the Manner herein-before directed with respect to Sums amounting to or exceeding Two hundred Pounds, or the same may be lawfully paid to Two Trustees, to be nominated by the Parties entitled to the Rents or Profits of the Lands in respect whereof the same shall be payable, such Nomination to be signified by Writing under the Hands of the Parties so entitled; and in case of the Coverture, Infancy, Lunacy, or other Incapacity of the Parties entitled to such Monies, such Nomination may lawfully be made by their respective Husbands, Guardians, Committees or Trustees; but such last-mentioned Application of the Monies shall not be made unless the Commissioners approve thereof, and of the Trustees named for the Purpose, such Approval to be signified in Writing under the Hands of Five of them at least; and the Money so paid to such Trustees, and the Produce arising therefrom, shall be by

such Trustees applied in the Manner herein-before directed with respect to Money paid into the Bank of *England*, but it shall not be necessary to obtain any Order of the Court for that Purpose.

Sums not exceeding 20*l.* to be paid to Parties.

LXXXIII. And with respect to any such Money which shall not exceed the Sum of Twenty Pounds, be it enacted, That the same shall be paid to the Parties who would for the Time being have been entitled to the Rents and Profits of the Lands in respect whereof the same shall be payable for their own Use and Benefit; or in case of the Coverture, Infancy, Idiotcy, Lunacy, or other Incapacity of any such Parties, then such Money shall be paid, for their Use, to the respective Husbands, Guardians, Committees, or Trustees of such Persons.

Limits of the Act.

LXXXIV. And be it enacted, That this Act shall be put in force for the Improvement of the Borough of *Stamford* within the following Limits; (that is to say,) within such Streets in the said Borough as are now or which shall at any Time hereafter be bounded on one or both Sides thereof by a connected or continuous Line or Range of Houses, Buildings, or Gardens.

Street Materials, &c. vested in Commissioners.

LXXXV. And be it enacted, That the Management of all the present and future Streets within the Limits of this Act being public Highways, and the Pavement and other Materials of such Streets, and all Lamps, Lamp Irons, Lamp Posts, Cesspools, Grates, Drains, Sewers, Tunnels, Gutters, Erections, or Buildings, Pitching and Flagging Stones, Materials, Implements, and other Things provided by the said Commissioners for the Purposes of this Act, and all the Dirt, Dust, Dung, Ashes, and Filth to be collected from the said Streets, shall be the Property of and are hereby vested in the Commissioners; and the Commissioners shall have full Power to sell and dispose of, for the Purposes of this Act, any of the said Articles and Things as they shall think proper.

Future Streets may be declared Highways.

LXXXVI. And be it enacted, That if any Street already made or hereafter to be made, not being a public Highway, shall at any Time hereafter be paved or put in good Order to the Satisfaction of the Commissioners, then it shall be lawful for the Commissioners, if they shall think fit and proper so to do, by Writing under their Hands, to declare the same to be within the Limits of this Act, and after such Declaration the same shall be a public Highway, and shall be for ever repaired by the Commissioners.

Commissioners to cause Streets to be paved, &c.

LXXXVII. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to cause all or any of the Streets within the Limits of this Act, or any Part thereof, to be repaired, formed, and paved, and the Ground or Soil to be raised, lowered, and altered in such Manner and with such Materials as they shall think proper: Provided always, that nothing herein contained shall extend to compel the Commissioners to alter or repair the Bridge within the said Borough the Property of the Most Honourable *Brownlow* Marquis of *Exeter*.

LXXXVIII. And

Penalty on Persons altering Pavements.

LXXXVIII. And be it enacted, That if any Person shall take up or make any Alteration in the Pavement or Carriageway or Footway in any Street within the Limits of this Act, without the Consent in Writing of the Commissioners, except when it may be necessary for repairing any Vault or Drain under such Street, or other such Purpose, every Person so offending shall for every such Offence forfeit a Sum not exceeding Five Pounds; and in case the Person so taking up or altering such Pavement or Carriageway or Footway shall not, within Ten Days after Notice in Writing by the Surveyor to the Commissioners, cause the same to be reinstated as nearly as may be, the Commissioners shall cause the same to be done, and the Charges thereof shall be paid by the Person who shall have taken up or altered such Pavement or Carriageway or Footway.

Commissioners may make Compensation for Pavements already laid down.

LXXXIX. And be it enacted, That where the Owners or Occupiers of Houses or Premises within the Limits of this Act shall, previously to the passing of this Act, have paved or flagged at their own Expence the Street or Footway in front of their Houses or Premises, wholly or in part, the Commissioners shall award and pay to such Owners or Occupiers such Sum of Money by way of Allowance or Compensation as they the said Commissioners in their Discretion shall think fit and proper.

Commissioners may pave Footways.

XC. And be it enacted, That it shall be lawful for the Commissioners to pave or make, with such Materials as they shall think fit, any Causeways or Footways for the Use of Foot Passengers in or on the Sides of any Street within the Limits of this Act.

Repair of Footways.

XCI. And be it enacted, That all Causeways or Footways within the Limits of this Act which the Commissioners shall deem necessary to be kept up shall be so kept in repair by the said Commissioners.

Commissioners may place Fences to Footways.

XCII. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to place such Fences and Posts on the Side of any Footways or Carriageways within the Limits of this Act as may protect such Footways from any Carriage or Animals going on the same, and also to place any Posts in any Carriageways so as to make the Crossings thereof less dangerous for Foot Passengers, and also from Time to Time to repair any such Fences or Posts, or to remove the same or any other Obstructions to any Carriageway or Footway within the Limits of this Act, as they shall think fit.

Power to take Materials for Pavements from Waste Lands without Payment, or from private Lands, making Compensation.

XCIII. And be it enacted, That it shall be lawful for the Commissioners, or any Surveyor, or any Person to be employed by them under an Order for that Purpose, to search for, dig, and carry away any Stones, Gravel, or any Materials fit for paving and covering the Pavement, and pitching or repairing any Streets within the Limits of this Act, or for any other of the Purposes of this Act, in and from any Waste or Common Land within the said Borough, without paying for the same, they the Commissioners for other Persons filling up or levelling the Pits; and also to search for, dig, and carry away any such Materials in and from the Lands of any Person where the same may be had and found within the said Borough, such Lands not

not being a Yard, Garden, Orchard, Park, Wood, Coppice, Nursery, or enclosed Ground planted with any Avenue of Trees for Ornament, or any Meadow or Pasture Ground, they the Commissioners or other Persons filling up the Pits and levelling the Grounds from which such Materials shall be taken, and paying the respective Owners and Occupiers of such Lands reasonable Compensation for the cutting, digging, taking, and carrying away Materials, and for carrying the same over any enclosed Lands.

Materials not to be taken from private Lands, but by Order of a Justice, on Ten Days Notice.

XCIV. Provided always, and be it enacted, That it shall not be lawful for the Commissioners, or any Person acting under their Authority, to search for, dig, or carry away any Materials for the Purposes aforesaid out of or from any enclosed Lands, until Ten clear Days Notice in Writing shall have been given to the Owner and Occupier thereof to appear before a Justice of the Peace for the County or Place where such Lands shall be situate, to show Cause why such Materials shall not be taken from such Lands; and in case such Owner or Occupier shall not attend pursuant to such Notice, or shall not show sufficient Cause why such Materials should not be taken from such Lands, it shall be lawful for such Justice to authorize such Person as the Commissioners shall appoint to dig and carry away such Materials at such Times as to such Justice shall seem fit.

Power to purchase or hire Land for depositing Materials.

XCV. And be it enacted, That it shall be lawful for the Commissioners to purchase or rent any Land, Buildings, or Premises for procuring or depositing Stone, Gravel, or other Materials for the several Purposes of this Act from any Person willing to sell or let the same.

Road Trustees not to collect Toll.

XCVI. And be it enacted, That it shall not be lawful for the Trustees of any Turnpike Road to collect or expend any Money on any Road within the Limits of this Act.

Power to construct Common Sewers.

XCVII. And be it enacted, That it shall be lawful for the said Commissioners from Time to Time to cause such Common Sewers, Drains, Vaults, Culverts, Watercourses, Wells, and Pumps as they may think necessary to be constructed in or under any Street within the Limits of this Act, and also to cause any of the Common Sewers, Drains, Vaults, Culverts, and Watercourses, public Wells or Pumps, which now are or hereafter shall be within the same, to be altered, repaired, cleansed, and completed, as to them shall seem necessary, and to carry and continue the same in, to, and through any Lands within the Limits of this Act.

Compensation to be made.

XCVIII. And be it enacted, That if any Person interested in any such Lands shall be injured by any such Sewer, Drain, Vault, Culvert, Watercourse, Well, or Pump being carried into or through his Lands, the Commissioners shall pay to such Person a reasonable Compensation for the Damage or Injury sustained by him.

Communication of private

XCIX. And be it enacted, That it shall be lawful for the Commissioners, from Time to Time, to empower any Person to carry any

private

private Drain into any Common Sewer, Drain, Vault, Culvert, or Watercourse already made, or which shall be made by virtue of this Act, according to such Plan as the Commissioners shall direct; but if any Person shall carry any such private Drain into any Common Sewer, Drain, Vault, Culvert, or Watercourse without the previous Consent of, or in any other Manner than shall be directed by the Commissioners, he shall for every such Offence forfeit a Sum not exceeding Five Pounds.

Drains with Common Sewers.

C. And be it enacted, That the Occupier of any House or Land from which any private Drain now does or hereafter shall issue into any of the said public Sewers, Drains, Vaults, Culverts, or Watercourses, shall repair and cleanse the same, when required, by and according to the Direction of the Commissioners.

Occupier to repair private Drains.

CI. And be it enacted, That it shall be lawful for the Commissioners, from Time to Time, to cause the Houses and Buildings in the Streets within the Limits of this Act to be numbered, and to cause to be affixed or painted in a conspicuous Part of some House, Building, or Place, at or near each End, Corner, or Entrance of every such Street, the Name by which such Street is to be known; and if any Person shall destroy, pull down, or deface any such Number or Name, or shall put up any Number or Name different to the Number or Name put by the Commissioners, he shall forfeit a Sum not exceeding Forty Shillings for every such Offence.

Houses to be numbered, and Streets named.

CII. And be it enacted, That if the Commissioners shall consider any Porch, Shed, projecting Window, Step, Cellar, Cellar Door, or Window, Sign, Sign Post, Sign Iron, Showboard, Window Shutter, Wall, Gate, or Fence, or any other Obstruction or Projection hereafter to be placed against or in front of any House or Building, to be an Annoyance in consequence of the same projecting into, endangering, or rendering less commodious the Passage along any Street within the Limits of this Act, it shall be lawful for them to give Notice in Writing to the Occupier of such House or Building, to remove such Obstruction or Projection, or to alter the same in such Manner as the Commissioners shall think fit, and such Occupier shall within Twenty-one Days after the Service of such Notice upon him remove such Obstruction or Projection or alter the same in such Manner as shall have been directed by the Commissioners.

Future Projections to be removed on Notice.

CIII. And with regard to all Obstructions or Projections of a like Kind as those before mentioned which have been erected or placed against or in front of any House in any Street before the passing of this Act, be it enacted, That it shall be lawful for the Commissioners, if they shall consider any such Obstruction or Projection to be an Annoyance in consequence of the same projecting into, endangering, or rendering less commodious the Passage along any Street within the Limits of this Act, to cause the same to be removed or altered as they shall think fit: Provided always, that the Commissioners shall give Notice in Writing of such intended Removal or Alteration to the Owner and Occupier against or in front of whose House or Building such Obstruction or Projection shall be Sixty

Existing Projections to be removed, and Compensation made.

Days before such Alteration or Removal shall be commenced, and shall make reasonable Compensation to every Person who shall incur any Loss or Damage by such Removal or Alteration.

Doors in future to be made to open inwards.

CIV. And be it enacted, That all Doors, Gates, and Bars, not being underground Doors, hereafter to be erected within the Limits of this Act, which shall lead to any House, Building, Yard, or Land, shall be constructed so as to open into or towards such House, Building, Yard, or Land, and if any such Door, Gate, or Bar shall be constructed so as to open in any other Manner, it shall be lawful for the Commissioners or their Surveyor to alter the same, and the Expences of such Alteration shall be paid to the Commissioners by the Person causing such Door, Gate, or Bar to be constructed, and such Person shall, in addition, be liable to a Penalty not exceeding Forty Shillings.

Doors opening outwards to be altered by Commissioners.

CV. And be it enacted, That if any such Door, Gate, or Bar already erected shall have been so constructed as to open outwards, towards, or upon any public Street, it shall be lawful for the Commissioners, at their Expence, to alter the same, so that no Part thereof opening or when open shall project over any public Way.

Ruinous or dangerous Houses to be taken down or secured.

CVI. And whereas it hath happened and may happen that some of the Houses or Buildings within the Limits of this Act are sometimes in so ruinous a Condition that Passengers passing by are in Danger of their Lives or some bodily Harm from the falling thereof, or of Bricks, Stones, or Timber therefrom; be it therefore enacted, That on any Information, signed by Four or more Householders living within the Limits of this Act, that any such House or Building is in a ruinous or dangerous Condition, it shall be lawful for any Two Justices of the Peace for the said Borough to cause the same to be surveyed by Two Surveyors, and if such Surveyors shall present that such House or Building is in a ruinous or dangerous Condition, the Commissioners shall, on Notice of any Presentment being given, and a Copy thereof being laid before them, cause, with all convenient Speed, a sufficient Fence to be put up, to guard such House or Building from the Street, and shall also cause Notice in Writing to be given to the Owner thereof, if he can be found within the said Limits, and if not, shall cause such Notice in Writing to be left at or fixed upon the said Premises, to repair or take down such House or Building, as the Case shall require, within the Space of Twenty Days then next ensuing; and if such Owner shall not repair or take down the same within the Time so limited, the Commissioners shall, with all convenient Speed, cause all or so much of such House or Building as shall be in a ruinous Condition, or dangerous to Passengers, to be taken down and secured in such Manner as shall from Time to Time be thought requisite; and all the Charges of putting up every such Fence, and of taking down or securing such ruinous House or Building, shall from Time to Time be paid by the Owner of such House or Building.

Expence to be levied on the Owner.

CVII. And be it enacted, That if such Owner can be found within the Limits of this Act, and he shall, on Demand of the

Charges aforesaid neglect or refuse to pay the same, then such Charges may be levied by Distress, and any Justice may issue his Warrant accordingly.

In default of the Owner, any subsequent Occupier to be liable.

CVIII. And be it enacted, That if such Owner cannot be found within the Limits of this Act, or sufficient Distress of his Goods and Chattels cannot be met with wherefrom such Charges may be levied, then the Person who shall at any Time hereafter occupy any such House or Building, or the Ground whereon the same stood, as Tenant to such Owner, is hereby required to pay the same, and in default of Payment on Demand by the Commissioners, the same may be levied by Distress, and any Justice may issue his Warrant accordingly; and the Owner shall allow every such Occupier all Charges which he shall so pay, or which shall be levied by Distress from him, out of the Rent from Time to Time becoming due to him, as if the same had been actually paid to him as Part of such Rent: Provided always, that no Occupier shall be liable to pay more Money in respect of such Charges as aforesaid than what he could lawfully deduct from the Rent due to such Owner at the Time of Demand made upon him for such Charges, in case he shall pay the same, or any Part thereof, on Demand, or at the Time of the issuing the Warrant of Distress, in case such Charges, or any Part thereof, shall be levied by Distress.

Occupier not to pay more than he can deduct from his Rent.

Commissioners may sell the Materials.

CIX. And be it enacted, That in case any such House or Building as aforesaid, or any Part of the same, shall be taken down by virtue of the Powers aforesaid, it shall be lawful for the Commissioners to sell the Materials thereof, or so much of the same as shall be taken down, and to apply the Proceeds of such Sale in Payment of the Charges incurred in respect of such House or Building, and the Commissioners shall restore any Overplus arising from such Sale to the Owner of such House or Building, on Demand; nevertheless the Commissioners, although they shall sell such Materials for the Purposes aforesaid, shall have the same Remedies for compelling the Payment of so much of the said Charges as may remain due after the Application of the Proceeds of such Sale as are herein-before given to them for compelling the Payment of the whole of the said Charges.

Where Houses are taken down, the Commissioners may take Part of the Site to improve the Street.

CX. And be it enacted, That where any House or Building in or near any Street within the Limits of this Act shall be burnt or taken down, or shall be intended to be rebuilt, and the Commissioners shall be desirous of widening such Street, or of making any Alteration in the Line of the House or Building, it shall be lawful for them to purchase and take any Part of the Site of such House or Building, or of the Land occupied therewith; and all Powers and Provisions herein-before contained for the Purchase of Land, and for ascertaining the Value thereof, and any Damage sustained by the Persons interested therein, and for the Payment and Investment of the Purchase Money, and for the Payment of the Expences attending the Purchase of any such Land by the Commissioners, shall be applicable to any such House or Building, and the Land occupied therewith in the Manner aforesaid.

CXI. And

Projecting Houses when taken down to be set back.

CXI. And be it enacted, That when any House or Building any Part of which now projects beyond the regular Line of the Street or beyond the Front of the House or Building in either Side thereof in any Street within the Limits of this Act shall be taken down to be rebuilt or altered, the same shall be set back to the Line of the Street or the Line of the adjoining House or Building in such Manner as the Commissioners shall direct for the Improvement of such Street; and when the next House or Building shall not adjoin the House or Building to be so taken down, but shall be separated therefrom, then the same shall be set back to the Line of such Street: Provided always, that the Commissioners shall make full Compensation to any such Owner for any Loss or Damage he may sustain in consequence of his House being set back according to the Provisions herein contained; provided also, that this Act shall not extend to any Church within the said Borough.

Houses built contrary to the Act to be taken down.

CXII. And be it enacted, That it shall be lawful for the Commissioners to cause any House or Building which shall be rebuilt or erected contrary to the Provisions of this Act to be taken down or regulated according to the Provisions of this Act, and the Expences of such Alteration shall be repaid to the Commissioners by the Owner of the House or Building so altered or rebuilt.

Houses may be set forward.

CXIII. And be it enacted, That it shall be lawful for the Commissioners to allow any Building to be advanced for the Purpose of improving the Line of the Street or Place in which such Building may be situate to the Line of any Building adjacent thereto.

Water Spouts to be fixed.

CXIV. And be it enacted, That the Occupier of every House or Building in or adjoining any Street within the Limits of this Act shall, within Thirty Days next after Service of any Order of the Commissioners for that Purpose, put up and for ever afterwards keep in good Condition a Shute or Trough of the whole Length of such House or Building, with a Pipe or Trunk to be fixed to the Front or Side of such Building from the Roof to the Ground, to carry off the Water from the Roof thereof in such Manner that the Water from such House shall not fall upon the Persons passing near the same.

Underground Drains to be formed.

CXV. And be it enacted, That the Occupier of any House or Building in any Street within the Limits of this Act shall cause the Water to be conveyed from such House or Building either by Drains or Tunnels below the Surface of the Pavement or Flagging of the Footpath, or by means of Iron Drain Gutters to be fixed in the Flagging or Pavement; and for that Purpose it shall be lawful for any such Occupier to take up so much of the Pavement or Flagging of any Street as may be requisite, and to lay down the said Drains or Tunnels, or fix the said Iron Drain Gutters, under the Direction of the Commissioners or their Surveyor; and all Damage which may thereby be occasioned to the Pavement or Flagging of the Footpath or Carriageway shall be made good at the Expence of such Occupier.

CXVI. And

Vaults and Drains to be substantially made.

CXVI. And be it enacted, That all Vaults and Drains hereafter to be made under any Street within the Limits of this Act shall be substantially made, and so as not to interfere with any Drains or Sewers under the Control of the Commissioners, without their Consent; and if any Arch, Vault, or Drain shall be made contrary to the Provisions of this Act, it shall be lawful for the Commissioners to fill up the same, and to recover the Expences incurred thereby from the Person making such Vault or Drain.

Vaults and Drains to be kept in repair.

CXVII. And be it enacted, That all Vaults or Drains under any Street within the Limits of this Act shall be kept in substantial Repair, to the Satisfaction of the Commissioners; and in case any such Vault or Drain shall at any Time not be in such substantial Repair, it shall be lawful for the Commissioners to put the same into substantial Repair, and to recover the Expences incurred thereby from the Person making such Vault or Drain; and such Person shall forfeit a Sum not exceeding Twenty Shillings for every Day such Vault or Drain shall continue out of repair, after Notice shall have been given by the Commissioners to repair the same, and a reasonable Time for completing such Repair shall have elapsed since the Service of such Notice.

Coverings for Cellar Doors to be made.

CXVIII. And be it enacted, That when any Opening is now or shall hereafter be made in the Paving or Soil of any Paving or Footpath within the Limits of this Act, as an Entrance into any Vault or Cellar, or for the Purpose of giving Light to any underground Room or Place, a Door, Covering, or Grating shall be made by the Occupier of such Vault or Cellar, Room or Place, of Iron or such other Material, and in such Manner, as the Commissioners shall direct; and such Door or Covering shall from Time to Time be kept in good Repair by the Occupier of such Vault, Cellar, Room, or Place; and if the Occupier of any such Vault, Cellar, Room, or Place shall not, within a reasonable Time, make such Door, Covering, or Grating, or shall make any such Door, Covering, or Grating contrary to the Directions of the Commissioners, or shall not keep the same, when made, in good Repair, he shall forfeit for every Offence a Sum not exceeding Five Pounds.

Houses not to be thatched.

CXIX. And be it enacted, That no House or Building hereafter to be built in any Street, or within Thirty Yards from the Line of any Street, within the Limits of this Act shall be thatched, wholly or in part, nor any Stack or Rick made within Thirty Yards from the Line of any such Street; and the Owner of any such House or Building, or of any Stack or Rick so made, shall forfeit the Sum of Forty Shillings for every Month during which such House or Building shall remain thatched, or any Stack or Rick shall continue, after Ten Days Notice signed by any Five or more of the said Commissioners to remove the same, shall have been served on such Owner.

Hoards to be set up during Repairs.

CXX. And be it enacted, That every Person who shall build or take down any House or other Building whatever within the Limits of this Act, or cause the same to be so done, or who shall alter or repair

repair the outward or external Part of any House or other such Building, or cause the same to be so done, shall, where any Street or Footway shall be obstructed or rendered inconvenient by means of such Work, cause to be erected, before commencing the same, sufficient Hoards or Fences, in order to guard every such House or Building from the Street in which the same may be situate, together with a convenient Platform and Hand-rail, if there shall be sufficient Space for the same, to serve as a Footway for Passengers, outside of such Hoard or Fence, and shall continue such Hoard or Fence, with such Platform and Hand-rail as aforesaid, standing and in good Condition during such Time as may be necessary for the public Safety or Convenience, and shall, in all Cases in which the same shall be necessary, to prevent Accidents, light, or cause the same to be sufficiently lighted, during the Night; and if any such Person shall refuse or neglect to erect any such Fence, or Hoard or Platform, with such Hand-rail as aforesaid, or to continue the same respectively standing and in good Condition during the Time aforesaid, or shall not, whilst the said Hoard or Fence is standing, keep the same sufficiently lighted in the Night, or shall not remove the same when directed by the Commissioners within a reasonable Time afterwards, then every Person so offending shall for every Offence forfeit a Sum not exceeding Five Pounds.

Penalty for not placing a Light and Fence where there are Building Materials or Excavations.

CXXI. And be it enacted, That when any Building Materials, Rubbish, or other Things shall be laid, or any Hole or Excavation shall be made, in any of the Streets within the Limits of this Act, the Person causing such Materials or other Things to be so laid, or the said Hole or Excavation to be made, shall, at his own Expence, cause a sufficient Light to be fixed in a proper Place upon or near the same, and continue such Light every Night from Sun-setting to Sun-rising, during the Time such Materials, Hole, or Excavation shall remain; and such Person shall, at his own Expence, cause such Materials or other Things, and such Hole or Excavation, to be sufficiently fenced and enclosed, until such Materials or other Things shall be removed, or the Hole or Excavation filled up or otherwise made secure; and in case such Person shall refuse or neglect so to light, fence, or enclose such Materials or other Things, or such Hole or Excavation, every Person so offending shall for every Offence forfeit a Sum not exceeding Five Pounds.

Penalty for continuing Deposits of Building Materials or Excavations an unreasonable Time.

CXXII. Provided always, and be it enacted, That in no Case shall any such Building Materials or other Things, or such Hole or Excavation, be permitted to remain for an unnecessary Time, under a Penalty not exceeding Five Pounds, to be paid for every such Offence by the Person causing such Materials or other Things to be laid, or such Hole or Excavation to be made; and in any such Case Proof of the Necessity of a Continuance thereof respectively shall be upon the Person so causing such Materials or other Things to be laid, or causing such Hole or Excavation to be made.

Dangerous Places to be repaired or enclosed.

CXXIII. And be it enacted, That if any Excavation contiguous to any Street within the Limits of this Act shall, for Want of sufficient Protection or Enclosure, be dangerous to the Passengers along

such Street, it shall be lawful for the Commissioners to cause the same to be protected or enclosed, so as to prevent any Danger therefrom; and the Charges of such Protection or Enclosure shall be repaid to the Commissioners by the Person making or continuing such Excavation.

Commissioners may close Streets during Repairs.

CXXIV. And be it enacted, That it shall be lawful for the Commissioners, during such Time as any Street within the Limits of this Act is making or repairing, or during the making of any Sewer or Drain by the Commissioners, or under their Authority, to close such Street, or any Part of the same, by such Ways or Means as they shall think fit.

In default of the Party liable, the Commissioners to execute Works and recover over.

CXXV. And whereas many Works, Acts, and Things are required by this Act to be done by the Owners and Occupiers of Houses, Buildings, or Land, and other Persons, for the Improvement of the Streets, Sewers, and Drains within the Limits of this Act, and for other Purposes herein-before mentioned, and it is necessary to provide for the Execution of all such Works, Acts, or Things in case the same shall not be done by the Persons required to do the same; be it enacted, That wherever any such Work, Act, or Thing shall not be done by the Owner or Occupier, or other Person required to do the same by the Provisions of this Act, in the Manner or at the Time prescribed by this Act, or by any Notice given by the Commissioners for that Purpose in pursuance of this Act, or, if no Time shall be prescribed, within a reasonable Time, it shall be lawful for the Commissioners to cause such Work, Act, or Thing to be done; and the Expences which shall be incurred by the Commissioners in respect of such Work, Act, or Thing shall be repaid to them by the Owner, Occupier, or other Person by whom the same ought to have been done under the Provisions of this Act.

Streets to be cleansed and watered.

CXXVI. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to cause all or any of the Streets within the Limits of this Act to be cleansed and watered, and the Dirt, Ashes, and Rubbish to be collected therefrom to be removed, at such Time and in such Manner as they shall appoint.

Occupiers to recover against Owners in certain Cases.

CXXVII. And be it enacted, That in all Cases where any such Work, Act, or Thing is required by this Act to be done by the Owner or Occupier of any House, Building, or Land (without designating by which of the said Parties the same ought to be done), and the Occupier of such House, Building, or Land shall be the Tenant of the same, at a Rent amounting to or exceeding Three Fourths of the net annual Value thereof, the Expences which shall be incurred by or recovered from the Occupier in respect of such Work, Act, or Thing shall be repaid to such Occupier by the Owner of the House, Building, or Land, and the Owner shall allow such Occupier the Amount of all such Expences out of the Rent from Time to Time becoming due to him, as if the same had been actually paid to him as Part of such Rent.

CXXVIII. And

Adjustment between Owners and Occupiers.

CXXVIII. And be it enacted, That in all Cases, except as herein-before mentioned, where any Work, Act, or Thing is required by this Act to be done by the Owner or Occupier of any House, Building, or Land, (without designating as aforesaid,) the Expences which shall be incurred by or be recovered from any such Owner or Occupier, in respect of such Work, Act, or Thing shall be divided between the Owner and Occupier in the Proportion of the Value of their respective Interests in such House, Building, or Land; and in estimating the Value of such Interests the Owner shall be deemed to be entitled to such House, Building, or Land, in Fee Simple, subject only to the Term or Interest of the Occupier therein; and if any such Owner or Occupier shall voluntarily, or by Compulsion, pay more than his Share of the Expences, estimated as aforesaid, of any such Work, Act, or Thing, the Excess shall be repaid to him by the Owner or Occupier, as the Case may be, and if the same be not so paid, on Demand, or if the Amount of the same shall be disputed, such Excess shall be ascertained and recovered in the same Manner as any Damages, for the ascertaining and Recovery of which no special Provision is contained in this Act are directed to be ascertained and recovered; and if such Excess shall be payable by the Owner, he shall allow the same, or so much thereof as shall not be repaid by him to the Occupier, out of the Rent from Time to Time due or becoming due to him, as if the same had been actually paid to him as Part of such Rent.

Occupiers allowed to use their own Ashes.

CXXIX. Provided always, and be it enacted, That it shall be lawful for any Occupier of any House or Premises within the Limits of this Act to keep and remove any such Dirt, Ashes, or Rubbish as shall be made on his own Premises, and shall be reserved for Manure, so as the same be not a Nuisance to the Inhabitants residing near such Premises.

Duties of the Street Scavengers to be performed under Penalties.

CXXX. And be it enacted, That the Persons employed by or contracting from Time to Time with the Commissioners for cleansing and watering the Streets within the Limits of this Act, or any of them, or for removing the Dirt, Ashes, and Rubbish therefrom, shall be called the Scavengers, and such Scavengers or their Servants shall, on such Days, and at such Hours, and in such Manner as the Commissioners shall from Time to Time direct, sufficiently water the said Streets, or such of them as they shall respectively contract or be employed to water, and shall collect together all Dirt, Ashes, and Rubbish from all such Streets which they shall contract or be employed to collect Dirt, Ashes, and Rubbish from, within the Limits of this Act, and shall carry away the Dirt, Ashes, and Rubbish so collected to such Place as shall be appointed by the Commissioners for the depositing of the same; and if any such Scavenger fail to water any Street which he shall contract or be employed to water at the Time or in the Manner appointed by the Commissioners, or to remove any Dirt, Ashes, or Rubbish which he shall contract or be employed to remove at the Time or in the Manner prescribed by the Commissioners for that Purpose, or shall deposit any

any of such Dirt, Ashes, or Rubbish in any other Place than such as shall be appointed by the Commissioners for that Purpose, he shall for every such Offence forfeit a Sum not exceeding Five Pounds.

Penalty on other Persons than Scavengers removing Dirt.

CXXXI. And be it enacted, That if any Person other than the Scavenger for the Time being, or some Person employed by him, shall collect or carry away any Dirt, Ashes, or Filth from any Street within the Limits of this Act, or from any House or Building therein, except as aforesaid, he shall forfeit for every such Offence a Sum not exceeding Forty Shillings.

Penalty on Occupiers obstructing Scavengers.

CXXXII. And be it enacted, That every Occupier of a House or other Building within the Limits of this Act shall forfeit any Sum not exceeding Forty Shillings for every Time he shall prevent any Scavenger, or his Servants, from removing any Dirt, Ashes, or Rubbish, which such Scavenger is hereby authorized to remove from his House or Premises.

Occupiers to cause Footways to be swept.

CXXXIII. And be it enacted, That the respective Occupiers of Buildings, Yards, and Lands within or adjoining the Streets within the Limits of this Act shall, on *Wednesday* and *Saturday* in each Week, before Ten of the Clock in the Forenoon of each Day, cause to be swept and cleansed the Footways and Pavements in front or at the Sides of their respective Buildings, Yards, and Lands; and every such Occupier making default herein shall for every such Offence forfeit a Sum not exceeding Five Shillings: Provided always, that, for the Purpose aforesaid, the Owner of any House let out into divided Apartments shall be deemed the Occupier.

Commissioners may compound for sweeping Footways.

CXXXIV. And be it enacted, That it shall be lawful for the Commissioners to compound, for such Time as they think fit, with any Person liable to sweep or clean any Footway under the Provisions of this Act, for sweeping and cleaning the same in the Manner by this Act directed.

Commissioners to cause Footways to be swept.

CXXXV. And be it enacted, That it shall be lawful for the Commissioners to cause any Footway within the Limits of this Act to be swept or cleansed at such Times as they shall think fit.

Commisioners may order Nuisances to be abated.

CXXXVI. And be it enacted, That if any Foundry, Candle-house, Melting-house, Melting-place, or Soap-house hereafter to be erected or made, or any Slaughter-house, Boiling-house for Offal, Hogsty, enclosed or uncovered Yard or Place for the Deposit or sifting of Lime, Necessary-house, Dunghill, Manure-heap, or other offensive Building, Place, or Matter, in or near any Street within the Limits of this Act, shall be a Nuisance to any Inhabitant, it shall be lawful for the Commissioners, upon Complaint made by any Inhabitant, to inquire into the Matter of such Complaint, and if the Commissioners shall consider such Building, Place, or Matter of which such Complaint shall be made to be a Nuisance, it shall be lawful for them, by Notice in Writing, to order the Person by or on whose Behalf such Nuisance is carried on, kept, or made to discontinue or remedy the same: Provided always, that in case any Foundry, Candle-house,

Melting-house, Melting-place, Soap-house, or other offensive Building already erected or made within the Limits of this Act, shall be burnt or taken down, nothing herein contained shall extend to prevent the same from being re-erected upon the Site or Place whereon the same is already erected or made.

Penalty for Disobedience to Commissioners Order.

CXXXVII. And be it enacted, That if such Nuisance as aforesaid shall not be discontinued or remedied within Fourteen Days after the Service of such Notice, the Person by or on whose Behalf such Nuisance is carried on, kept, or made shall be liable to a Penalty not exceeding Five Pounds for every Day during which such Nuisance shall be continued or unremedied after the Expiration of Fourteen Days from the Service of the said Notice: Provided always, that when any Person who shall think himself aggrieved by any Order of the Commissioners shall, accordingly to the Provisions contained in this Act, appeal against such Order, such Person shall not be liable to discontinue or remedy the Nuisance mentioned therein, or to pay any Penalty, until the Expiration of Fourteen Days after the Determination of such Appeal, and the Confirmation of the Order of the Commissioners, unless such Appeal shall cease to be prosecuted.

Penalty on suffering Dogs to go at large after Notice.

CXXXVIII. And be it enacted, That if any Person shall, after public Notice given by any Justice directing Dogs to be confined on account of Suspicion of Canine Madness, suffer any Dog to be at large within the Limits of this Act during the Time specified in such Notice, every Person so offending shall for every Offence forfeit and pay a Sum not exceeding Five Pounds.

Dogs suspected to be mad may be destroyed.

CXXXIX. And be it enacted, That it shall be lawful for any Constable or other Officer appointed by virtue of this Act to destroy any Dog or other Animal, within the Limits of this Act, in a rabid State, or bitten by any Dog or Animal in a rabid State.

Penalty for suffering Mad Dogs to be at large.

CXL. And be it enacted, That the Owner of any such Dog or Animal who shall permit the same to go at large within the Limits of this Act, after having Information or reasonable Ground for believing it to be in a rabid State, or to have been bitten by any Dog or other Animal in a rabid State, shall be liable to a Penalty not exceeding Twenty Pounds.

Power to impound stray Cattle.

CXLI. And be it enacted, That if any Horse, Cattle, or other Animal shall at any Time be found at large in any of the Streets within the Limits of this Act, without any Person therewith claiming the same, it shall be lawful for any Constable or Officer of Police, or for any of the Inhabitants or Persons residing within the Limits of this Act, to seize and impound any such Horse, Cattle, or Animal in any of the Common Pounds of the Parishes within the Limits of this Act, and to detain the same therein until the Owner thereof shall for each Animal so impounded pay a Sum of Money not exceeding Five Shillings to the Commissioners, and also the Sum of One Shilling to the Person impounding the same, besides the reasonable Expences of impounding and keeping the same.

CXLII. And

Power to sell stray Cattle for Penalty and Expences.

CXLII. And be it enacted, That if the said Sums and Expences shall not be paid within Seven Days after such impounding, it shall be lawful for the Pound Keeper, or such other Person as shall be appointed by the Commissioners, to sell or cause to be sold any such Animal; but, previous to such Sale, Seven Days Notice thereof shall be given to or left at the Dwelling House or Place of Abode of the Owner of such Animal, if the Owner thereof shall be known, or if not, then Notice of such intended Sale shall be given by Advertisement, to be inserted Seven Days before such Sale in some Newspaper, published or circulated within the Limits of this Act; and the Money arising from such Sale, after deducting the said Sums, and the Expences aforesaid, and such other Expences as may attend the keeping and Sale of any such Animal so impounded, shall be paid to the Commissioners, to be by them paid to the Person whose Property the Animal so sold shall appear to have been, and which Money the Commissioners are hereby required to pay, on Demand.

Persons guilty of Pound Breach or Rescue of Distress to be committed for Three Months.

CXLIII. And be it enacted, That in case any Person shall release or attempt to release from the Pound or Place where the same shall be impounded any Horse, Cattle, or Animal which shall be seized for the Purpose of being impounded, under the Authority of this Act, or shall pull down, damage, or destroy the same Pound or Place, or any Part thereof, or any Lock or Bolt belonging thereto or with which the same shall be fastened, or shall rescue or release, or attempt to rescue or release, any Distress or Levy which shall be made under the Authority of this Act, until such Horse, Cattle, or Animal seized or impounded, or such Distress or Levy so made, shall be discharged by due Course of Law, every Person so offending shall, upon Conviction thereof before any One Justice, be committed by him to the Common Gaol or House of Correction of the said Borough, there to remain without Bail for any Time not exceeding Three Months.

Penalty for conveying offensive Matter at improper Times.

CXLIV. And be it enacted, That every Person who, within the Limits of this Act, shall empty or begin to empty any Privy between the Hours of 8ix of the Clock in the Morning and Eleven of the Clock at Night, or remove along any Thoroughfare any Nightsoil or other offensive Matter between the Hours of Six of the Clock in the Morning and Eleven of the Clock in the Evening, or who shall at any Time use for any such Purpose any Cart or Carriage not having a proper Covering, or who shall wilfully or carelessly slop or spill any such offensive Matter in the Removal thereof, or who shall not carefully sweep and clean every Place in which any such offensive Matter shall have been placed, slopped, or spilled, shall forfeit any Sum not exceeding Forty Shillings; and in default of the Apprehension of the actual Offender, the Owner of the Cart or Carriage employed for any such Purpose shall be deemed to be the Offender.

Penalty on Blacksmiths not closing their Doors or Shutters after Sunset.

CXLV. And be it enacted, That if any Blacksmith, Whitesmith, Anchorsmith, Nailmaker, or other Person using a Forge, and having a Door, Window, or Aperture fronting or opening into or towards any Street within the Limits of this Act, shall not close such Door, or

or fasten the Shutters or other Fastenings of such Windows, and close such Aperture, every Evening within One Half Hour after Sunset, so as effectually to prevent the Light from shining through the Doorway, Window, or Aperture into or upon such Street, every Person so offending shall for every Offence forfeit a Sum not exceeding Twenty Shillings: Provided that nothing herein contained shall extend to Forges below the Pavement of the Street.

Penalty for setting Chimney on fire.

CXLVI. And be it enacted, That if any Person shall wilfully set or cause to be set on fire any Chimney within the Limits of this Act, he shall for every such Offence forfeit a Sum not exceeding Five Pounds; provided that nothing herein contained shall extend to any Case in which the Person so setting or causing to be set on fire any Chimney shall be liable to be indicted for Felony.

Penalty for having Chimney on fire.

CXLVII. And be it enacted, That if the Chimney of any Person shall catch or be on fire within the Limits of this Act, every Person (being the Party occupying or using such Chimney) shall, so often as the same shall occur, forfeit a Sum not exceeding Ten Shillings: Provided always, that such Forfeiture shall not be incurred if such Person shall prove to the Satisfaction of a Justice that such Fire was in no ways owing to Omission, Neglect, Carelessness, or Fault of himself or Servant.

Penalty of 40*s.* fo the following Offences.

CXLVIII. And be it enacted, That every Person shall be liable to a Penalty of not more than Forty Shillings who, in any Street within the Limits of this Act, shall commit any of the following Offences; (that is to say,)

Every Person who shall, to the Annoyance of the Inhabitants or Passengers, expose for Show, Hire, or Sale (except in a Fair or Market lawfully appointed for that Purpose), or feed or fodder, any Horse or other Animal, or show any Caravan or Carriage containing any Animal, or any other Show or public Entertainment, or shoe, bleed, or farry any Horse or Animal (except in Cases of Accident), or clean, dress, exercise, train or break, or turn loose, any Horse or Animal, or make or repair any Part of any Cart or Carriage, except in Cases of Accident where Repair on the Spot is necessary:

Every Person who shall suffer to be at large any unmuzzled ferocious Dog, or set on or urge any Dog or other Animal to attack, worry, or put in fear any Person, Horse, or other Animal:

Every Person who shall enter or use within the Limits of this Act any Cart or Carriage of any Kind drawn by a Dog or Dogs:

Every Person who by Negligence or Ill-usage in driving Cattle shall cause any Mischief to be done by such Cattle, or who shall in anywise misbehave himself in the Driving, Care, or Management of such Cattle; and also every Person, not being hired or employed to drive such Cattle, who shall wantonly and unlawfully pelt, drive, or hunt any such Cattle:

Every Person who shall slaughter any Cattle, or dress any Cattle, or any Part thereof, except in the Case of any overdriven Cattle, or which may have met with any Accident, and which it may be impossible to get to any Slaughter-house, and which the

public Safety or other Circumstances may require to be killed on the Spot:

Every Person having the Care of any Waggon, Cart, or Carriage, who shall ride on any Part thereof, or on the Shafts, or on any Horse or other Animal drawing the same, without having Reins, and holding the same, or who shall be at such a Distance from such Cart, Waggon, or Carriage as not to have the complete Control over every Horse or other Animal drawing the same, or shall not keep the Waggon, Cart, or Carriage to the Left or near Side, except in case of actual Necessity, or some sufficient Reason for Deviation, or shall wilfully prevent any Person or Carriage from passing him or any Carriage under his Care:

Every Person who shall drive any Horse or other Animal drawing any Waggon, Cart, or other similar Carriage at any faster Rate than a common Walk:

Every Person who shall ride or drive furiously, or so as to endanger the Life or Limb of any Person, or to the common Danger of the Passengers in any Thoroughfare:

Every Person who shall in any of the said Streets bait or run, or cause to be baited or run, any Bull, Bear, or other Animal:

Every Person who shall cause any public Carriage, Sledge, Truck, or Barrow, with or without Horses, to stand longer than may be necessary for loading or unloading, or for taking up or setting down Passengers; and every Person who by means of any Cart, Carriage, Sledge, Truck, or Barrow, or any Horse or other Animal, shall wilfully interrupt any public Crossing, or wilfully cause any Obstruction in any Thoroughfare;

Every Person who shall draw any Timber, Stone, or other weighty Article, without the same being placed upon or suspended from a wheeled Carriage, proper for that Purpose:

Every Person who shall cause any Tree or Timber to be drawn in or upon any Timber Carriage without having to guide and direct the hind Wheels of such Carriage a Person who shall not be under the Age of Eighteen Years, and who shall be of sufficient Strength to guide and direct the same by means of a Rope or Chain attached to the Steerer thereof:

Every Person who shall lead or ride any Horse or other Animal, or draw or drive any Cart or Carriage, Sledge, Truck, or Barrow, upon any Footway or Curbstone, or fasten any Horse or other Animal so that it may stand across or upon any Footway:

Every Person who shall place or leave any Furniture, Goods, Wares, or Merchandize, or any Cask, Tub, Basket, Pail, or Bucket, or place or use any Standing Place, Stool, Bench, Stall, or Show-board on any Footway, except at Fairs and Markets lawfully constituted, or shall place any Blind, Shade, Covering, or Awning, over or along any such Footway, unless such Blind, Shade, Covering, or Awning shall be Eight Feet in Height at least in every Part thereof from the Surface of such Footway, and shall extend over the whole Breadth of such Footway:

Every Person who shall place, hang up, or otherwise expose to Sale any Goods, Wares, Merchandize, Matter, or Thing whatsoever, so that the same shall project into or over any Footway, or

beyond the Line of any House, Shop, or Building at which the same shall be so exposed, so as to obstruct or incommode the Passage of any Person over or along such Footway:

Every Person who shall roll or carry any Cask, Tub, Hoop, or Wheel, or any Ladder, Plank, Pole, Timber, or Log of Wood, upon any Footway, except for the Purpose of loading or unloading any Cart or Carriage, or of crossing the Footway:

Every Person who shall suffer any Goods or Merchandize, or any Coal or Fuel intended for any House, to remain in any Street for a longer Period than shall be necessary for the housing or removing thereof:

Every Person who shall place any Line, Cord, or Pole across any Street, or hang or place any Clothes thereon, to the Danger or Obstruction of any Person:

Every Person who shall carry or convey, or cause to be carried or conveyed, the Carcase or any Part of the Carcase of any newly-slaughtered Cattle without a sufficient Cloth covering the same:

Every common Prostitute or Night Walker loitering or being in any Thoroughfare or public Place for the Purpose of Prostitution or Solicitation, to the Annoyance of the Inhabitants or Passengers:

Every Person who shall wilfully and indecently expose his Person:

Every Person who shall sell or distribute, or offer for Sale or Distribution, or exhibit to public View, any profane, indecent, or obscene Book, Paper, Print, Drawing, Painting, or Representation, or sing any profane, indecent, or obscene Song or Ballad, or write or draw any indecent or obscene Word, Figure, or Representation, or use any profane, indecent, or obscene Language, to the Annoyance of the Inhabitants or Passengers:

Every Person who shall use any threatening, abusive, or insulting Words or Behaviour, with Intent to provoke a Breach of the Peace, or whereby a Breach of the Peace may be occasioned:

Every Person who shall blow any Horn, or use any other noisy Instrument, for the Purpose of calling Persons together, or of announcing any Show or Entertainment, or for the Purpose of hawking, selling, distributing, or collecting any Article whatsoever, or of obtaining Money or Alms:

Every Person who shall wantonly discharge any Fire-arms, or throw or discharge any Stone or other Missile, to the Damage or Danger of any Person, or make any Bonfire, or throw or set fire to any Fire-works:

Every Person who shall wilfully and wantonly disturb any Inhabitant by pulling or ringing any Door Bell, or knocking at any Door without lawful Excuse, or who shall wilfully and unlawfully extinguish the Light of any Lamp:

Every Person who shall fly any Kite, trundle any Hoop, spin or whip any Top, or play at any Game, to the Annoyance of the Inhabitants or Passengers, or who shall make or use any Slide upon Ice or Snow, to the common Danger of Passengers:

Every Person who shall burn, dress, or cleanse any Cork, or cleanse, hoop, fire, wash, or scald any Cask or Tub, or hew, saw, bore, or cut any Timber or Stone, or slack, sift, or screen any Lime:

Every Person who shall throw or lay any Stones, Slates, Shells, Lime, Bricks, Timber, Iron, or other Materials, except Building Materials, or the Rubbish thereby occasioned, according to the Provisions herein-before contained:

Every Person who shall beat or shake any Carpet, Rug, or Mat (except Door Mats before the Hour of Eight of the Clock in the Morning):

Every Person who shall fix or place any Flower Pot or Box in any upper Window, without sufficiently guarding the same against being blown or thrown down:

Every Person who shall throw or cast from the Roof, or any Part of any House or other Building, any Slate, Brick, Part of any Brick, Wood, Rubbish, or other Material or Thing:

Every Person who, without the Consent of the Owner or Occupier, shall affix any Posting Bill or other Paper upon any Building, Wall, Fence, or Paling, or write upon, soil, deface, or mark any such Building, Wall, Fence, or Paling with Chalk or Paint, or in any other Way whatsoever, or wilfully break, destroy, or damage any Part of any such Building, Wall, Fence, or Paling, or any Fixture or Appendage thereunto:

Every Person who, to the Danger of Passengers in any Thoroughfare, shall leave open any Vault or Cellar, or the Entrance from any Thoroughfare to any Cellar or Room under Ground, without a sufficient Fence or Hand-rail, or leave defective the Door, Window, or other Covering of any Vault or Cellar; or who shall not sufficiently fence any Area, Pit, or Sewer left open in or adjoining to any Thoroughfare, or who shall leave such open Area, Pit, or Sewer without a sufficient Light after Sunset, to warn and prevent Persons from falling thereinto.

Every Person who shall throw or lay any Dirt, Litter, or Ashes, or any Carrion, Fish, Offal, or Rubbish, on any Street, or throw or cause any such thing to fall into any Sewer, Pipe, or Drain, or into any Well, Stream, or Watercourse, Pond or Reservoir for Water, or cause any offensive Matter to run from any Manufactory, Brewery, Malting-house, Slaughter-house, Butcher's Shop, or Dunghill, into any Street or other uncovered Place, whether or not surrounded by a Wall or Fence: Provided always, that it shall not be deemed an Offence to lay Sand or other Materials in any Street in Time of Frost to prevent Accidents, or Litter or other Materials to prevent the freezing of Water in Pipes, or, in case of Sickness, to prevent Noise, if the Party laying any such Things shall cause them to be removed as soon as the Occasion for them shall cease:

Every Person who shall keep any Pigsty to the Front of any Street, not being shut out from such Street by a sufficient Wall or Fence, or who shall keep any Swine in or near any Street, or in any Dwelling, so as to be a common Nuisance:

Every Person who shall, within the Distance of One hundred Yards from any Dwelling House, burn any Leather, Rags, or any

any offensive Substance, so that the same shall be a common Nuisance; and

Every Person who shall place or keep any offensive Matter in any enclosed or open Ground, within One hundred Yards of any Dwelling House, so as the same may become a Nuisance or Annoyance to any Inhabitant:

Commissioners empowered to light Streets, &c.

CXLIX. And be it enacted, That it shall be lawful for the said Commissioners to light, or cause to be lighted, the several Streets within the Limits of this Act, or such of them as they shall think proper to be lighted, either with Gas, Oil, or otherwise, at such Times as they shall think fit.

Commissioners may provide Lamps, &c.

CL. And be it enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, from Time to Time, to purchase and provide such and so many Lamps, of such Sorts, Qualities, and Sizes, and such and so many Lamp Irons and Lamp Posts, and all such other Materials and Things for lighting such Lamps with Gas, Oil, or otherwise as they shall judge necessary, and direct the same to be affixed and set up on or against the Walls, Posts, or Rails of any of the Houses, Tenements, or Buildings, or against any other Walls, Posts, or Rails in any of the Streets within the Limits of this Act, or in such other Places and in such other Manner as the said Commissioners shall think proper and convenient; and to cause the same, or any of them, from Time to Time, to be taken down, altered, amended, removed, or renewed, when and as often as the said Commissioners shall think fit; and to cause such Lamps, or any of them, to be lighted, at such Seasons of the Year, on such Evenings, in such Manner, and at such Hours in the Evening, and to be kept burning for so many Hours during the Night, as to them the said Commissioners shall seem necessary or proper.

Pipes, &c. not to be carried through private Property without Consent.

CLI. And be it enacted, That nothing herein contained shall authorize or empower the said Commissioners, Person or Persons, to carry or lay any Main or Mains, Pipe or Pipes, into or through or against any private Lands or Grounds, for the Purpose of lighting any of the Streets, or to continue the same, without the Consent in Writing of the Owner or Occupier of every such Land or Ground, Dwelling House or Houses, Manufactories, public or private Buildings, into or through which any such Main or Mains, Pipe or Pipes, may be carried or laid for the Purposes aforesaid.

Penalty for wilfully breaking Lamps, &c.

CLII. And be it enacted, That if any Person shall wilfully destroy, deface, or damage any Lamp erected for the Purpose of lighting any of the said Streets, or any Lamp Post, Lamp Iron, Cover, or Furniture thereof respectively, or shall wilfully extinguish the Light of any such Lamp, then he shall, for every such Offence forfeit any Sum not exceeding Five Pounds, and shall besides make full Satisfaction to the said Commissioners or other Party injured for the Damage so done; and in default of Payment of such Penalty or Satisfaction the Justice before whom the Conviction shall take place may commit such Person to the Common Gaol of the said Borough, there to be kept to hard Labour for any Term not exceeding Three Calendar

Calendar Months, unless such Penalty and Satisfaction shall be sooner paid as aforesaid.

Satisfaction to be made for accidental Injury to Lamps, &c.

CLIII. And be it enacted, That if any Person shall negligently or accidentally destroy, injure, or damage any such Lamp as aforesaid, or the Post, Iron, Cover, or Furniture thereof, or any Appendage thereto, and shall not, upon Demand, make satisfaction for the Damage done, the Amount of every such Damage may be ascertained and recovered in the same Manner as any Damages for the Recovery and ascertaining of which no special Provision herein contained is hereby directed to be ascertained and recovered.

Penalty on Gas-makers for corrupting Water.

CLIV. And be it enacted, That if any Person, making or supplying any Gas within the Limits of this Act, shall at any Time cause or suffer to be conveyed or to flow into any Stream, Reservoir, Aqueduct, Pond, or Place for Water within the Limits of this Act, or into any Drain, Sewer, or Ditch communicating therewith, any Washing, Substance, or Thing which shall be produced in making or supplying Gas, or shall do any Act to the Water contained in such Stream, Reservoir, Aqueduct, Pond, or Place for Water, whereby the Water therein shall be fouled or corrupted, then such Person shall forfeit for every such Offence the Sum of Two hundred Pounds.

Penalty to be sued for in the Superior Courts within Twelve Months.

CLV. And be it enacted, That the said Penalty of Two hundred Pounds shall be recovered, with full Costs of Suit, in any of the Superior Courts, by Action of Debt or on the Case, by the Person into whose Water such Washing, Substance, or Thing shall be conveyed or shall flow, or whose Water shall be fouled or corrupted thereby; Provided always, that the said Penalty shall not be recoverable unless the same be sued for within Twelve Months after the Offence in respect of which such Penalty shall have been incurred.

Daily Penalty during the Continuance of the Offence.

CLVI. And be it enacted, That, in addition to the said Penalty of Two hundred Pounds (and whether such Penalty shall have been recovered or not), the Person making or supplying Gas as aforesaid shall forfeit the Sum of Twenty Pounds (to be recovered in the like Manner) for each Day such Washing, Substance, or Thing shall be conveyed or shall flow as aforesaid, or the Act by which such Water as aforesaid shall be fouled or corrupted shall continue, after the Expiration of Twenty-four Hours from the Time at which Notice of the Offence shall have been served on such Person.

Daily Penalty during Escape of Gas after Notice.

CLVII. And be it enacted, That whenever any Gas shall escape from any Pipe, which shall be laid down or set up by any Person making or supplying any Gas within the Limits of this Act such Person shall, immediately after receiving Notice in Writing of any such Escape of Gas, prevent such Gas from escaping; and in case such Person shall not, within Twenty-four Hours next after Service of such Notice, effectually prevent the Gas from escaping, and wholly remove the Cause of Complaint, then he shall for every such Offence forfeit the Sum of Five Pounds for each Day, after the Expiration of

Twenty-four Hours from the Service of such Notice, during which the Gas shall be suffered to escape.

Position of Gas Pipes with reference to Water Pipes.

CLVIII. And be it enacted, That every Pipe for the Conveyance of Gas within the Limits of this Act shall be laid at the greatest practicable Distance, and, if the Width of the Carriageway will admit thereof, at the Distance of Three Feet at least from the nearest Part of any Water Pipe already laid down or hereafter to be laid down for the Conveyance of Water within the Limits of this Act, except where it shall be necessary to lay the Gas Pipe across any Water Pipe, in which Case such Gas Pipe shall be laid above the Water Pipe at the greatest practicable Distance therefrom, and shall form therewith a Right Angle, and shall be at least Six Feet in Length, and be so laid down that no Joint of any Gas Pipe shall be nearer to any Part of the Water Pipe than Three Feet.

Manner of laying the Gas Pipes.

CLIX. And be it enacted, That in laying down any such Gas Pipe no Two of such Gas Pipes shall be joined together previously to their being laid in the Trench, but each Pipe shall be laid as near as may be in its Place in the Trench, and the Jointing with the other Pipes to be added together shall be made after the Pipes shall be so laid in the Trench, with proper Materials; and every such Pipes, and all Pipes connected or communicating therewith, and all the Screws, Joints, Inlets, Apertures, or Openings therein respectively, shall be made and kept Air-tight, so that in every respect the Gas shall be prevented from escaping therefrom.

Penalty for laying Gas Pipes contrary to the Act.

CLX. And be it enacted, That if any Gas Pipe shall be laid down, formed, or jointed contrary to any of the Provisions herein contained, or if the Gas shall escape from any such Pipe, the Person to whom such Gas Pipe shall belong shall forfeit for every such Offence the Sum of Five Pounds.

Daily Penalty during the Continuance of the Contamination after Notice.

CLXI. And be it enacted, That if the Person so making or supplying Gas shall not, within Twenty-four Hours next after Notice in Writing of any Water being contaminated or affected, served on him by the Person whose Water shall be so contaminated or affected, prevent the Gas from contaminating or affecting such Water, such Person shall, over and above the before-mentioned Penalty of Twenty Pounds, forfeit for every such Offence, to the Person whose Water shall be contaminated or affected, a Sum not exceeding Ten Pounds for each Day during which the said Water shall remain contaminated or affected after the Expiration of Twenty-four Hours from the Service of such Notice.

Power to examine Gas Pipes to ascertain Cause of Contamination.

CLXII. And whereas it may become a Question, upon such Complaint as aforesaid, whether the said Water be contaminated or affected by the Gas of any Person making or supplying Gas within the Limits of this Act; be it therefore enacted, That it shall be lawful for the Person to whom the Water supposed to be contaminated or affected by Gas may belong to dig and examine the Pipes, Conduits, and Apparatus of the Person making or supplying Gas, for the Pur-

pose

pose of ascertaining whether the said Water has been contaminated or affected by the Gas of such Person.

The Expences to abide the Result of the Examination.

CLXIII. And be it enacted, That if upon such Examination it shall appear that such Water has been contaminated or affected by any Gas belonging to such Person, the Expences of the digging, Examination, and Repair of the Street or Place which shall be disturbed in any such Examination shall be paid by the Person making or supplying Gas; but if upon such Examination it shall appear that the Water has not been contaminated or affected by the Gas of such Person, then the Person causing such Examination to be made shall pay all the Expences of Examination and Repair, and also make good to the said Person any Injury which may be occasioned to the Works of the said Person by such Examination.

The Amount of Expences to be ascertained and recovered as other Damages.

CLXIV. And be it enacted, That the Amount of the Expences of every such Examination and Repair, and of any Injury done to the Person making or supplying Gas, shall, in case of any Dispute about the same, together with the Costs of ascertaining and recovering the same, be ascertained and recovered in the same Way as any Damages for the ascertaining and Recovery of which no special Provision is made by this Act are hereby directed to be ascertained and recovered.

Persons supplying Gas to be liable to Indictment for Nuisance.

CLXV. Provided always, and be it enacted, That nothing in this Act shall protect any Person making or supplying Gas within the Limits of this Act from an Indictment for any Nuisance or any other legal Proceeding to which he may be liable in consequence of the making or supplying such Gas.

Fire Engines and Firemen may be provided by the Commissioners.

CLXVI. And be it enacted, That it shall be lawful for the Commissioners to purchase or provide such Engines for extinguishing Fire, and such Water Buckets, Pipes, and other Apparatus for such Engines, and such Fire Escapes and other Implements for Safety or Use in case of Fire, and to purchase, keep, or hire such Horses for drawing such Engines, as they shall think fit, and to build, provide, or hire Places for keeping such Engines and other Apparatus, and to employ a proper Number of Persons to act as Firemen, and to allow them such Salaries, and to make such Rules for their Regulation, as they shall think proper, and to give such Firemen and other Persons such Rewards for their Exertions in Cases of Fire, as they shall think fit; and all such Engines and other Things as aforesaid, and also the present Fire Engines, shall be deemed and considered to be the Property of and be vested in the said Commissioners.

Power to levy Rates.

CLXVII. And in order to raise Money for carrying the several Purposes of this Act into execution, be it enacted, That it shall be lawful for the Commissioners, once in every Year after the passing of this Act, to make One or more equal Rate or Rates, Assessment or Assessments, to be signed by the Commissioners, or by any Five or more of them, upon the Occupiers of all Houses, Shops, Warehouses, Coach-houses, Cellars, Buildings, Gardens, Lands, Tenements, Hereditaments, and Premises within the Limits of this Act, according to the annual Value of the same, so as such Rates or Assessments do

not

not exceed in any One Year the Sum of Two Shillings and Sixpence in the Pound on such annual Value.

Rates to be vested in the Commissioners.

CLXVIII. And be it enacted, That the several Rates made under this Act shall be vested in the Commissioners, and shall be payable at such Times as they shall direct to the Collectors to be appointed by them.

Arable and Meadow Land, and Tithes, not to be rated.

CLXIX. And be it enacted, That no Person shall be rated in pursuance of this Act on account of any Arable, Meadow, or Pasture Land, or of any Tithes or Composition in lieu of Tithes, within the Limits of this Act.

Value of Property to be according to Poor Rate.

CLXX. And be it enacted, That the annual Value of all Property rateable under this Act shall be ascertained according to the next preceding Assessment for the Relief of the Poor within the Limits of this Act, except in such Cases as are herein-after mentioned.

Poor Rates to be open to Inspection by Commissioners.

CLXXI. And be it enacted, That it shall be lawful for the Commissioners, or for any Person by them authorized, from Time to Time to inspect the several Poor Rates for the several Parishes within the Limits of this Act, and the Assessments by which the same are made, and to take Copies or Extracts therefrom respectively; and if any Person, having the Custody of such Rates or Assessments, shall not suffer the Commissioners, or any Person authorized by them, to inspect the same, or take Copies thereof or Extracts therefrom, he shall forfeit and pay any Sum not exceeding Forty Shillings for every such Offence.

If Poor Rate an unfair Criterion, a Valuation to be made.

CLXXII. Provided always, and be it enacted, That if at any Time the Rates for the Relief of the Poor for the several Parishes within the Limits of this Act, or any of them, shall, in the Judgment of the Commissioners, be an unfair Criterion by which the Rates or Assessments under this Act should be made, it shall be lawful for them to cause a Valuation to be made of all the rateable Property within the Limits of this Act, by some competent Person to be appointed by them for the Purpose and the Rates or Assessments to be made by the Commissioners for the Purposes of this Act shall be made upon such Valuation.

Valuer to make a Declaration.

CLXXIII. And be it enacted, That, before any such Valuation shall be made, the Person appointed to make such Valuation shall make and subscribe a solemn Declaration to make such Valuation fairly and impartially, according to the best of his Judgment; and an Entry or Minute shall be made in the Book of Proceedings of the Commissioners of the making and subscribing of such Declaration, and of the Date of making the same; and any Justice to whom Application may be made for that Purpose is hereby required to administer such Declaration.

Net annual Value.

CLXXIV. And be it enacted, That in every such Valuation the Property rateable under this Act shall be computed at its net annual Value.

CLXXV. And

Rate Books to be Evidence.

CLXXV. And be it enacted, That the Books of Rates of the Commissioners, and all Entries made therein, in manner by this Act directed, shall be received as Evidence of the Rates imposed by virtue of this Act.

Rates may be amended.

CLXXVI. And be it enacted, That it shall be lawful for the Commissioners, from Time to Time, to amend any Rate made by virtue of this Act, by inserting therein the Name of any Person who ought to have been rated, or by striking out the Name of any Person who ought not to have been rated, or by raising or reducing the Sum at which any Person shall have been rated, if it shall appear to them that such Person has been underrated or overrated, or by making such other Amendments therein as will make such Rate conformable to this Act, and no such Amendment shall be held to avoid the Rate: Provided always, that every Person who shall be aggrieved by any such Alteration shall have the same Right of Appeal therefrom as he would have had if his Name had been originally inserted in such Rate, and no such Alteration had been made; and every Person whose Rate shall be altered shall be entitled to Seven Days Notice of such Alteration before the Rate shall be payable by him.

Occupiers may be rated, if they think fit.

CLXXVII. Provided always, and be it enacted, That it shall be lawful for the Occupiers of any rateable Property to demand to be assessed for the same, and to pay the Rates in respect thereof made under the Authority of this Act; and the Commissioners shall assess every such Occupier so long as he shall duly pay the said Rates.

Rates to be recovered by Action or by Distress.

CLXXVIII. And be it enacted, That if any Person, rated under the Authority of this Act, shall not pay any of the said Rates due from him, for the Space of Fourteen Days after Demand thereof in Writing by the Commissioners, or their Collector, it shall be lawful for the Commissioners to recover the same, by Action of Debt, in any of Her Majesty's Courts of Record at *Westminster*, or any Justice shall, on the Application of the Commissioners or their Collector, summon any such Person to appear before him at a Time to be mentioned in the Summons, to show Cause why the Rates due from him should not be paid; and in case such Person shall not attend at the Time mentioned in the Summons, or no sufficient Cause for the Nonpayment of such Rate shall be shown accordingly, the same shall be levied by Distress, and such Justice shall issue his Warrant accordingly.

Form of Warrant of Distress.

CLXXIX. And be it enacted, That the Warrant of Distress for the Nonpayment of any Rate may include one Person or several Persons, and may be to the Effect mentioned in Schedule (D.) to this Act annexed.

Constable to assist in making Distress.

CLXXX. And be it enacted, That in all Cases where a Distress is hereby authorized to be made, every Constable authorized by the Warrant to levy any Sum mentioned therein shall, upon being required by a Collector of the Rates, aid in making a Distress or Sale, pursuant to such Warrant, and every Constable who shall refuse

refuse to do so shall be liable to a Penalty not exceeding Five Pounds.

Commissioners empowered to reduce the Rates.

CLXXXI. Provided always, and be it enacted, That if any Person shall think himself aggrieved by any Rate or Assessment to be made in pursuance of this Act such Person may, by himself or by his Agent, apply to the said Commissioners, at any of their said Meetings, and it shall and may be lawful to and for the said Commissioners, on such Application, to mitigate or reduce such Rate or Assessment, and to give such Relief in the Premises, as to them the said Commissioners shall seem just and reasonable; and it shall be lawful to and for the said Commissioners, upon the Appeal or Complaint of any Person subject and liable to the Payment of any Rate or Assessment, by virtue of this Act to mitigate, reduce, or lessen such Rate or Assessment.

Rates may be reduced or remitted on account of Poverty.

CLXXXII. Provided always, and be it enacted, That it shall be lawful for the Commissioners, or any Two Justices in Petty Sessions assembled, to reduce or remit the Payment of any Rate on account of the Poverty or Sickness of any Person liable to the Payment of the Rate.

Remedy against Persons quitting before Payment of Rates.

CLXXXIII. And be it enacted, That if any Person shall quit or be about to quit any rateable Property before he shall have paid the Rates then payable by him in respect thereof, and shall not pay the same to the Commissioners, or their Collector, on Demand, it shall be lawful for any Justice of the Peace having Jurisdiction where such Person may reside, or his Goods be found, to summon such Person to appear before him, at a Time to be mentioned in the Summons, to show Cause why the Rates should not be paid; and if no sufficient Cause for the Nonpayment of such Rates be shown accordingly the same shall be levied by Distress, and such Justice shall issue his Warrant accordingly.

Rates to be apportioned on Holder quitting.

CLXXXIV. And be it enacted, That when any Rate shall have been made for a particular Period, and the Person who shall be rated to such Rate shall cease to be the Occupier of the Property in respect whereof he shall be rated before the End of such Period, such Occupier shall be liable to pay a Portion only of the Rate payable for the whole of such Period, proportionate to the Time during which he continued to be Occupier; and if any Person shall become the Occupier of any Property so rated as aforesaid, during any Part of any Period for which any Rate shall have been made, such Person shall pay a Portion of such Rate proportioned to the Time during which he shall have held or occupied the Property so rated.

Persons entering on unoccupied Property to pay a Portion of the Rate.

CLXXXV. And be it enacted, That if any Property rateable under this Act shall have been unoccupied at the Time of making any Rate, and any Person shall occupy such Property during any Part of the Period for which such Rate shall have been made, it shall be lawful for the Commissioners to rate such Property; and the Person occupying the same during any Part of the Period aforesaid shall

shall pay a Portion of the said Rate proportioned to the Time during which he shall occupy such Property.

Application of Rates.

CLXXXVI. And be it enacted, That the Money which shall arise from the said Rates, or other Money to be received by the Commissioners under this Act, shall be applied, in the first place, in Payment of the Interest of all Monies borrowed on Mortgage of the said Rates, and of the Annuities granted by virtue of this Act, and afterwards in defraying the Expences of paving, cleansing, watering, draining, lighting, and otherwise improving the several Streets within the Limits of this Act, and of improving the same, and carrying the several Purposes of this Act into execution, and in paying off the Principal Sums borrowed on the Credit of the Rates, in such Order as is herein-before provided.

Damages to be ascertained with the Penalty.

CLXXXVII. And be it enacted, That where any Damages or Charges are directed by this Act to be paid, in addition to any Penalty for any Offence, the Amount of such Damages or Charges, in case of Nonpayment thereof, or of any Dispute concerning the same, shall be determined by the Justice before whom the Offender shall be convicted of such Offence, and shall be levied by Distress, and such Justice shall issue his Warrant accordingly.

Provision for Damages not otherwise provided for.

CLXXXVIII. And for the Purpose of providing for the Recovery of any Compensation for any Land, or for any Injury to any Land or other Property, or Person, or for any Expences, Charges, or Damages which shall be payable under this Act, and for the Recovery of which no Method is herein provided, be it enacted, That in all such Cases the Amount of the Compensation, Expences, Charges, or Damages by this Act directed or authorized to be paid may, in case of Nonpayment thereof, or of any Dispute about the same, be ascertained and determined by One or more Justice or Justices of the Peace, and the same, together with the Costs of the ascertaining and Recovery thereof, to be ascertained by such Justice or Justices, shall be levied by Distress, and the Justice or Justices may issue their Warrants accordingly.

For ascertaining Compensation.

CLXXXIX. And for the Purpose of ascertaining and determining any such Compensation, Expences, Charges, or Damages, be it enacted, That any Justice of the Peace may summon any Person liable to pay the same to appear before him at the Time mentioned in such Summons, and at such Time, either on the Appearance or Default of the Party summoned to appear, to inquire into any such Compensation, Expences, Charges, or Damages, and to determine the same.

Recovery of Money from Commissioners.

CXC. And with respect to any Money under the Provisions of this Act adjudged to be paid by the Commissioners for which no other Mode of Proceeding is hereby prescribed, be it enacted, That if such Money be not paid by the Commissioners to the Party entitled to receive the same within Twenty-one Days after Demand thereof in Writing, stating the Order of the Justices for the Payment of such Money, the Amount shall be recovered by Distress of the Goods of the

the Commissioners, and if no sufficient Goods of the Commissioners can be found, by Distress of the Goods of the Treasurer of the Commissioners; but no such Distress shall issue against the Goods of such Treasurer unless Seven Days previous Notice in Writing, stating the Amount so due, and demanding Payment thereof, shall have been given to such Treasurer, or left at his usual Place of Abode.

Reimbursement of Treasurer.

CXCI. And be it enacted, That if such Treasurer shall pay any Money under any such Distress as aforesaid, it shall be lawful for him to retain the Amount so paid, and all Costs and Expences occasioned thereby, out of any Money belonging to the Commissioners coming into his Custody or Control, or to sue the Commissioners for the same, in the same Manner as other Parties are by this Act enabled to sue the said Commissioners.

Liability to Rates not to disqualify Witnesses or Justices.

CXCII. And be it enacted, That no Person, although liable to the Payment of Money towards the Rates authorized to be raised by this Act, shall by reason thereof be deemed to be an incompetent Witness in any Proceeding before any Court of Justice, by virtue of this Act; and no Justice shall be disabled from acting in the Execution of this Act by reason of his being liable to the Payment of any Money towards the Rates authorized to be raised by this Act.

Interpretation Clause.

CXCIII. And be it enacted, That in this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number:

Words importing the Masculine Gender only shall include Females:

The Word "Month" shall mean Calendar Month:

The Word "Person" shall include Corporation, whether Aggregate or Sole:

The Word "Oaths" shall include Affirmation in case of Quakers, or other Declaration or Solemnity lawfully substituted for an Oath in case of any other Persons exempted by Law from the Necessity of taking an Oath:

The Word "Justice" shall mean any Justice of the Peace acting for the Parts of *Kesteven* or Borough of *Stamford*, unless otherwise mentioned:

The Expression "the General Quarter Sessions of the Peace" shall mean the General Quarter Sessions of the Peace for the Parts of *Kesteven*:

The Word "Street" shall include any Square, Street, Court, or Alley, Highway, Lane, Road, Thoroughfare, or public Passage or Place within the Limits of this Act:

The Word "Lands" shall extend to Messuages, Lands, Tenements, and Hereditaments of any Tenure:

The Expression "the Commissioners" shall mean the Commissioners for the Time being acting by virtue of this Act.

Penalties to be summarily recovered before a Justice.

CXCIV. And for the Purpose of providing for the Recovery of Penalties or Forfeitures imposed by this Act, or by any Bye Law made in pursuance thereof, the Recovery of which is not otherwise provided for, be it enacted, That every such Penalty or Forfeiture may be recovered by summary Proceeding, upon Complaint made before any Justice; and on the Complaint being made to any such Justices, he shall issue a Summons requiring the Party complained against to appear on a Day and at a Time and Place to be named in such Summons; and every such Summons shall be served on the Party offending, either in Person or by leaving the same with some Inmate at his usual Place of Abode; and either upon the Appearance or upon the Default to appear of the Party offending it shall be lawful for any Justice to proceed to the Hearing of the Complaint, and that although no Information in Writing or in Print shall have been exhibited before him; and upon Proof of the Offence, either by the Confession of the Party complained against, or upon the Oath of One credible Witness, or more, it shall be lawful for any Justice to convict the Offender, and upon such Conviction to adjudge the Offender to pay the Penalty or Forfeiture incurred, as well as such Costs attending the Conviction as such Justices shall think fit.

Penalties may be levied by Distress.

CXCV. And be it enacted, That if forthwith upon any such Adjudication as aforesaid the Amount of the Penalty or Forfeiture, and of such Costs as aforesaid, be not paid, the Amount of such Penalty and Costs, together with the Costs of the Distress, shall be levied by Distress, and any Justice shall issue his Warrant of Distress accordingly.

Imprisonment in default of Distress.

CXCVI. And be it enacted, That it shall be lawful for the Justices to order any Offender so convicted as aforesaid to be detained and kept in safe Custody until Return can be conveniently made to the Warrant of Distress to be issued for levying such Penalty or Forfeiture, and Costs, unless the Offender give sufficient Security, by way of Recognizance or otherwise, to the Satisfaction of the Justice, for his Appearance before them on the Day appointed for such Return, such Day not being more than Eight Days from the Time of taking such Security; but if, before issuing such Warrant of Distress, it shall appear to the Justice, by the Admission of the Offender, or otherwise, that no sufficient Distress can be had whereon to levy such Penalty or Forfeiture, and Costs, he may, if he thinks fit, refrain from issuing such Warrant of Distress, and in such Case, or if such Warrant shall have been issued, and upon the Return thereof such Insufficiency as aforesaid shall be made to appear to the Justice, then such Justice shall, by Warrant, cause such Offender to be committed to Gaol, there to remain without Bail for any Term not exceeding Three Months, unless such Penalty and Costs be sooner paid and satisfied.

Application of Penalties.

CXCVII. And with respect to the Application of any Penalties or Forfeitures recovered by virtue of this Act, the Application whereof is not herein otherwise provided for, be it enacted, That the Justice by whom any such Penalty or Forfeiture shall be imposed shall award one Half thereof to the Commissioners, and

the other Half thereof to the Informer, or any Person suing for the same; or, if the Commissioners be the offending Party, shall award one Half thereof to the Informer, and the other Half to the Overseers of the Poor of the Parish in which the Offence shall have been committed, for the Benefit of the Poor of such Parish.

Penalties to be sued for within Six Months.

CXCVIII. And be it enacted, That no Person shall be liable to the Payment of any Penalty or Forfeiture imposed by virtue of this Act, for any Offence herein-before made cognizable before a Justice, unless the Complaint respecting such Offence shall have been made before such Justice within Six Months next after the Commission of such Offence.

Penalty on Witnesses making default.

CXCIX. And be it enacted, That it shall be lawful for any Justice to summon any Person to appear before him as a Witness in any Matter in which such Justice shall have Jurisdiction under the Provisions of this Act, at a Time and Place mentioned in such Summons, and to administer to him an Oath to testify the Truth in such Matter; and if any Person who shall be summoned as a Witness before any Justice touching any Offence committed against this Act, or any Matter in which such Justice shall have Jurisdiction by the Provisions of this Act, shall, without reasonable Excuse, refuse or neglect to appear at the Time and Place appointed for that Purpose, having been paid or tendered a reasonable Sum for his Expences, or if any Person appearing shall refuse to be examined upon Oath, or to give Evidence before such Justice, every such Person shall forfeit a Sum not exceeding Five Pounds for every such Offence.

Informalities.

CC. And be it enacted, That no Proceeding in pursuance of this Act shall be quashed or vacated for Want of Form, nor shall the same be removed by Certiorari or otherwise into any of the Superior Courts.

Distress how to be levied.

CCI. And be it enacted, That where in this Act any Sum of Money, whether in the Nature of Penalty or otherwise, is directed to be levied by Distress, such Sum of Money shall be levied by Distress and Sale of the Goods and Chattels of the Party liable to pay the same; and the Overplus arising from the Sale of such Goods and Chattels, after satisfying such Sum of Money, and the Expences of the Distress and Sale, shall be returned, on Demand, to the Party whose Goods shall have been distrained.

Distress not unlawful for Want of Form.

CCII. And be it enacted, That no Distress levied by virtue of this Act shall be deemed unlawful, nor shall any Party making the same be deemed a Trespasser, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceeding relating thereto, nor shall such Party be deemed a Trespasser *ab initio* on account of any Irregularity afterwards committed by him, but all Persons aggrieved by such Defect or Irregularity may recover full Satisfaction for the special Damage in an Action upon the Case.

CCIII. And

Parties may appeal to Quarter Sessions on giving Security.

CCIII. And be it enacted, That if any Person shall think himself aggrieved by any Rate, or by any Order, Determination, or Adjudication of any Justice, or of the Commissioners, under the Provisions of this Act, he may appeal to the General Quarter Sessions; but no such Appeal shall be entertained unless it be made within Four Months next after the making of such Rate, Order, Determination, or Adjudication, and unless Ten Days Notice in Writing of such Appeal, stating the Nature and Grounds thereof, be given to the Party against whom the Appeal shall be brought, and unless the Appellant forthwith after such Notice enter into Recognizances, with Two sufficient Sureties, before a Justice, conditioned duly to prosecute such Appeal, and to abide the Order of the Court thereon.

Court to make such Order as they think reasonable.

CCIV. And be it enacted, That at the Quarter Sessions for which such Notice shall be given the Court shall proceed to hear and determine the Appeal in a summary Way, or they may, if they think fit, adjourn it to the following Sessions; and, upon the hearing of such Appeal, the Court may, if they think fit, mitigate any Penalty or Forfeiture, or they may confirm or quash the Order, Determination, or Adjudication, and order any Money paid by the Appellant, or levied by Distress upon his Goods, to be returned to him, and may also order such further Satisfaction to be made to the Party injured as they may judge reasonable; and they may make such Order concerning the Costs, both of the Order, Determination, or Adjudication, and of the Appeal, as they may think reasonable. Costs.

On Appeal, Quarter Sessions may amend the Rate.

CCV. And be it enacted, That, on all Appeals from any Rate made in pursuance of this Act, it shall be lawful for the Court of Quarter Sessions, either to quash the Rate or to amend such Rate, either by inserting therein or by striking out therefrom the Name of any Person, or by altering the Sum therein charged on any Person, or in any other Manner which the said Court shall think just, without quashing such Rate.

Saving the Rights of the Lord of the Manor of Stamford, and St. Martin's.

CCVI. And be it enacted, That nothing in this Act contained shall affect any Right, Franchise, or Authority of the Most Honourable *Brownlow* Marquis of *Exeter*, the Lord of the Manors of *Stamford* aforesaid, and of *Saint Martin's Stamford Baron* in the said County of *Northampton*, or either of them, his Heirs and Assigns, or affect any Right, Title, Property, Power, Privilege, Franchise, or Authority of the said *Brownlow* Marquis of *Exeter* to any Pontage or other Tolls or Dues payable to him, his Heirs and Assigns,

Saving the Rights of the Owners of the Waterworks.

CCVII. And be it enacted, That nothing in this Act contained shall affect any Right of the said Most Honourable *Brownlow* Marquis of *Exeter*, or the Owners for the Time being of the Works for supplying the said Borough with Water, under an Act passed in the Seventh Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for better supplying with Water the Town and Borough of* Stamford, *and Places adjacent thereto, in the Counties of* Northampton *and* Lincoln, 7 W. 4. & 1 Vict. c. 20.

CCVIII. And

Saving the Right of the Gas Company. 4 G. 4. c. 101.

CCVIII. And be it enacted, That nothing in this Act contained shall affect any Right or Authority of the Company established under and by virtue of an Act passed in the Fourth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act to establish a Company for lighting the Borough of* Stamford *in the County of* Lincoln, *and* Saint Martin's Stamford Baron *in the County of* Northampton, *with Gas.*

Public Act.

CCIX. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

The

The SCHEDULES referred to by the foregoing Act.

SCHEDULE (A.)

Form of Mortgage Deed.

By virtue of an Act passed in the Fourth Year of the Reign of Her Majesty Queen Victoria, intituled [*here insert the Title of this Act*], we, Five of the Commissioners appointed by [*or* by virtue of] the said Act, in consideration of the Sum of paid to us by *A.B.* of for the Purposes of the said Act, do grant and assign unto the said *A.B.*, his Executors, Administrators, and Assigns, such Proportion of the Rates or Assessments arising by virtue of the said Act as the said Sum of doth or shall bear to the whole Sum which is or shall be borrowed upon the Credit of the said Rates or Assessments, to hold to the said *A.B.*, his Executors, Administrators, and Assigns, from this Day until the said Sum of with Interest at per Centum per Annum for the same, shall be fully paid and satisfied. In witness whereof we have hereunto set our Hands and Seals this Day of One thousand eight hundred and .

SCHEDULE (B.)

Form of Grant of Annuity.

By virtue of an Act passed in the Fourth Year of the Reign of Her Majesty Queen Victoria, intituled [*here insert the Title of this Act*], We, being Five of the Commissioners appointed by the said Act, in consideration of the Sum of paid by *A.B.*, do grant and assign unto the said *A.B.* an Annuity or yearly Sum of to be issuing out of the Rates and Assessments arising by virtue of the said Act, to be paid to the said during the Term of his natural Life [*or, as the Case may be*, to the said his 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 and the Day of in every Year during his natural Life [*or, as the Case may be*, during the natural Life of said *or* of the said and and the Survivor of them,] the first Payment thereof

thereof to be made upon the Day of next ensuing the Date hereof. In witness whereof we have hereunto set our Hands and Seals the Day of in the Year One thousand eight hundred and

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SCHEDULE (C.)

Form of Transfer of Mortgage or Grant of Annuity.

I *A. B.* of in consideration of the Sum of paid to me by *C. D.* of do hereby transfer to the said *C. D.*, his Executors, Administrators, and Assigns, a certain Mortgage, Number [*or* a certain Grant of Annuity, Number *as the Case may be,*] made by the Commissioners for executing the [*Title of the Act*], to bearing Date the Day of for securing the Sum of and Interest, [*or* for granting an Annuity of *as the Case may be; or, if such Transfer be by Endorsement,* the within Security], and all my Right, Estate, and Interest in and to the Money thereby secured [*or* the Annuity thereby granted], and in and to the Money and Property thereby assigned. In witness whereof I have hereunto set my Hand and Seal this Day of One thousand eight hundred and

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SCHEDULE (D.)

Form of Warrant of Distress.

} To One of the Collectors of the
to wit. } Rates under an Act passed, *&c.*, intituled, *&c.*, and to all Constables.

Whereas the under-mentioned Persons, now or late Owners or Occupiers of Premises within the have been duly rated in or are liable to the Payment of a Rate made on the Day of under the Authority of the said Act, and there are now due from them respectively the several Sums of Money against their Names herein-after respectively set down, which they have not paid, as appeareth upon Oath to me, one of Her Maiesty's Justices of the Peace for the ; and the said several Persons having been duly summoned to appear before me to answer the Premises, and not having shown sufficient Cause why such several Sums of Money should not be paid; These are therefore, in Her Majesty's Name, to require you, or any of you, forthwith to levy the said several Sums due as herein-before mentioned, by Distress and Sale of the respective Goods and Chattels of the Persons aforesaid, rendering to them respectively the Overplus (if

(if any), the reasonable Charges of such Summons, Warrant, Distress, and Sale being first deducted; and if no sufficient Distress can be had and taken, then that you certify the same to me, to the end that such further Proceedings may be had as the Law doth authorize and direct: And I do hereby strictly charge and command all and singular the Constables respectively to be aiding and assisting in all things relating to the Premises.

Given under my Hand and Seal this Day of in the Year of our Lord One thousand eight hundred and

	Sums due.		
	£	s.	d.
A.B. - - -			
C.D. - - -			

SCHEDULE (E.)

Form of Conveyance.

I of in consideration of the Sum of paid to me [*or, as the Case may be,* into the Bank of England, in the Name and with the Privity of the Accountant General of the Court of Exchequer, ex parte "The (*or* to *A.B.* of and *C.D.* of Two Trustees appointed to receive the same,] pursuant to an Act passed, *&c.*, intituled, *&c.*, by the [*here name the* , do hereby convey to the said Commissioners all [*describing the Premises to be conveyed*], together with all Ways, Rights, and Appurtenances thereto belonging, and all such Estate, Right, Title, and Interest in and to the same as I am or shall become seised or possessed of, or am by the said Act empowered to convey; to hold the Premises to the said according to the true Intent and Meaning of the said Act. In witness whereof I have hereunto set my Hand and Seal, the Day of in the Year of our Lord .

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