

ANNO SEPTIMO

GEORGII IV. REGIS.

Cap. CXX.

An Act for paving, lighting, watching, cleansing, and improving the Town and Parish of *Sunderland near the Sea* in the County of *Durham*; for removing the Market; and for otherwise improving the said Town. [26th *May* 1826.]

WHEREAS an Act was passed in the Fiftieth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for paving, lighting, watching, and cleansing the Town of* Sunderland near the Sea *in the County of* Durham, *for removing the Market, for building a Town Hall or Market House, and for otherwise improving the said Town, and for establishing a Watch on the River* Wear: And whereas since the passing of the said Act the Inhabitants and the Number of Houses and other Buildings within the Town of *Sunderland* aforesaid have greatly increased: And whereas the Provisions of the said Act have been found in many respects defective, and insufficient for the Purposes for which they were designed; and it is expedient that new and further Powers and Provisions should be given for the better paving, lighting, watching, and cleansing, and for the general Improvement of the Streets, Lanes, public Passages and Places within the said Town and Parish, and for the Removal and future Prevention of Nuisances and Annoyances within the same, and for removing the Market within the same: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Con- 50 G. 3. c. 27.

Recited Act repealed, except as herein mentioned.

sent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act the said recited Act of the Fiftieth Year of the Reign of His said late Majesty King *George* the Third shall be and the same is hereby declared to be repealed, save and except such Part or Parts thereof as relate to the establishing and maintaining a Watch on the River *Wear*.

Rates under former Act to be recoverable by Commissioners under this Act.

II. And be it further enacted, That all and every Person and Persons from or by whom any Rate or Rates or any Arrears of Rate or Rates laid or assessed by virtue of the said former Act hereby repealed, for the Purpose of such Act (save and except as aforesaid), shall be due or unpaid at the Time of the passing of this Act, shall remain and be liable to the Payment thereof respectively in all respects as such Person or Persons was or were liable before the passing of this Act, or would have been liable if the said Act had not been hereby repealed, and was still in force; and all such Rates and Arrears of Rates shall be paid to and received by the Commissioners for executing this Act, or their Collector or Collectors, Receiver or Receivers, and shall be applied for the Purposes and in the Manner directed and provided for by the said former Act hereby repealed, (save and except as aforesaid) and shall and may respectively be recoverable and recovered in the same Manner and by the same Ways and Means as if such Rates or Arrears of Rates respectively had been laid or assessed or become due under or by virtue of this Act, and as any Rate by this Act authorized to be laid may be recovered and levied.

Officers under former Acts to account, &c.

III. And be it further enacted, That each and every Treasurer, Collector, or other Officer or Person in whose Custody or under whose Controul any Money received or collected under or by virtue of the said former Act hereby repealed, except as aforesaid, for any of the Purposes therein mentioned, shall be or remain at the Time of the passing of this Act, shall be and continue liable to pay over and account for the same to the Commissioners for executing this Act, in the same Manner as if the said former Act had not been repealed, or as if such Money had come to the Hands of any such Treasurer, Collector, or other Officer or Person by virtue of this Act.

Contracts under former Act to be in full force.

IV. And be it further enacted, That all Grants, Assignments, Contracts, Stipulations, Bonds, and Agreements entered into by the Commissioners acting under and in execution of the said former Act hereby repealed, with any Person or Persons whomsoever, shall, notwithstanding the Repeal of such Act, subsist and continue valid and in full force, and be binding upon all the Parties thereto respectively, for such Term and Terms, and in such Manner and Form, as according to the Tenor thereof respectively they would have subsisted and continued in case such Act had not been hereby repealed.

New Rates charged with outstanding Debts.

V. And be it further enacted, That this Act, and the Rates, Assessments, and Tolls hereby respectively granted or authorized to be received, shall be and are hereby respectively made subject to the Payment as well of all Monies which are now due and owing on the Credit of the Rates authorized to be received by the said Act hereby repealed, as also of all

Monies which may be borrowed, and the Interest thereof, on the Credit of the Rates, Assessments, and Tolls hereby authorized to be received, as fully as if such Monies respectively had been wholly borrowed on the Credit of the Rates, Assessments, or Tolls hereby authorized to be received; and all the Estates and Effects vested in the Commissioners by virtue of the said Act hereby repealed shall upon the passing of this Act become vested in the Commissioners appointed by this Act.

Effects vested in new Commissioners.

VI. And be it further enacted, That all and every the Books and Book of Proceedings which may have been kept by the Commissioners acting in the Execution of the Act hereby repealed, or under their Direction, according to the Provisions of such Act, and made Evidence thereby, shall be admitted as Evidence in all Courts, and by all Judges, Justices, and others.

Books under former Act to be Evidence.

VII. And be it further enacted, That *William Armstrong*, *John Atkin*, *Edward Aiskell*, *Joseph Andrews*, *Christopher Bramwell*, *Christopher Bramwell* the younger; *Benjamin Bray*, *George Binns*, *William Beckwith*, *William Bulman*, *James Bell*, *William Harrison Brass*, *Thomas Burdon*, *John Burdon*, *Richard Bradley*, *John Barry* the younger, *Jonathan Backhouse*, *Edward Backhouse*, *Richard Booth*, *James Crosby*, *Thomas Milner Cummings*, *William Cockerill*, *Thomas Cockerill*, *Thomas Clarke*, *Solomon Chapman*, *John Cameron*, *Thomas Croudace*, *Richard Dowell*, *William Dunn*, *John Punshon Denton*, *Robert Dobson*, *William Dunning*, *William Dobson*, *John Davison*, *Robert Aiskell Davison*, *Stevenson Eden* Doctor of Medicine, *Addison Fenwick*, *Robert Fenwick*, *George Fenwick*, *Richard Frost*, Reverend *Robert Gray* Doctor of Divinity, *George Gowland*, *Clement Gowland*, Reverend *Robert Gray* Master of Arts, *John Thompson Gregson*, *Francis Gray*, Sir *Henry Hardinge* Knight Companion of the Bath, *Thomas Hindmarch*, *William Haddock*, *Abney Hopton*, *John George Holmes*, *Nathan Horn*, *Robert Horn*, *Thomas Horn*, *Frederic Horn*, *Thomas Hodge*, *Thomas Hardy*, *William Hutchinson Hardy*, *William Hill*, *Christopher Septimus Hill*, *Thomas Hopper*, *Thomas Hudson*, *Thomas Hardcastle*, *Nicholas Crofton Hunter*, *Thomas Hunter*, *James Hogg*, *John Kay*, *Joseph Kirk*, *William Kirk*, *John George Lambton* Esquire, *Charles William Lambton*, *Hedworth Lambton*, *William Henry Lambton*, *Ralph John Lambton* Esquire, *William Loraine*, *George Liddell*, *Robert Liddell*, *James Lamb*, *William Lilburn*, *Thomas Laws*, *Ralph Laws*, *Thomas Longstaff*, *George William Longridge*, Marquis of *Londonderry*, *Richard Markham*, *Richard Markham* the younger, *George Markham*, *John Mounsey*, *William Mounsey*, *Thomas Mounsey*, *Richard Mitcaft*, *Richard Mitcaft* the younger, *Thomas Mordey*, *Thomas Milton*, *Thomas Moor*, *John Mitchell*, *John Ness*, *William Nicholson*, *Thomas Nesbitt*, *Bernard Ogden*, *John Biss Ogden*, *William Bernard Ogden*, *Thomas Ogden*, *Thomas Oliver*, Honourable *William J. F. Powlett*, *Thomas Parker*, *Thomas Parker* the younger, *Hill Parker*, *William Potts*, *Henry Preston*, *William Proudfoot*, *Richard Pemberton*, *Thomas Pemberton*, *John Penman*, *Joseph Penman*, *Henry Penman*, *George Robinson*, *William Robinson*, *Thomas Nelson Robinson*, *John Renner*, *Thomas Reed*, *Thomas Reed* the younger, *George Reed*, *Thomas Robson*, *Bracey Robson*, *Thomas Reed*, *John Richardson*, *Caleb Richardson*, *Thomas Richardson*, *Thomas Richardson* the younger, *John Ridley*, *John Ramsey Ritson*, *Shakespear Reed*, *James Robinson*, *Robert Spoor*, *Richard Spoor*, *Robert Spoor* the younger, *Jeremiah Sowerby*, Sir *Cuthbert Sharp* Knight, *William Smith*, Reverend *George Stephenson* Master of

Commissioners.

of Arts, *George Stephenson*, *William Satchell*, *Michael Angelo Taylor* Esquire, *Thomas Thompson*, *Thomas Thompson* the younger, *James Thompson*, *John Thompson*, *Robert Tate*, *Thomas Taylor*, *Turner Thompson*, *John Wright*, *Joseph John Wright*, Sir *Hedworth Williamson*, *George Walton Wright*, *William Walton*, *Henry Walton*, *Caleb Wilson*, *Joshua Wilson*, *Henry Wilson*, *Robert Moon Watson*, *George Wylam*, *Edward Wylam*, *Jonathan Willey*, *Michael Willey*, *William Walker*, *John White*, *Andrew White*, *George Wood*, *John Wake*, *Thomas Young*, *John Young*, *Robert Young*, and their Successors, to be elected and appointed in manner herein-after mentioned, shall be and they are hereby appointed Commissioners for carrying this Act, and also such Part and Parts of the said recited Act as are not repealed by this Act, into Execution.

Qualification of Commissioners.

VIII. Provided always, and be it enacted, That no Person shall be capable of acting as a Commissioner in the Execution of this Act, unless he shall, either in his own Right or in the Right of his Wife, be at the Time of his acting seised of or entitled to and be in the actual Possession or Receipt of the Rents and Profits of Freehold or Copyhold or Leasehold Messuages, Lands, Tenements, or Hereditaments, of the clear yearly Value of Twenty Pounds above Reprizes, or shall be the Occupier of Messuages, Lands, Tenements, or Hereditaments situate in the said Town of *Sunderland*, of the clear annual Value of Thirty Pounds above Reprizes, or shall be Heir Apparent of a Person seised of Lands or Tenements of Inheritance of the clear yearly Value of Forty Pounds above Reprizes; and if any Person not being so qualified, or not having taken and subscribed the Oath or Affirmation herein-after mentioned, or being disqualified by any of the Causes in this Act mentioned, shall act as a Commissioner, except in administering the said Oath or Affirmation, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds, with full Costs of Suit, to any Person or Persons who shall sue for the same, to be recovered by Action of Debt or on the Case, or by Bill, Plaint, Suit, or Information, in any Court of Record, in which Action no Essoign, Protection, Wager of Law, nor more than One Imparlance, shall be allowed; and every Person so sued or prosecuted for acting, not being duly qualified, shall prove that he was at the Time of acting qualified as aforesaid, or otherwise shall pay the said Penalty and Costs, without any other Proof or Evidence on the Part of the Plaintiff or Prosecutor than that such Person hath acted as a Commissioner in the Execution of this Act.

Commissioners to take the following Oath.

IX. Provided also, and be it further enacted, That no Person shall be capable of acting as a Commissioner in the Execution of this Act, (except in administering the Oath or Affirmation herein-after mentioned,) until he shall have taken and subscribed before Two or more of the said Commissioners, at a Meeting to be holden by virtue of this Act, who are hereby required and authorized to administer to each other the same Oath or Affirmation, in the Words or to the Effect following:

'I *A. B.* do swear [*or* affirm], That I am truly and *bonâ fide* in my own Right [*or* in the Right of my Wife], seised of [*or* entitled to] Freehold, Copyhold, or Leasehold Messuages, Lands, Tenements, or Hereditaments, of the clear yearly Value of Twenty Pounds above Reprizes, [*or* am the Occupier of Messuages, Lands, Tenements, or Hereditaments,] 'situate

'situate within the Town of *Sunderland near the Sea* in the County of 'Durham, of the clear annual Value of Thirty Pounds above Reprizes, '[*or* that I am Heir Apparent of a Person seised of such Lands or Tene-'ments of Inheritance, of the clear yearly Value of Forty Pounds above 'Reprizes]; and that I will truly and impartially, according to the best 'of my Skill and Judgment, execute and perform all and every the 'Powers and Authorities reposed in me by virtue of an Act passed in the 'Seventh Year of the Reign of His present Majesty King *George* the 'Fourth, intituled, [*here set forth the Title of this Act.*]

'So help me GOD.'

Acts of unqualified Persons, before Conviction, to be valid.

X. Provided nevertheless, and be it further enacted, That all Acts and Proceedings by any Person, touching the Execution of this Act, previous to his being convicted of acting without being qualified as aforesaid, shall, notwithstanding such Conviction, and whether he shall or shall not have taken the Oath hereby required as aforesaid, be as valid and effectual as if such Person had been duly qualified according to the Directions of this Act.

Commissioners not to act when interested.

XI. Provided always, and be it further enacted, That no Person shall be capable of acting as a Commissioner in the Execution of this Act during such Time as he shall hold any Office or Place of Profit or Emolument under the said Commissioners, or during such Time as he shall have any Share or Interest, directly or indirectly, in any Contract or Work to be performed and done under any of the Powers of this Act, or in any Matter wherein he shall be in anywise personally or beneficially interested, except as a Creditor on the Rates, Assessments, or Monies herein directed to be made, levied, collected, and received.

For appointing Commissioners in lieu of those dying, &c.

XII. And be it further enacted, That when and so often as any of the Commissioners herein named, or hereafter to be elected by virtue of this Act, shall die or refuse to act, or by any of the Causes of Disqualification herein mentioned shall become incapable of acting, it shall be lawful for the remaining or surviving Commissioners, present at any Meeting to be holden for that Purpose in pursuance of this Act, to elect and appoint some other Person or Persons in the Place or Stead of such Commissioner or Commissioners so dying, or becoming disqualified or incapable or refusing to act as aforesaid; and every such Commissioner so from Time to Time elected and appointed shall have the same Powers and Authorities, in all respects, as if he had been originally named and appointed a Commissioner in and by this Act.

Meetings of Commissioners.

XIII. And be it further enacted, That the said Commissioners shall meet at some convenient House in the Town of *Sunderland* on the First Day of *June* One thousand eight hundred and twenty-six, between the Hours of Ten of the Clock in the Forenoon and Two of the Clock in the Afternoon, and shall then and there proceed to carry this Act into Execution; and in case no Commissioners, or less than Five Commissioners, shall attend such Meeting, then such Meeting shall be deemed to be adjourned to the next Day, and so *toties quoties* until a sufficient Number of the said Commissioners shall attend at such Meeting to act in the Execution of this Act; and the said Commissioners shall at such Meeting, and at their several Meetings to be holden from Time to Time, adjourn themselves,

selves, and afterwards meet at the same Place, or at some other convenient Place within the said Town, as the said Commissioners shall from Time to Time appoint, provided that no Adjournment shall be made for a longer Time than Three Calendar Months; and if at any Meeting appointed to be held by virtue of this Act there shall not appear a sufficient Number of Commissioners to act or adjourn, or appearing shall not adjourn such Meetings, the Clerk to the said Commissioners shall from Time to Time, as often as such Case shall happen, adjourn such Meeting to some other Day within Fifteen Days then next following, to be holden at the same Place; and the said Clerk shall cause Notice of such Adjournment to be affixed on One of the principal Doors of the Parish Church of *Sunderland* aforesaid, at least Seven Days previous to the Day to which such Meeting shall be adjourned: Provided always, that no Business shall be proceeded upon by the said Commissioners at any Meeting (except the First Meeting to be held under this Act) before Ten of the Clock in the Forenoon, nor shall any Meeting be appointed to be held at any later Hour than Two of the Clock in the Afternoon of the Day on which such Meeting may be appointed to be held; and the said Commissioners shall at all their several Meetings pay all their own Expences, except any Sum not exceeding Ten Shillings a Day for the Use of the Room wherein they shall meet for the Purposes of this Act.

All Orders, &c. to be made at Meetings.

XIV. And be it further enacted, That all Orders and Determinations of the said Commissioners in the Execution of this Act shall be made at a Meeting or Meetings to be held in pursuance hereof, and not otherwise (except in Cases hereby otherwise particularly provided for); and no Order or Determination shall be made unless the major Part of the Commissioners present at the respective Meetings to be holden in pursuance of this Act shall concur therein; and all Acts, Orders, and Proceedings relating to the Execution of this Act, which are hereby directed to be had, made, done, or executed by or before the said Commissioners, and all the Powers and Authorities hereby in them vested generally, shall and may be had, made, done, and executed by the major Part of the Commissioners who shall be present at the respective Meetings to be held by virtue of this Act, the whole Number of Commissioners present at every such Meeting not being less than Seven (except in Cases where any other Number is by this Act named for any particular Purpose); and all Acts, Orders, and Proceedings had, made, done, or taken by or before such Seven Commissioners, shall have the same Force and Effect, and be binding and conclusive on all Persons, and to all Intents and Purposes whatsoever, as fully and effectually as if the same were had, made, done, or taken by or before all the said Commissioners; and at every Meeting of the said Commissioners a Chairman shall, in the first place, be appointed, who, in case of an equal Number of Votes (including such Chairman's Vote), shall have the casting or decisive Vote; and no Order or Determination at any Meeting of the said Commissioners once made, agreed upon, or entered into, shall be revoked or altered at any subsequent Meeting, unless Notice of the Intention to propose the Revocation or Alteration thereof shall have been given at a previous Meeting held pursuant to this Act, and shall have been entered in the Book of Proceedings of such Meeting, and unless such Notice, signed by any Three or more Commissioners, shall have also been affixed to the principal outer Door of the Parish Church of *Sunderland* Seven Days at least before such Meeting, nor unless such Revoca-

tion or Alteration shall be agreed to be made by a greater Number of Commissioners than were present when such Order or Determination was made or entered into.

Meetings on Emergencies.

XV. And be it further enacted, That if after any Adjournment of any Meeting of the said Commissioners it shall on any Emergency be thought necessary that an earlier Day of Meeting should be appointed than the Day to which such Meeting stands adjourned, it shall be lawful for any Seven or more of the said Commissioners, or for their Clerk (being authorized by an Order in Writing signed by Seven or more of them, although not assembled at a public Meeting, mentioning the Time, Place, and Purpose of such Meeting), to appoint and give Notice of such earlier Meeting in the Manner before directed (such Time not being less than Three Days after such Notice); and all Proceedings of the Commissioners at such earlier Meeting, relating to the particular Subject on which such Meeting shall be called, shall be as valid as they would have been in case the Commissioners had met in pursuance of an Adjournment; and such earlier Meeting shall and may be adjourned to and be held at such Time and Place as the said Commissioners shall think proper, in the same Manner as any other Meeting under this Act may be adjourned.

Proceedings to be entered.

XVI. And be it further enacted, That the said Commissioners shall cause to be provided and kept a proper Book or Books, and fair and regular Entries to be made therein of the Names of all the Commissioners who shall attend the respective Meetings, and of all Acts, Orders, and Proceedings relative to the Execution of this Act; and the Chairman of such Meeting of the said Commissioners shall always subscribe his Name at the End of the Proceedings of the said Commissioners at every such Meeting; and the said Book or Books, and also the Book or Books herein-after directed to be kept for registering Mortgages and Assignments of the Rates or Transcripts thereof respectively, shall and may be read in Evidence in all Causes, Suits, and Actions, touching any thing done in pursuance or by virtue of this Act.

Commissioners being Justices may act as such.

XVII. Provided also, and be it further enacted, That it shall be lawful for such of the said Commissioners as shall be in the Commission of the Peace for the County of *Durham* to act as Justices in the Execution of this Act, notwithstanding their being Commissioners under this Act, except in Cases in which they may be personally interested.

Appointment of Officers.

XVIII. And be it further enacted, That the said Commissioners shall and may, and they are hereby empowered, by Writing under their Hands, from Time to Time to elect and appoint a Treasurer or Treasurers, Clerk or Clerks, Collector or Collectors, Receiver or Receivers of the Monies to be raised or paid under or by virtue of this Act, and also a Surveyor of the Market or Markets, and all such other Officers and Servants as they the said Commissioners shall think proper for carrying into Execution and Effect the Purposes of this Act; and the said Commissioners shall and may, and they are hereby empowered from Time to Time to remove such Treasurer, Clerk, and Collector or Collectors, and other Officers so to be appointed, or any of them, every such Treasurer and Clerk so to be removed having Seven Days Notice, and every Surveyor and other Officer Seven Days Notice duly given him or them at his usual

Place

Place of Abode, before the Time of voting for his Removal, and to appoint any other Person or Persons in the Room of such of them as shall be removed, or shall die, or relinquish or discontinue such Office; and out of the Money to be raised by virtue of this Act to make or pay such Salaries, Wages, or Allowance to the said Officers and other Persons so to be appointed and employed in the Execution of this Act, as they the said Commissioners shall think reasonable; and the said Commissioners shall and they are hereby required to take such Security from every such Treasurer, Collector, or other Person, as they shall think reasonable.

Officers to account, &c.

XIX. And be it further enacted, That all such Officers so to be appointed shall, under their respective Hands, at such Time and Times and in such Manner as the said Commissioners shall direct, deliver to such Commissioners, or such other Person or Persons as they shall appoint, true and perfect Accounts in Writing of all Matters and Things committed to their Charge, and of all Monies which shall have been received by such Officers and other Persons respectively by virtue or for the Purposes of this Act, specifying how much thereof hath been paid or disbursed, and for what Purpose, together with the proper Vouchers and Receipts for such Payments, and shall pay all such Money as shall remain due from them respectively to the said Commissioners, or to such Person or Persons as they shall appoint; and if any such Officer or Person shall refuse or wilfully neglect to make and render such Accounts, or to produce or deliver up the Vouchers and Receipts relating to the same, or to make Payment as aforesaid, or shall refuse or wilfully neglect to deliver to such Person or Persons as the said Commissioners shall for that Purpose appoint, within Ten Days after being thereunto required by the said Commissioners, or by their Clerk by their Order, to be given to or left at the last or usual Place of Abode of such Officer or Person, all Books, Papers, and Writings in his Custody or Power relating to the Execution of this Act, or to give Information and Satisfaction to the said Commissioners respecting the same, it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, to bring or cause to be brought any Action or Actions in any of His Majesty's Courts of Record at *Westminster*, or Court of Pleas at *Durham*, against the Officer or Person making such Default as aforesaid, or against his or their Surety or Sureties, in order to recover the Monies which shall be in the Hands of such Officer or Person, with full Costs of Suit; if Complaint shall be made by the said Commissioners, or by any Person or Persons whom they may appoint for that Purpose, of any such Default as aforesaid, to any Justice of the Peace for the County or Place wherein such Officer or Person so making Default shall be or reside, such Justice may and he is hereby authorized and required, by Warrant under his Hand and Seal, to cause such Officer or Person to be brought before him, and upon his appearing, or having been summoned and not appearing (except from some reasonable Cause to be judged of and allowed by such Justice), or not being to be found, to hear and determine the Matter in a summary Way; and if, upon the Confession of the Party or Parties, or by the Testimony of any credible Witness upon Oath, it shall appear to such Justice that any of the Money which shall have been collected and raised by virtue of this Act shall be in the Hands of such Officer or Person, or be unaccounted for, such Justice may and he is hereby authorized and required, upon Nonpay-

Nonpayment thereof, by Warrant under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Person, together with the Costs and Charges of making such Complaint, and of such Distress and Sale; and if no Goods or Chattels of such Officer or Person can be found sufficient to answer and satisfy the said Money and the Charges as aforesaid, or if it shall appear to such Justice that such Officer or Person shall have refused or wilfully neglected to render or give such Account, or to produce the Vouchers relating thereto, or that any Books, Papers, or Writings relative to the Execution of this Act shall be in the Custody or Power of such Officer or Person, and that he shall refuse or wilfully neglect to deliver up or give Satisfaction respecting the same as aforesaid, then and in any of the Cases aforesaid such Justice shall commit such Officer to the Common Gaol for the said County, there to remain, without Bail or Mainprize, until he shall have given and made a true and perfect Account and Payment as aforesaid, or until he shall compound with the said Commissioners for such Money, and shall have paid such Composition in such Manner as they shall appoint (which Composition the said Commissioners are hereby empowered to make and receive), and until he shall have delivered up such Books, Papers, and Writings as aforesaid, or have given Satisfaction in respect thereof to the said Commissioners: Provided always, that no Person who shall be so committed by virtue of this Act, on account of his not having sufficient Goods or Chattels only, shall be detained or kept in Prison by virtue of this Act for any longer Term than Six Calendar Months: Provided also, that if any Money shall remain due from such Officer or Person, Officers or Persons, the Commitment of him or them to Prison shall not be deemed a Discharge for the same, nor exonerate his or their Surety or Sureties, but such Officer or Person, Officers or Persons, and his and their Surety or Sureties, shall remain liable to the Payment thereof, in the same Manner as if such Officer or Person, Officers or Persons, had not been committed to Prison.

Offices of Clerk and Treasurer not to be held by the same Person.

XX. Provided always, and be it further enacted, That it shall not be lawful for the said Commissioners to continue or appoint the Person who has been or who may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, or the Clerk or other Person in the Service or Employ of any such Clerk or of the Partner of any such Clerk, to be the Treasurer for the Purposes of this Act, or to continue or appoint the Person who has been or who may be appointed Treasurer, or the Partner of any such Treasurer, or the Clerk of or any Person in the Service or Employ of any such Treasurer or of the Partner of any such Treasurer, to be the Clerk to the said Commissioners for executing this Act; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk, or the Clerk or other Person in the Service or Employ of any such Clerk or of the Partner of any such Clerk, shall act as Treasurer, or being the Partner of any such Treasurer, or the Clerk of or any Person in the Service or Employ of such Treasurer or of the Partner of such Treasurer, shall act as Clerk in the Execution of this Act, or if any Treasurer shall hold any Place of Profit or Trust under this Act other than that of Treasurer, every Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person who shall sue for the same, to be recovered with full Costs

of Suit in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

Accounts to be kept by Treasurer.

XXI. And be it further enacted, That the Treasurer for the Time being appointed by the said Commissioners shall and may and he is hereby authorized and required, out of the Monies to be received by him by virtue of this Act, to pay all Sums of Money which the said Commissioners or any Three or more of them shall from Time to Time draw upon him for or order him to pay; and the Clerk for the Time being to the said Commissioners shall and he is hereby required to keep regular and clear Entries, in a Book or Books to be for that Purpose provided by the said Commissioners, of all Sums of Money received, paid, laid out, and expended for or on account of this Act, and of the several Articles, Matters, and Things for which Sums of Money shall have been disbursed, laid out, and paid; and such Book or Books shall at all seasonable Times be open to the Inspection of the said Commissioners, and every Creditor of the Rates or Assessments hereby authorized to be made, and of every Person paying any Rate or Assessment hereby authorized to be made or otherwise affected thereby, without Fee or Reward; and the said Commissioners, Creditors, and other Persons aforesaid, or any of them, shall or may take Copies of or Extracts from the said Book or Books, or any Part thereof, without paying any thing for the same; and in case the said Clerk shall refuse to permit or shall not permit the said Commissioners, Creditors, or Persons aforesaid, to inspect the same, or to take Copies or Extracts as aforesaid, such Clerk or other Person or Persons as aforesaid shall forfeit and pay any Sum not exceeding Five Pounds for each Offence.

Accounts to be audited in July in each Year.

XXII. And be it further enacted, That the Accounts of all Monies received and disbursed in pursuance of this Act shall, on the First *Tuesday* in the Month of *July* in every Year, or at the First Meeting of the said Commissioners then next following, be produced and stated to the said Commissioners, and be examined, audited, and settled by them, and, in case the same appear just and true, shall be allowed by the said Commissioners, and be so certified under their Hands; and after the Accounts shall have been so audited, allowed, and certified, such Allowance and Certificate shall be valid, and a full Discharge to the Treasurer or other Person or Persons so having had the Controul, Receipt, and Expenditure of such Monies, for all Monies therein stated to have been by him on them received, paid, and applied for the Purposes of this Act.

Executors, &c. of Officers dying to pay over Balances due from such Officers.

XXIII. And be it further enacted, That if any Collector or Receiver, or other Person employed by the said Commissioners, who shall have received any Sum of Money by virtue or for the Purposes of this Act, shall die before he or they shall have paid and satisfied all the Money so received by him, then and in every such Case the Executors or Administrators, Executrixes or Administratrixes, or other Person or Persons possessing the Estate and Effects of every such Person so dying, shall be liable to pay and make good all such Sums of Money by such Collector or Receiver or other Person so received and not paid, out of such Estate and Effects in the regular Course of Administration; and the

same

same shall be recoverable by Action of Debt or Suit in any of His Majesty's Courts of Record at *Westminster*, against such Executors or Administrators, Executrixes or Administratrixes, Person or Persons as aforesaid.

Commissioners may sue and be sued in the Name of their Clerk.

XXIV. And be it further enacted, That the said Commissioners may and shall in all Cases sue or be sued in the Name of their Clerk, or in the Name of any of the said Commissioners; and no Action which may be brought or commenced, or Indictment which may be preferred or prosecuted, by or against the said Commissioners or any of them, by virtue or on account of this Act, in the Name of their Clerk or of such Commissioner, shall abate or be discontinued by the Death or Removal of such Clerk or Commissioner, or by the Act of such Clerk or Commissioner without the Consent of the said Commissioners or any Three or more of them; but the Clerk to the said Commissioners for the Time being, or any One of the said Commissioners, shall always be deemed Plaintiff, Prosecutor, or Defendant in such Action or Indictment, as the Case may be: Provided always, that every such Clerk or Commissioner in whose Name any Action, Indictment, or Suit shall be commenced, preferred, prosecuted, or defended in pursuance of this Act, shall always be reimbursed and paid, out of the Monies to be raised by this Act, all such Costs and Charges as by the Event of any Proceedings he shall be put unto or become chargeable with by reason of his being made Plaintiff or Defendant therein, and such Clerk or Commissioner shall not be personally answerable or liable for the Payment of the same, or any Part thereof, unless such Action or Suit shall have arisen in consequence of his or their own wilful Neglect or Default, or have been brought or defended without the Order of the said Commissioners at a Meeting held for that Purpose: Provided also, that such Clerk or Commissioner shall not, by reason of his or their being such Clerk or Commissioner, be deemed an inadmissible Witness or Witnesses in any such Action or Suit, unless it be on his or their own personal Account.

Pavements, Lamps, Pumps, &c. vested in the Commissioners.

XXV. And be it further enacted, That all the present and future Pavements, Flag Stones, Curb Stones, Stone, Gravel, and all the other Materials of the present and future Streets, Lanes, Roads, Highways, Passages, and other public Places in the said Town and Parish, and also all Lamps, Lamp Irons, Lamp Posts, Pumps, Pipes, and other Articles, Matters, and Things, to be erected, set up, and fixed by the said Commissioners by virtue of this Act, and all Materials and other Articles, Matters, and Things purchased or provided for the Purposes of this Act, shall belong to and be the Property of, and the same are hereby vested in the said Commissioners; and the said Commissioners shall and may cause to be brought any Action, or direct the preferring of any Bill of Indictment (as the Case may require) against any Person who may steal, take or carry away, or detain, spoil, injure, damage, or destroy the several Articles, Matters, and Things hereby vested in them the said Commissioners as aforesaid, or any of them, or any Part thereof; and in all such Actions and Bills of Indictment respectively it shall be sufficient to state generally that the Article or Articles, Thing or Things, for or on account of which such Action or Actions shall be brought, or Bill or Bills of Indictment preferred, is or are the Property of the Commissioners for the Improvement of the Town and Parish of *Sunderland near the Sea*, without particularly

particularly mentioning or specifying the Name or Names of all or any of such Commissioners; and the said Commissioners shall have full Power and Authority from Time to Time to sell and dispose of all or any of the said Articles, Matters, and Things, or any Part or Parts of the same respectively, for the Purposes of this Act, to such Person or Persons, at such Time or Times, and in such Manner as they the said Commissioners shall think proper; and if any Person shall wilfully or maliciously break, injure, damage, or destroy any of the Articles, Matters, or Things hereby vested in the said Commissioners, or any of them, or any Part thereof, or any of the Works done or to be done in pursuance of this Act, every such Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Commissioners to erect a new Market and Town Hall.

XXVI. And be it further enacted, That it shall be lawful for the said Commissioners to erect and build and maintain, or cause to be erected, built, or maintained, one or more Town Hall or Town Halls, and all necessary and proper Offices, Apartments, and other Conveniences, and also one or more Market-house or Market-houses, and such Stalls, Booths, Slaughter-houses, Shambles, and Erections, of such Size, Form, Materials, and Quality, and with such vacant Space on the Outside of the same, as they shall judge most eligible and convenient as a Market or Markets for the Sale of Butchers Meat, Poultry, Fish, Corn, Fruit, Vegetables, and other Provisions, and for the buying and selling of Goods, Wares, and Merchandize; and for such Purposes to take down or alter all or any of the Messuages, Buildings, Tenements, or Hereditaments which may be purchased by virtue of this Act, or any Part or Parts thereof respectively, and to appropriate all or any of the Ground or Scites thereof respectively, and also all or any other Land or Ground to be purchased by virtue of this Act for the Purposes aforesaid; and it shall be lawful for the said Commissioners to fix and regulate the Sizes, Dimensions, Situations, Orders, and Arrangements of all Stalls, Booths, Benches, Erections, and other Things now placed or used in the present Market in the said Town of *Sunderland*, or hereafter to be placed or used therein, or in any Market or Markets hereafter to be established by the Authority of this Act, for the Purposes of selling or exposing to Sale or View any Corn or Grain, Butchers Meat, Fish, Poultry, Milk, Butter, Eggs, Vegetables, or Provisions, and of buying and selling Goods, Wares, and Merchandize, and to make and establish such Rules and Regulations, and to do all such other Acts, Matters, and Things for preserving Order, Regularity, and Cleanliness in the present or such intended Market or Markets, as they the said Commissioners shall from Time to Time judge requisite, necessary, or proper.

Penalty on Persons exposing to Sale other than in the new Market.

XXVII. And be it further enacted, That if any Person shall, after the said Market shall have been declared by the said Commissioners to be open for public Use, sell or expose to Sale within the said Town, except in the said new Market Place, any Meat, Fish, Poultry, Vegetables, Fruit, or other Provisions, or any Goods, Wares, or Merchandize, except as herein-after mentioned, every Person so offending shall for each and every such Offence forfeit and pay any Sum not exceeding Forty Shillings, to be recovered and applied as herein-after mentioned: Provided nevertheless, that nothing herein contained shall extend or be construed to extend to prevent or hinder any Person from selling or exposing to Sale

Sale any marketable Commodities, Matters, or Things, or any Goods, Wares, or Merchandize whatsoever in his or her own private Dwelling House, or in his or her own Shop or Premises, in any Part of the said Town, in such Manner as they may now lawfully do, nor to prevent or hinder any Stalls, Booths, Benches, Erections, or other Things to be placed or used in the Streets or public Places of the said Town of *Sunderland*, for the Purpose of selling or exposing to Sale any marketable Commodities, Goods, Wares, or Merchandizes during the Time of the annual Fair or Fairs held or to be held within the said Town and Parish of *Sunderland*, in like Manner as such Fairs have heretofore been used and accustomed to be held, nor to prevent the selling or exposing to Sale of Corn or Grain in such Market or Place or Places, and in such Manner in all respects as has hitherto been used and accustomed.

New Market to be walled round.

XXVIII. And be it further enacted, That all and every the Place and Places which shall be so set out for such new Market or Markets as aforesaid shall be inclosed by Walls and Gateways of ample Height to preserve the same, and that a sufficient Number of convenient Footways, Avenues, and Passages shall be made through the same, and communicating with the Streets or public Lanes or Passages of the said Town of *Sunderland*, in such Manner as the said Commissioners shall think fit and order.

Power to appoint a weighing and measuring Place.

Purchasers may require Articles to be weighed.

XXIX. And be it further enacted, That it shall be lawful for the said Commissioners to erect and appoint a public weighing and measuring House or Place at, in, or near the said Market Place, for weighing or measuring such Meats, Goods, Articles, or Things as shall be bought or sold by Weight or Measure in the said Market, and to keep good and sufficient Standards, Weights, Scales, and Measures, and to appoint the Clerk or Clerks of the same Market, or some other Person or Persons to attend the same on every Market Day; and all and every Person and Persons selling Meat or other Things by Weight or Measure in the same Market shall weigh and measure the same in or by the said Weights, Measures, or Scales as aforesaid, if required by the Buyer or Buyers thereof to be so weighed or measured; and in case any Person shall refuse to weigh and measure as aforesaid, he or they shall forfeit and pay for every such Offence any Sum not exceeding Forty Shillings; and in order to defray the Expences of providing the said Weights, Scales, and Measures as aforesaid, and a proper Person or Persons to attend the same as aforesaid, there shall be paid by the Buyer or Buyers of such Meat or other Provisions or Things, to the Person or Persons appointed to receive the same as aforesaid, the Sum of One Penny for each Time of weighing or measuring.

Tolls to be taken at the Market.

XXX. And be it further enacted, That when any Market or Markets, to be established by the Authority of this Act, shall have been made and opened for the Accommodation of the Public as a Market as aforesaid, and Notice thereof given as herein-before mentioned, the following Tolls and Duties shall and may be demanded and taken in such Market or Markets respectively by the said Commissioners, or by such Person or Persons as they shall from Time to Time appoint; *videlicet*,

For every Cart in which there may be any thing exposed to Sale, any Sum not exceeding Sixpence *per* Week:

For every Stall on which there may be exposed for Sale Vegetables, Roots, Fruit, Fish, Butter, Cheese, or Bacon, any Sum not exceeding One Shilling *per* Week:

For every Stall on which there may be exposed for Sale any Clothes, Wares, or other Goods or Merchandize, any Sum not exceeding Two Shillings *per* Week:

And for every Bushel of Corn or Grain exposed for Sale therein, any Sum not exceeding One Penny.

Power of Distress on Nonpayment.

XXXI. And be it further enacted, That if any Person hereby made subject to the Payment of any of the same Tolls shall, after Demand made by any Collector or other Person authorized to receive the same, neglect or refuse to pay the same or any Part thereof, it shall be lawful for such Collector or other Person as aforesaid, by himself or themselves, or taking such Assistance as he or they shall think necessary, to seize and detain any Goods or Articles upon or in respect of which any such Tolls are by this Act imposed, until such Tolls, with the reasonable Charges of such Seizure and Detention, shall be paid, or otherwise forthwith to sell all or any of the Goods or Chattels so seized, returning the Overplus of the Money to arise by such Sale, and what shall remain unsold (if any), upon Demand, to the Owner thereof, after such Toll and all reasonable Charges occasioned by such Seizure and Sale shall be deducted; and all such last-mentioned Tolls, Duties, and Forfeitures shall be from Time to Time paid by the Collector or other Person authorized to receive the same to the Treasurer for the Time being of the said Commissioners, to be applied and disposed of to and for the same Uses, Intents, and Purposes as the Rates and Assessments herein-after authorized to be imposed on Houses, Buildings, or Tenements are made applicable to.

Disputes concerning Tolls to be settled by a Justice.

XXXII. And be it further enacted, That if any Dispute shall happen respecting the demanding or taking or the Payment of Toll, or about the Amount of Toll due, or the Charges of keeping or selling any Distress, such Dispute shall be heard and determined by some Justice of the Peace for the County of *Durham*, who, upon Application made to him for that Purpose, shall examine the Matter upon Oath of the Parties, or other Witness or Witnesses (which Oath the said Justice is hereby authorized and empowered to administer), and shall determine the Amount of the Toll due and other Matters in dispute between the Parties, and may also award such Costs to be paid by either Party to the other, as to such Justice may seem just and reasonable; all which Costs, in case the same shall not be forthwith paid, shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of the Person or Persons so awarded or directed to pay the same, by Warrant under the Hand and Seal of such Justice (which Warrant every such Justice is hereby empowered to issue), and the Overplus (if any), after Payment of such Costs and the Costs of such Distress and Sale, shall be returned, upon Demand, to the Person or Persons whose Goods and Chattels shall have been so distrained.

XXXIII. Pro-

Empowering Commissioners to reduce and again to raise the Tolls.

XXXIII. Provided always, and be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby required, to reduce or discontinue all or any of the said Tolls and Duties herein-before granted and made payable, and again from Time to Time to advance or revive such Tolls or Duties, in such Manner as to them shall seem meet and expedient, so as the said Tolls or Duties when so advanced or revived do not exceed the Tolls or Duties by this Act granted; and the Tolls or Duties so reduced or revived shall and may be collected, received, and recovered by such Ways and Means as the original Tolls or Duties herein-before granted are authorized to be collected, received, and recovered.

Commissioners may let the Shambles, Stalls, &c. to be erected under this Act.

XXXIV. And be it further enacted, That it shall be lawful for the said Commissioners to demise and let to farm the said Market and Market Places, and all or any of such Shambles, Shops, Stalls, Buildings, or other Conveniences to be erected, built, or set up by them within the said Market or Markets, and also the whole or any Part of the Tolls or Profits to be collected or to arise from or in respect of the said Markets, to any Persons who may be willing to take the same, for such Periods, at or for such Rents (to be paid in Advance), and under such Terms, and subject to such Conditions, Rules, and Regulations, as the said Commissioners shall judge expedient, provided that the Rent or Tolls to be taken for the same shall not in any Case exceed the Sums specified in this Act; which said Rents or Tolls shall be applied for the same Purposes as the Tolls herein-before authorized to be demanded and taken are made applicable to by this Act.

Commissioners to make Assessments, not exceeding Two Shillings and Sixpence in the Pound in the Year, conformably to poor Rates.

XXXV. And be it further enacted, That for raising Money for carrying into Execution the several Purposes of this Act, the said Commissioners shall and they are hereby authorized and required, when and so often as they shall think necessary, to make a Rate or Rates, Assessment or Assessments, in every Year, to be signed by the said Commissioners, upon the Tenants or Occupiers of Houses, Coach-houses, Stables, Shops, Workshops, Mills, Manufactories, Warehouses, Lofts, Cellars, Maltings, Brew-houses, Glass-houses, Docks, Wharfs, and Quays, and other Buildings and Premises whatever within the Limits of this Act, and upon the several Gardens and Yards thereunto respectively belonging, according to the annual Value of the same, as estimated from Time to Time in the respective Rates made for the Relief of the Poor, such Rate or Assessment not to exceed in any one Year the Sum of Two Shillings and Sixpence in the Pound; and the Money so rated or assessed on the said Tenants or Occupiers shall be paid by them respectively to the Collector or Collectors, or other Person or Persons appointed by the said Commissioners to collect the same; and the said Rates and the Monies arising therefrom shall be and are hereby vested in the said Commissioners for the Purposes of this Act.

Power to appoint an Assessor.

XXXVI. And be it further enacted, That the said Commissioners shall from Time to Time, by Writing under their Hands and Seals, nominate and appoint One able and sufficient Inhabitant of the said Town and Parish of *Sunderland* to be Assessor within the same Town.

XXXVII. And

Assessor to make Rate as directed by Commissioners.

XXXVII. And be it further enacted, That the said Assessor shall and he is hereby empowered and required to make and assess all such Rates and Assessments as shall be ordered and directed by the said Commissioners, upon all Tenants or Occupiers of Hereditaments and Premises within the said Town and Parish of *Sunderland* which shall be liable to be rated under the Provisions of this Act.

Assessor to take the following Oath.

XXXVIII. And be it further enacted, That every Person so appointed Assessor, before his acting, shall take and subscribe the Oath following, before the said Commissioners, or some Justice of the Peace for the said County, and such Commissioners and Justice are hereby empowered to administer the same;

'I *A. B.* do swear [*or* affirm, *as the Case may be*], That I will truly, impartially, and honestly execute the Trust in me reposed as an Assessor under and by virtue of an Act passed in the Seventh Year of the Reign of His present Majesty, intituled [*here insert the Title of this Act.*] So help me GOD.'

And if any Assessor or Assessors shall act before he or they shall have taken such Oath, or shall refuse or neglect after Three Days Notice from the said Commissioners to take and subscribe the same, or shall otherwise misbehave himself or themselves in his or their respective Office or Offices, he or they shall for every such Offence or Misbehaviour forfeit and pay any Sum not exceeding Five Pounds, and also be discharged from his or their Office or Offices, if the said Commissioners shall think fit.

Commencement of Rates.

Poor Rates to be inspected.

XXXIX. And be it further enacted, That the First Year for which such Rate or Assessment shall be made shall commence and be computed from the First Day of *June* One thousand eight hundred and twenty-six; and for the better enabling the said Commissioners and Assessors respectively to fix and make such Assessments respectively, the Churchwardens and Overseers of the Poor of the said Town and Parish of *Sunderland* shall and they are hereby required at all reasonable Times, without Fee or Reward, to permit the Treasurer to the said Commissioners, or any other Person to be appointed by them the said Commissioners, and also the said Assessors or any of them, to peruse and inspect the Rates and Assessments made at any Time within Seven Years then next preceding for the Relief of such Poor, and to take a Copy thereof; and if any such Churchwarden or Overseer shall refuse or neglect to permit any such Perusal or Inspection, or the taking of any such Copy, he or they shall for every such Refusal or Neglect forfeit and pay the Sum of Forty Shillings, to be recovered before any of His Majesty's Justices of the Peace for the said County of *Durham*, in like Manner as the other Penalties are herein-after directed to be recovered.

Recovery of Rates.

XL. And be it further enacted, That if any Tenant or Occupier of any House, Coach-house, Stable, Shop, Workshop, Manufactory, Warehouse, Cellar, Malting, Brew-house, Glass-house, Dock, Wharf, Yard, or Quay, or other Tenements or Hereditaments, upon or in respect of which any Rate or Assessment shall be charged or imposed by virtue of this Act, shall neglect or refuse to pay the Rates and Sums of Money

which shall be so rated or assessed as aforesaid, for the Space of Seven Days after the same shall be due, and Demand thereof made by Notice in Writing under the Hand of the Collector of the said Rates, to be delivered to such Tenant or Occupier, or left at his or her Dwelling House or usual Place of Abode, in case such Occupier reside in the said Town and Parish of *Sunderland*, or otherwise left upon the Premises in respect of which such Rate or Assessment shall be made, then upon Proof thereof upon Oath before any Justice of the Peace for the said County of *Durham*, which Oath such Justice is hereby empowered and required to administer, the same shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of every such Tenant or Occupier, by Warrant under the Hand and Seal of such Justice, such Defaulter having been first duly summoned by such Justice to appear before him at a Time and Place to be mentioned in such Summons, and to show Cause for such Neglect or Refusal, and the Overplus, if any, to be raised by such Distress and Sale shall be returned upon Demand to the Owner of such Goods and Chattels, after deducting all reasonable Costs and Charges previous to and attending such Distress and Sale, such Costs and Charges to be ascertained and directed by the said Justice; and in default of such Distress it shall be lawful for such Justice to commit such Person to the Common Gaol for the County or Place within which such Offence shall be committed, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, unless Payment shall be sooner made of such Sum or Sums of Money as shall have been found to be due and in arrear upon all or any such Assessment or Assessments as aforesaid, together with all Costs, Charges, and Expences attending the Recovery thereof, such Costs, Charges, and Expences to be ascertained and directed by the said Justice or Justices.

Exemption from Rates.

XLI. Provided also, and be it further enacted, That none of the Rates or Assessments which shall be made by virtue of this Act shall be laid upon or in respect of the Tolls of the Fairs or Markets, Market-house, Prisons, or the Poor or Work-house, of and for the Use of the Poor of the said Town and Parish of *Sunderland*, or any Charity School or Schools, or other Building or Buildings used for charitable Purposes, or for the public Benefit or Advantage in the said Town and Parish, where no actual Profit or Emolument accrues therefrom.

Persons may be excused Payment on account of Poverty.

XLII. Provided also, and be it further enacted, That if any Occupier hereby directed to be rated or assessed as aforesaid shall by reason of his or her Poverty be excused from Payment of the Rates made for the Relief of the Poor of the said Parish, or if he or she shall not on that account be charged therewith, then and in every such Case the Tenant or Occupier so to be rated or assessed as aforesaid shall be excused from paying the Rates or Assessments under this Act.

Commissioners to correct Assessments.

XLIII. Provided always, and be it further enacted, That if the said Assessors shall at any Time or Times hereafter, in any Rates or Assessments by them to be made by virtue or in pursuance of this Act, neglect or omit to rate or assess themselves, or any other Person or Persons liable to pay or be charged to such Rates or Assessments, or shall underrate or overrate in such Assessment any Person or Persons so liable to such Rates or Assessments, then and in every such Case it shall be lawful

lawful for the said Commissioners to rate and assess such Person or Persons so omitted to be rated or assessed, and to raise such Person or Persons so underrated, and reduce such Person or Persons so overrated, or otherwise to amend or alter such Rates or Assessments, so as to make the same conformable to the true Intent and Meaning of this Act; and all such Additions to or Alterations in and all Exemptions from the original Rates or Assessments shall be as valid and effectual to all Intents and Purposes whatsoever as if the same had been Part of the original Rates or Assessments, and shall not be held to vitiate the original Assessments; any Statute, Law, Usage, or Custom to the contrary in anywise notwithstanding.

After Rate signed, Collectors to receive and pay the same over to the Persons appointed;

XLIV. And be it further enacted, That after any such Rate or Assessment shall have been so made, allowed, and signed as aforesaid, the Money thereby made payable shall be collected and received by the Collectors to be appointed as aforesaid, as soon as may be, of and from the respective Persons who shall be so rated or assessed; and the said Commissioners shall from Time to Time, as soon as may be after such Rate or Assessment shall be made, allowed, and signed as aforesaid, transmit a Duplicate thereof under their Hands to the said Collector or Collectors, and shall also issue their Order to the said Collector or Collectors, requiring him or them to collect and receive the respective Sums of Money made payable by such Rate or Assessment; and such Collector or Collectors is and are hereby authorized to collect and receive the same accordingly, by equal quarterly Instalments, that is to say, on the First Day of *May*, the First Day of *August*, the First Day of *November*, and the First Day of *February*, in each and every Year, whereof One Quarter's Instalment shall always be payable in advance; and every such Collector shall and is hereby required to pay the Money or Monies so to be collected and received by him by virtue of this Act to such Person or Persons and at such Times as the said Commissioners shall appoint to receive the same, to be applied to and for the Uses and Purposes herein-after mentioned;

and deliver to such Person a Duplicate of the Assessment.

and all and every such Collector and Collectors shall, at the Time of making every such Payment of the Money collected by him and them as aforesaid, and upon the Request of the Person or Persons empowered to receive the same, deliver to him or them a true and exact Copy or Duplicate of the Rate or Assessment whereby the same was collected, together with an Account of all and every Sum and Sums of Money rated and assessed in such Rate or Assessment which shall remain uncollected (if any such there be), together with the Reasons why the same had not been collected, to the end that it may appear whether such Non-payment happen through the Insolvency of the Party rated, or through the Default of the Collector or Collectors, or otherwise.

Ready-furnished Houses how to be assessed.

XLV. And be it further enacted, That the Lessee, Landlord, or Owner of all Houses, Buildings, or Tenements within the Limits of this Act, which is or shall or may be let out ready-furnished, or in separate Apartments, Rooms, or Floors ready-furnished, shall be liable and subject to the Rates or Assessments directed by this Act to be made and levied, according to the yearly Value of the Premises; and every such Lessee, Landlord, or Owner, and all and every Person or Persons renting or occupying any such ready-furnished House, or separate Apartments, Rooms, or Floors as aforesaid, shall be liable and compellable to pay the

said Rates and Assessments, to be recovered in manner herein directed; and every such Tenant or Occupier who shall pay any such Rates or Assessments, or from whom the same shall be recovered in pursuance of this Act, shall and may deduct the same from and out of the next Rent due and payable from him or them to such respective Lessee, Landlord, or Owner; and the Receipt for such Payment shall be a sufficient Discharge for such Tenant or Occupier to his or her Landlord for so much Money as he or she shall have paid, or as shall have been levied on him or her by virtue of this Act; but no such Tenant or Occupier shall at any Time be required to pay or be subject or liable to pay any greater Sum for or towards the Discharge of the said Rates or Assessments or any of them, and Arrears thereof, than the Amount of the Rent actually due and payable by such Tenant or Occupier to the Lessee, Landlord, or Owner of the Premises so let out ready-furnished, or in separate Apartments, Rooms, or Floors, to him or her: Provided always, that nothing herein contained shall extend to prejudice or vacate any Agreement between Landlord and Tenants.

Tenants quitting and entering to pay

XLVI. And be it further enacted, That in all Cases where any Person shall remove from or quit any Premises rated or assessed by virtue of this Act, such Person shall be liable to pay such Rates or Assessments in proportion to the Time that he or she occupied the same respectively, in like Manner as if such Person had not removed or quitted the same; and in all such Cases where any Person shall come into or occupy any Premises rated or assessed, or liable to be rated or assessed as aforesaid, out of or from which any other Person who shall have been rated or assessed for the same shall be removed, or which at the Time of making any such Rate or Assessment were empty or unoccupied, the Person or Persons coming into or occupying the same shall, for and in respect of his, her, or their future Occupation thereof, be liable to pay a proportional Rate or Assessment, according to the Time that he, she, or they shall occupy the same, in like Manner as if he, she, or they had been originally rated or assessed for such Premises; which said respective Proportions, in case of Dispute, shall be settled and ascertained by the said Commissioners in such Manner as they shall judge reasonable.

Their proportional Parts of Rates.

Persons aggrieved by the Rate may apply to the Commissioners.

XLVII. Provided also, and be it further enacted, That if any Person or Persons, Bodies Politic or Corporate, shall think himself, herself, or themselves aggrieved by any Rate or Assessment which shall be made in pursuance of this Act, such Person or Persons, Bodies Politic or Corporate, having first paid such Rate or Assessment, may apply for Relief to the said Commissioners at the First or Second Meeting which shall be holden next after Payment of such Rate or Assessment; and the said Commissioners are hereby authorized and empowered, if they shall think such Person or Persons, Bodies Politic or Corporate, aggrieved, to give such Relief in the Premises as to them may seem reasonable.

Power to compel Payment of the Rates.

XLVIII. And be it further enacted, That such Person or Persons as is or are by this Act made liable to pay the several Rates or Sums of Money and Duties hereby granted shall pay the same to such Officer or Officers as shall from Time to Time be so appointed as aforesaid to collect and receive the same, according to the true Intent and Meaning of this Act.

XLIX. Pro-

Commissioners may appoint Collectors pro tempore.

XLIX. Provided always, and be it further enacted, That when and as often as any Collector or Receiver of the Money to be raised by virtue of this Act shall die or resign his Office, or be incapable of performing, or shall neglect to perform his Duty, it shall be lawful for the said Commissioners or any Three or more of them, although not assembled at a public Meeting pursuant to this Act, by any Writing or Writings under their Hands, to appoint any other Person to be Collector or Receiver of such Money; and such Person shall continue to collect the same until the said Commissioners shall, at a public Meeting to be holden in pursuance of this Act, duly appoint a Collector of such Money to succeed him, any thing herein contained to the contrary thereof notwithstanding; and such temporary Collector or Receiver shall be subject and liable to all the Provisions of this Act, in the same Manner as if he had been appointed by the Commissioners at a Meeting held in pursuance of this Act.

Officers not to take any Fees, except as allowed by this Act.

L. And be it further enacted, That if any Clerk or other Officer or Servant, who shall be employed by the said Commissioners in the Execution of this Act, shall exact, take, or accept any Fee or Reward whatsoever, other than such Salaries, Rewards, and Allowances as shall be appointed by the said Commissioners, for or on account of any thing done or to be done, and by virtue of this Act, or on any account whatsoever relative to the Execution thereof, or shall be directly or indirectly concerned or interested in any Bargain or Contract made or to be made by the said Commissioners for any of the Purposes of this Act, every Person so offending shall thenceforth for ever be incapable of being employed under this Act, and shall also forfeit and pay any Sum not exceeding Fifty Pounds, to be levied, recovered, and applied in the same Manner as any other Penalty may be recovered and applied by virtue of this Act.

Office of Surveyor of Roads in Sunderland to cease.

LI. And be it further enacted, That from and after the said First Day of *June* One thousand eight hundred and twenty-six, the Office of Surveyor of the Highways for the Town of *Sunderland* shall cease and determine, so far as relates to the public Roads or Highways to be kept in repair by virtue of this Act; and the Houses and all other the Premises assessed or rated for the Purposes of this Act shall from thenceforth be exempt from all Highway Cess.

Trustees of Turnpike Roads not to repair Streets.

LII. Provided always, and be it further enacted, That it shall not be lawful for the Trustees of any Turnpike Roads leading into the said Town to apply any Part of the Tolls arising on any of the said Roads towards the paving, repairing, amending, stoning, or gravelling, lighting or watching any of the Streets, Lanes, or other public Passages or Places within the said Town, and which said Streets, Lanes, Passages, or Places shall not from henceforth be deemed or taken to be Part of any Turnpike Road: Provided also, that none of the Inhabitants of the said Town shall be subject or liable, in respect of any Lands or Hereditaments by them held or enjoyed within the Limits of the said Town, to the Performance of any Statute Duty on any Turnpike Road leading into the said Town, and out of the Limits thereof, or to the Payment of any Commutation in lieu of such Statute Labour; any thing in any Act to the contrary notwithstanding.

Inhabitants not liable to Statute Duty.

LIII. And

Commissioners may borrow Money.

LIII. And, for the more speedy and effectual raising of Money for the several Purposes of this Act, be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby empowered from Time to Time, when they shall judge necessary, to borrow and take up at Interest any Sum or Sums of Money, not exceeding in the whole the Sum of Fifteen thousand Pounds, upon the Credit of the Tolls, Duties, Rates, or Assessments to be laid and collected and granted and made payable by virtue of this Act; and by Writing under their Hands and Seals to mortgage or assign all or any Part of the said Tolls, Duties, Rates, or Assessments to the Person or Persons who shall advance or lend such Money, or his, her, or their Trustee or Trustees, as a Security or Securities for the Money so to be borrowed, together with Interest for the same; and the Charges and Expences of such Mortgages or Assignments shall be defrayed by the said Commissioners; and every such Mortgage or Assignment shall be in the Words or to the Effect following; (that is to say),

Form of Mortgage.

'WE, of the Commissioners acting in execution of an Act of Parliament passed in the Seventh Year of the Reign of King *George* the Fourth, intituled [*here set forth the Title of this Act*], in consideration of the Sum of advanced and lent by *A. B.* [*insert the Name, Place of Abode, and other necessary Addition of the Lender*], upon the Credit and for the Purposes of the said Act, do grant and assign unto the said *A. B.* his Executors, Administrators, and Assigns, (*or* to his or her Trustee or Trustees,) [*as the Case may require,*] such Proportion of the Tolls, Duties, Rates, and Assessments arising by virtue of the said Act, as the said Sum of doth or shall bear to the whole Sum which may at any Time be borrowed or become due and owing or charged upon the Credit of the said Tolls, Duties, and Assessments; to be had and holden from this Day of until the said Sum of with Interest at the Rate of *per Centum per Annum*, to be paid shall be fully repaid and satisfied. In witness whereof we have hereunto set our Hands and Seals, the Day of in the Year of our Lord One thousand eight hundred and .'

And every such Mortgage or Assignment shall be numbered, commencing with Number One, and so proceeding in arithmetical Progression ascending, whereof the common Excess or Difference shall always be One; and every such Security shall be good, valid, and effectual in the Law, and shall entitle the Person or Persons to whom the same shall be granted, his, her, or their Executors, Administrators, and Assigns, to the Payment thereof, and to all Profit and Advantage arising therefrom, according to the true Intent and Meaning of this Act.

Commissioners may borrow Money by Annuity.

LIV. And be it further enacted, That in case the said Commissioners shall think it advisable to raise all or any Part of the said Sum of Fifteen thousand Pounds by the granting of Annuities for the Life or Lives of any Person or Persons, it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, by any Writing or Writings under their Hands and Seals, to grant any Annuity or Annuities to any Person or Persons who shall contribute, advance, and pay into the Hands of the Treasurer to the said Commissioners any Sum or Sums of

of Money for the absolute Purchase of any such Annuity or Annuities, to be paid and payable during the natural Life of every such Contributor, or the natural Life of every such Person as shall be nominated by or on behalf of such Contributor at the Time of the Payment of his or her Contribution or Purchase Money, and either with or without Benefit of Survivorship, and the Expence of any such Grant of Annuity shall be defrayed by the said Commissioners out of the Money so advanced; and the Grant of every such Annuity may be in the Words or to the Effect following; (that is to say,)

Form of Grant of Annuity.

'WE of the Commissioners acting in the Execution of an Act passed in the Seventh Year of the Reign of King 'George the Fourth, intituled [*here set forth the Title of this Act*], in consideration of the Sum of paid to us by *A. B.* [*insert* 'the Name, Place of Abode, and other necessary Addition of the Lender,] 'for the Purposes of this Act, do hereby grant unto the said *A. B.* his 'Executors, Administrators, and Assigns [*or, if by Survivorship*, unto the 'said and the Survivor and Survivors of them], an 'Annuity or yearly Sum of out of the Tolls, Duties, 'Rates, or Assessments arising by virtue of the said Act; which Annuity 'or yearly Sum of shall be paid to the said 'his Executors, Administrators, and Assigns, upon the 'Day of in every Year, during the Term of his natural Life '[*or, if by Survivorship*, unto and amongst them the said 'and the Survivor and Survivors of them]; and the First Payment thereof 'shall 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 of our Lord 'One thousand eight hundred and .'

And every such Grant shall be a good, valid, and effectual Security in Law for the Payment of such Annuity; and all Annuities so to be granted as aforesaid shall be and are hereby charged upon, and shall be payable and paid, free from all Charges and Deductions, by the Treasurer for the Time being to the said Commissioners, out of such of the Tolls, Duties, Rates, or Assessments by this Act granted, as in such Grant of Annuity shall be mentioned.

Restrictions as to granting of Annuities.

LV. And, for preventing any improvident Grant of Annuities under this Act, be it further enacted, That the Amount of every Annuity to be granted by virtue of this Act shall be regulated according to the Price of Three Pounds *per Centum* Consolidated Bank Annuities at the Time of granting the same, in the Manner and according to the Rate prescribed by Two several Acts of Parliament, the One passed in the Forty-eighth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for enabling the Commissioners for the Reduction of the National Debt to grant Life Annuities;* and the other passed in the Fifty-second Year of the Reign of His said late Majesty, intituled *An Act for amending Two Acts, passed in the Forty-eighth and Forty-ninth Years of His late Majesty, for enabling the Commissioners for the Reduction of the National Debt to grant Life Annuities.*

Mode of transferring Securities.

LVI. And be it further enacted, That it shall be lawful for the Persons entitled to any of the Securities for the Money borrowed, or for the

Annuities granted as aforesaid, by Writing under their Hands, to transfer the same respectively to any Person, according to the Form following, or any other Form of Words to the like Purport and Effect, as the Case may be; *videlicet*,

Form of Transfer of Mortgages and Annuities.

'I *A. B.* being entitled to the Sum of [*or* an Annuity of *as the Case may be*] by virtue of an Assignment [*or* Grant of an Annuity], bearing Date the Day of under the Hands and Seals of of the Commissioners acting in the Execution of an Act passed in the Seventh Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act* [*here set forth the Title of this Act*], upon the Credit of the Tolls, Duties, Rates, and Assessments authorized to be raised and collected for the Purposes of the said Act, do hereby transfer all my Right, Title, and Interest in and to the said Sum [*or* Annuity], and all Interest and other Money now due and owing thereon, and all Benefit and Advantage to be had or made thereby, to *E. F.* his Executors, Administrators, and Assigns. Dated the Day of in the Year of our Lord .'

Register Book to be kept.

LVII. And be it further enacted, That a Book shall be provided by the said Commissioners, and be kept by their Clerk, in which Book Entries or Memorials of all such Mortgages or Assignments and Grants of Annuities, which shall be made in pursuance of this Act, and of all Transfers thereof, shall be made, expressing in Words at length the Name, Additions, and Places of Abode, and other necessary Descriptions, of all such Persons as shall from Time to Time be entitled to the Principal Money and Interest, or the Annuities thereby respectively secured, and the Dates of such Securities, and the Sums thereby secured, to which Book any Person interested shall at all reasonable Times have access and free Liberty to inspect the same, without Fee or Reward; and for the Entry of every such Transfer or Assignment the said Clerk shall be paid, by the Person or Persons to whom such Transfer shall be made, the Sum of Two Shillings and Sixpence and no more; and every such Transfer and Assignment, after such Entry thereof as aforesaid, and not till then, shall entitle the Person or Persons to whom the same shall be made, and his, her, or their Executors, Administrators, or Assigns, to the Benefit of the Security or Grant thereby transferred; and it shall not be in the Power of such Person or Persons who shall have made such Transfer to make void, release, or discharge the same, or any Money due thereon; and all Persons to whom such Mortgages, Assignments, or Grants of Annuities shall be made, or who shall be entitled to the Monies or Annuities thereby secured, shall be, in proportion to the Sums therein respectively mentioned, Creditors on the said Rates or Assessments equally one with another, without any Preference in respect to the Priority of advancing such Money, or the Dates of any such Mortgages, or Assignments, or Grants respectively.

No Priority of Mortgages, &c.

Redemption of Mortgages.

LVIII. Provided always, and be it further enacted, That every Assignment or Mortgage or Annuity, which shall be made or granted by virtue of this Act for any Sum of Money which shall be borrowed by the said Commissioners on the Credit of the said Rates or Assessments as hereinbefore is mentioned, shall and may be redeemed by the said Commissioners,

sioners, at such Times and in such Manner as the said Commissioners shall think fit, Three Calendar Months previous Notice in Writing having been given to the Person or Persons entitled to such Sum lent on the Credit of the said Tolls, Duties, Rates, or Assessments, by the said Commissioners, of their Intention to redeem the same, and full Payment of the Principal Money so borrowed, and Interest after the Rate at which the same shall be so borrowed being made to such Person or Persons; and he, she, or they may and are hereby authorized to call for the Payment thereof, as he, she, or they shall think fit, giving the like Notice to the said Commissioners or their Clerk.

Money may be borrowed at lower Interest to pay off existing Mortgages.

LIX. And be it further enacted, That in case the said Commissioners can at any Time borrow or take up any Sum of Money at a lower Rate of Interest than the Mortgages, Assignments, Annuities, or Securities which shall be then in force shall bear, it shall be lawful for the said Commissioners from Time to Time to charge the said Tolls, Duties, Rates, or Assessments in manner aforesaid with such Sum or Sums of Money as they shall think proper, and the Interest thereof at such lower Rate aforesaid, and to pay off and discharge the Mortgages, Assignments, Annuities, and Securities bearing a higher Rate of Interest: Provided nevertheless, that before any Money shall be borrowed, either by way of Mortgage or Annuity as aforesaid, Fourteen Days Notice at the least shall be given, signed either by the said Commissioners or by their Clerk or Treasurer for the Time being, by Advertisement in some of the Newspapers published at *Sunderland*, *Durham*, or *Newcastle-upon-Tyne*, of the Time and Place of the Commissioners meeting for the Purpose of borrowing, and of their Intention to borrow such Money.

Before borrowing to give Notice in Newspapers.

All Monies raised by this Act vested in Commissioners.

LX. And be it further enacted, That all Monies to be raised or collected by virtue or under the Authority of this Act shall be and the same are hereby vested in the said Commissioners; and out of the Monies already in the Hands of the Treasurer to the said Commissioners under the Power of the said former Act hereby repealed, except as aforesaid, or out of the first Money arising from the Rates, Tolls, and Duties which shall be collected by virtue of this Act, or out of the Money which shall be borrowed on the Credit of the said Tolls, Duties, and Assessments, the said Commissioners shall, in the first place, pay and discharge all the Expences and Charges of procuring and passing this Act, or incident thereto; and, in the next place, shall pay and discharge the Interest of the Principal Money which shall be borrowed in pursuance of this Act, and shall apply the Remainder of the Money so raised in paying and defraying the necessary Costs, Charges, and Expences attending the Execution of the Powers and Authorities in this Act contained, and to such other Purposes as are hereby directed.

Not to affect the Contract with the Commissioners under 32 G. 3. c. 90. as to certain Tolls.

LXI. And whereas, by virtue of the Powers of the said recited Act hereby repealed, except as aforesaid, the Commissioners acting in the Execution of such Act did contract and agree to purchase of and from the Commissioners acting in Execution of an Act, passed in the Thirty-second Year of the Reign of His said late Majesty King *George* the Third, intituled *An Act for building a Bridge across the River* Wear, *from the Bank or Shore thereof in the Parish of* Bishopwearmouth *in the County of* Durham, *to the opposite Shore in the Parish of* Monkwearmouth *in the same*

same County, certain Tolls by such last-mentioned Act granted, and the same have been accordingly duly conveyed to, and are now vested in the Commissioners named and appointed by virtue of the said recited Act hereby repealed, except as aforesaid, subject to the Payment of the yearly Sum of Ten Pounds; be it therefore enacted, That neither the Repeal of the said former Act, nor any thing herein contained, shall affect, impugn, or invalidate, or be construed to affect, impugn, or invalidate, the Contract so entered into by and between the Commissioners acting in the Execution of the said former Act hereby repealed, except as aforesaid, and the Commissioners acting in the Execution of the said Act of the Thirty-second Year of the Reign of His said late Majesty, but that the said yearly Sum of Ten Pounds shall be and continue to be paid by the Commissioners acting in the Execution of this Act, to the Commissioners acting in the Execution of the said recited Act of the Thirty-second Year of His said late Majesty, for ever; and the same shall be so paid, free from Taxes and clear of all Deductions whatsoever, on the First Day of *May* and the First Day of *November* in every Year, by equal Portions, the first Payment thereof to begin and be made on such of the same half-yearly Days as shall first happen next after the passing of this Act; and the same yearly Sum shall be charged upon and be raised and paid out of the Tolls, Duties, and Assessments hereby directed to be raised and levied; and all such Tolls, Profits, and Duties so purchased shall be henceforth absolutely vested in the Commissioners acting in the Execution of this Act, for the same Purposes as are hereby declared respecting the Tolls, Duties, and Assessments granted by this Act; and the said yearly Sum to be paid to the Commissioners acting in the Execution of the said recited Act of the Thirty-second Year of His said late Majesty shall be for ever hereafter paid to them, for the same Uses and Purposes as the Tolls, Profits, and Duties by them sold as aforesaid are by the same Act appropriated or made applicable.

Power to contract for Redemption of such Annuity.

LXII. Provided always, and be it further enacted, That it shall be lawful for the Commissioners acting in the Execution of this Act at any Time hereafter to agree with the Commissioners acting in the Execution of the said recited Act of the Thirty-second Year of the Reign of His said late Majesty, for the absolute Purchase or Redemption of the said yearly Sum of Ten Pounds so made to them the said last-named Commissioners, at or for such Sum or Sums of Money as in such Contract shall be expressed; and the said last-named Commissioners are hereby authorized to contract to sell and release, and to sell and release accordingly, unto the said Commissioners acting in the Execution of this Act, the said yearly Sum of Ten Pounds, and all future Payments thereof, any thing herein contained to the contrary notwithstanding; and thereupon, and upon Payment of the Sum or Sums of Money for which the same shall be so agreed to be sold and released, all Arrears of the said annual Sum having been first duly paid and discharged, the said yearly Sum and every Part thereof shall for ever thereafter cease and discontinue to be paid or payable; and the Sum or Sums of Money which shall be so paid to the said Commissioners acting in Execution of the said recited Act of the Thirty-second Year of the Reign of His said late Majesty, for and in Satisfaction of the said yearly Sum of Ten Pounds, shall be paid to and applied by them for the same Uses and Purposes as the Tolls, Profits, and

and Duties by them sold, in consideration of the said yearly Sum of Ten Pounds, are by the same Act appropriated or made payable.

Commissioners empowered to cause Streets, &c. to be lighted with Oil or Gas.

LXIII. And be it further enacted, That it shall be lawful for the said Commissioners to light or cause to be lighted the several Streets, Lanes, Entries, and other public Passages and Places within the Limits of this Act, or such of them as they shall think proper, either by Oil Lamps, or by means of Gas or inflammable Air, as the said Commissioners shall think fit, and to direct what Part or Parts of the said Town and Parish shall be lighted with Oil, and what Part or Parts by means of Gas or inflammable Air; and it shall be lawful for the said Commissioners from Time to Time to contract and agree with the present Gas Light Company established in the said Town, or with any Company of Proprietors, or other Person or Persons, to light the same by means of Oil or Gas or inflammable Air, in such Manner, and upon such Terms and Conditions, and under such Stipulations and Agreements, as the said Commissioners shall think proper, and to provide and set up all necessary Lamps, Lamp Posts, Lamp Irons, and to execute all other Matters, Things, and Works necessary for that Purpose; and in case it shall be determined to light all or any of the said Streets, Lanes, Entries, public Passages and Places with Gas or inflammable Air, it shall be lawful for the said Commissioners to direct the breaking up the Soil and Pavement of any of the Footways or Carriageways of any of the said Streets, Lanes, Entries, and other Ways, public Passages and Places, and the digging, sinking, constructing, laying, and fixing Pipes, Stopcocks, Plugs, Branches, and all other Works and Machinery, by any Company of Proprietors, or other Person or Persons, for the Conveyance of the said Gas or inflammable Air for the Purpose of lighting the several Streets, Lanes, Entries, and other public Passages and Places within the Limits of this Act, or any of them; and from Time to Time to direct such Pipes, Stopcocks, Plugs, Branches, Works, and Machinery to be repaired, altered, or renewed: Provided always, that nothing herein contained shall authorize or empower the said Commissioners or any other Person to carry, lay, or fix, or continue any Pipe or Pipes, or any other Thing for the Conveyance of the said Gas or inflammable Air, through or against any Dwelling House or private Building, or any private Lands, Hereditaments, or Premises, without the Consent in Writing of the Owner and Occupier thereof respectively for that Purpose.

Commissioners to repair Damage done to Walls, &c. by fixing Lamp Posts.

LXIV. Provided always, and be it further enacted, That if any Injury or Damage shall be occasioned to any Rail, Building, or Wall, by the affixing, setting up, taking down, altering, or removing any Lamp, or any Lamp Iron or other Fastening thereof, the said Commissioners shall immediately cause the said Injury or Damage to be well and sufficiently repaired, and the Expences attending the same shall be paid out of the Money to be raised by virtue of this Act.

Commissioners may erect Apparatus to make Gas themselves.

LXV. Provided always, and be it further enacted, That it shall be lawful for the said Commissioners, in case they shall deem it expedient, to light all or any of the said Streets, Lanes, Entries, and other public Passages and Places within the Limits of this Act, with Gas or inflammable Air (without contracting for the same), and for that Purpose to erect

or cause to be erected Gasometers, Cisterns, Pillars, and all other necessary Apparatus to produce, conduct, supply, and receive such Gas or inflammable Air, in such Manner as they shall think proper, and to purchase or rent from any Person (who shall be willing to let, sell, or dispose of the same) any Buildings, Erections, Lands, Tenements, or Hereditaments, within the Town and Parish of *Sunderland* aforesaid, (not exceeding Three Statute Acres,) for the Purpose of erecting and making suitable Buildings and Apparatus thereon for the manufacturing of Gas or inflammable Air as aforesaid.

Commissioners to make and use Gas Works, under Advice of some Person skilled in such Works.

LXVI. Provided also, and be it further enacted, That for the greater Security against Accidents by such Gas Works, the said Commissioners, and all other Bodies and Persons with whom they may contract, are hereby directed and required to erect or cause to be erected all such Gasometers, Cisterns, Pillars, and all other necessary Apparatus, and to lay all such Pipes, Stopcocks, Syphons, Plugs, Branches, and Machinery as aforesaid, by the Advice and Direction of some Person or Persons thoroughly skilled and experienced in the Nature of such Works, whose entire Approbation thereof as to Safety and otherwise shall be had before the same shall be used for the Purposes of this Act.

Works to be inspected Twice in every Year.

LXVII. And be it further enacted, That the said Commissioners, and the Person or Persons with whom they shall contract, shall and they are hereby required to have the said Works inspected at least Twice in every Year by some experienced Person or Persons, to see that the same are in a fit State and properly conducted and managed; and in case of any Error, Want of Repair, Insufficiency, or other Mismanagement being pointed out, to cause the same to be forthwith corrected, amended, and repaired, according to the Opinion of such Person or Persons.

Commissioners empowered to let out Gas Lights, in case they light the Streets themselves.

LXVIII. And be it further enacted, That in case the said Commissioners shall deem it expedient to erect such Gas Apparatus, and to light the said Streets, Lanes, Entries, and other public Passages and Places, or any of them, with Gas or inflammable Air, without contracting for the same as aforesaid, it shall be lawful for the said Commissioners, after sufficiently lighting the said Streets, Lanes, Entries, and other public Passages and Places, to let out or grant to any Person whomsoever who shall be willing to take the same any Light, or Argand, Cockspur, Batwing, or any other Kind of Burner, and to supply the same with Gas or inflammable Air, upon such Terms and Conditions and at such annual Rents for the same, and in such Manner as they the said Commissioners shall from Time to Time think proper, and for that Purpose to direct the breaking up of the Pavement and Soil thereof, and do all other Things that may be necessary for furnishing and conveying any such Light or Lights as aforesaid, and for repairing, altering, and renewing the same: Provided nevertheless, that all the Money to proceed therefrom or arise thereby shall be in the first Instance applied to defray the Expences of the Gas Apparatus and other Things connected therewith, and if there shall be any Overplus, then the same shall be applied generally for the Purposes of this Act.

Commissioners to remove Pipes, &c. on private

LXIX. Provided always, and be it further enacted, That in case any Pipe, Cock, or Branch shall be carried or laid from any Main or Pipe of the said Commissioners, Contractors, or other Persons supplying Gas, into or

Property, on Notice.

or through or against any private Dwelling House, Manufactory, Warehouse, Wharf, Building, Yard, or Ground, for the Purpose of lighting the same, or any other Dwelling House, Manufactory, Building, Yard, or Ground, in pursuance and conformably to the Powers and Authorities in this Act contained, and the Owner or Occupier of any such private Dwelling House, Manufactory, Warehouse, Wharf, Building, Yard, or Ground, into, through, or against which such Pipe, Cock, or Branch shall pass or be laid, shall be desirous that the same Pipe, Cock, or Branch shall be altered or removed or taken away, and of such his or her Desire shall give Notice in Writing to the said Commissioners, Contractors, or other Persons supplying Gas as aforesaid, then and in every such Case the said Commissioners, Contractors, or other Persons shall, within Seven Days after the Receipt of such Notice, alter, remove, or take away, or cause to be altered, removed, or taken away, all or any such Pipes, Cocks, and Branches as shall have been so introduced and laid therein or thereupon, from any such Main of the said Commissioners, Contractors, or other Persons as aforesaid; and in default thereof it shall be lawful for such Owner, Occupier, or any other Person or Persons acting under his or her Authority, to cause such Pipes, Cocks, and Branches to be altered, removed, or taken away, as the Case may require; and the Costs and Expences of such Alteration or Removal shall be recovered from the said Commissioners, Contractors, or other Persons as aforesaid, in the same Manner as any Penalty is recoverable under this Act.

Recovery of Rent.

LXX. And be it further enacted, That in case any Person who shall contract with the said Commissioners, or otherwise agree to take, or shall use or enjoy the Benefit of the said Gas in his or her private Dwellings, Warehouses, Shops, Inns, Taverns, or other Buildings or Manufactories, shall refuse or neglect for the Space of Ten Days after Demand thereof made by the said Commissioners, or by any Person under their Authority, to pay the Sum or Sums then due for the same to the said Commissioners, according to the Terms and Stipulations of the said Commissioners, it shall be lawful for the said Commissioners or their Clerk, or any Person acting by or under their Authority, by Warrant under the Hand and Seal of any Justice of the Peace for the County or Place wherein such Defaulter shall reside, to levy the said Sum or Sums of Money in respect whereof such Neglect or Refusal shall happen by Distress and Sale of the Goods and Chattels of the Person or Persons so refusing or neglecting to pay the same, rendering the Overplus (if any) to such Person or Persons so refusing or neglecting, after the necessary Charges of making such Distress and Sale shall have been first deducted.

Service Pipes to be kept fully charged with Gas.

LXXI. And be it further enacted, That the Branch or Service Pipes which shall be put down for lighting the said Streets, Lanes, Entries, and other public Passages and Places, shall be kept fully charged with Gas, and the Stopcocks shall be so turned as not to impede or prevent the said Branch or Service Pipes from being completely filled with Gas during the Time the same shall be lighted.

Gas Pipes to be laid Three Feet from Water Pipes &c.

LXXII. And be it further enacted, That all and every the Pipes and other Conduits to be laid or used for the Conveyance of Gas in, under, through, along, across, or round any Market, Street, Lane, Entry, or other Passage or Place within the Limits of this Act, shall be so laid at the

the greatest practicable Distance (and whenever the Width of the Carriage-way in such Street or Place will allow thereof, at the Distance of Three Feet at least) from the nearest Part of any Water Pipe, Sough, or Water-course already laid down or hereafter to be laid down for the Conveyance of Water in, under, through, along, across, or round any of the said Market, Streets, Lanes, Entries, or other Passages or Places within the Limits of this Act, except in Cases where it shall be unavoidably necessary to lay the Gas Pipes across any of the said Water Pipes, Soughs, or Watercourses, in which Case the said Gas Pipes shall be laid over and above the said Water Pipes, Soughs, or Watercourses at the greatest practicable Distance therefrom, and shall form therewith a Right Angle; and in such Case the said Gas Pipes so crossing the said Water Pipes, Soughs, and Watercourses, shall be at least Six Feet in Length, so that no Joint of any of the said Gas Pipes shall be nearer to any Part of the said Water Pipes, Soughs, or Watercourses than Three Feet at least; and in laying down the said Gas Pipes, the said Commissioners, Bodies, or other Persons supplying Gas, shall in no Case join Two or more Gas Pipes together previous to their being laid in the Trench, but shall lay each Pipe as near as may be in its Place in the Trench, and shall in such Trench form the Jointing with the other Pipes to be added thereto with proper and sufficient Materials; and shall also make and keep all and every such Pipes and all Pipes connected or communicating therewith, and all the Screws, Joints, Inlets, Apertures, or Openings therein respectively, air-tight, and in all and every respect prevent the said Gas from escaping therefrom, upon pain of forfeiting for every Offence the Sum of Five Pounds.

For preventing the Escape of Gas.

LXXIII. And be it further enacted, That whenever any Gas shall be found to escape from any of the Pipes which shall be laid down or set up by the said Commissioners, or the Body or Bodies Politic or Corporate, Company or Companies of Proprietors, or other Person or Persons making, furnishing, or supplying any Gas used, burned, or consumed within the Limits of this Act, such Commissioners, Bodies, or Persons shall at their own Expence, immediately after Notice of any such Escape of Gas given to them or him by Parol or in Writing from any Person whomsoever, stop and prevent such Gas from further escaping; and in case the said Commissioners, or the Body or Bodies Politic or Corporate, Company or Companies of Proprietors, or other Person or Persons, shall not within Twenty-four Hours next after such Notice given, so far as may be possible, stop and prevent any further Escape, and thereby remove the Cause of Complaint, then and in every such Case the said acting Commissioners, or the Body or Bodies Politic or Corporate, Company or Companies of Proprietors, or other Person or Persons as aforesaid, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds for each Day, after the Expiration of Twenty-four Hours from the Time of giving any such Notice, during which the Gas shall be suffered to escape as aforesaid; which Penalty or Penalties shall from Time to Time be recoverable in a summary Way, on the Oath of some credible Witness or Witnesses, by Information to be laid before some Justice or Justices of the Peace for the County or Place within which such Offence shall be committed, and shall and may be recovered and levied, with all reasonable Charges, by Distress and Sale of the Goods and Chattels of the Treasurer of the said Commissioners, or of the Goods and Chattels of such Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid.

Penalty on damaging Pipes.

LXXIV. And be it further enacted, That if any Person shall wilfully or maliciously remove, take away, throw down, destroy, damage, or injure any or any Part of any Pipe, Plug, Post, or other Apparatus, Article, Matter, or Thing belonging to the said Commissioners, or to any Body Politic or Corporate, or Person as aforesaid, or shall wilfully or maliciously waste, or, beyond his, her, or their Contract, consume any of the inflammable Air or Gas supplied by the said Commissioners, or by such Body or Bodies Politic or Corporate, or Person or Persons as aforesaid, every Person so offending in any of the respective Premises, and being thereof lawfully convicted, either by Confession or on the Oath or Affirmation of some credible Witness, before some Justice or Justices of the Peace for the County or Place wherein the Offence shall be committed, shall forfeit and pay to the said Commissioners, or to such Body or Bodies, or Person or Persons as aforesaid, any Sum not exceeding Five Pounds, and Three Times the Amount of the Damage done or occasioned by such Conduct, the same to be ascertained by such Justice or Justices; and such Penalty and Damage, together with reasonable Costs, shall be levied by Distress and Sale of the Goods and Chattels of such Offender, returning the Overplus (if any), on Demand, to the Owner of such Goods and Chattels; or such Offender shall and may be committed to the Common Gaol for the said County or Place, at the Discretion of such Justice or Justices, there to remain for any Time not exceeding Six Calendar Months.

Penalty for conveying Washings into any Stream, &c.

LXXV. Provided always, and be it further enacted, That if the said Commissioners, or any Body Politic or Corporate, or Company of Proprietors, or any other Person making, furnishing, or supplying any Gas used, burned, or consumed within the Limits of this Act, shall at any Time drain, carry, or cause or suffer to be drained or carried, or to run or flow, any Washings or other waste Liquids, Substances, or Things whatsoever, which shall arise or be made in the Prosecution of the said Gas Works, into any River, Brook, running Stream, or Canal, Reservoir, Aqueduct, Waterway, Feeder, Pond, or Springhead, or into any Drain, Sewer, or Ditch communicating with any of them, or do or cause to be done any Annoyance, Act, or Thing to the Water contained in any such River, Brook, or running Stream, Canal, Reservoir, Aqueduct, Waterway, Feeder, Pond, or Springhead, whereby the said Water or any Part thereof shall or may be soiled, fouled, or corrupted, then and in every such Case the said Commissioners, or such Body Politic or Corporate, or Company of Proprietors, or other Person as aforesaid, shall forfeit and pay for every such Offence the Sum of Two hundred Pounds; and such Penalty or Forfeiture shall and may be sued for and recovered, together with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Plaint, or Information, wherein no Essoign, Protection, Privilege, Wager of Law, nor more than One Imparlance, shall be allowed; and such Penalty shall be paid to the Person or Persons who shall inform or sue for the same: Provided always, that no such Penalty or Forfeiture shall be recoverable unless the same be sued for within Three Calendar Months after the Time when such Annoyance, Nuisance, Injury, Damage, Act, or Thing shall have ceased: Provided also, that in addition to the said Penalty of Two hundred Pounds (and whether such Penalty shall or shall not be recovered) in case any of the said Washings or other waste Liquids, or

noisome or offensive Liquid, Substances, or Things, shall be drained, conducted, or conveyed, or be caused or suffered to run or flow in manner aforesaid, into any River, Brook, or running Stream or Canal, or any Reservoir, Aqueduct, Waterway, Feeder, Pond, or Springhead, or into any Drain, Sewer, or Ditch communicating with any of them, or any such Annoyance, Nuisance, Injury, Damage, Act, or Thing shall be done or caused to be done as aforesaid, and Notice thereof Writing shall have been given by any Person whomsoever to the said Commissioners or any of them, or to the Body or Bodies Politic or Corporate, or Company or Companies of Proprietors, or any of them, or other Person or Persons as aforesaid, and the said Commissioners, Body or Bodies Politic or Corporate, Company or Companies of Proprietors, or other Person or Persons, shall not within Twenty-four Hours after such Notice given stop and prevent all and every such Washings, waste Liquids, or noisome or offensive Liquids, Substances, or Things, from being drained, conducted, or conveyed, or from running or flowing in manner aforesaid, and every such other Annoyance, Nuisance, Injury, Damage, Act, or Thing from being done as aforesaid, then and in every such Case the said Commissioners, Body or Bodies Politic or Corporate, Company or Companies of Proprietors, or other Person or Persons, shall forfeit and pay the Sum of Twenty Pounds for each Day such Washings, waste Liquids, or noisome or offensive Liquids or Things, shall be so drained, conducted, or conveyed, or caused or suffered to run or flow in manner aforesaid, or such other Annoyance, Act, or Thing shall be so done or caused to be done as aforesaid; and such last-mentioned Penalty shall and may be recovered and levied by Warrant under the Hand and Seal of any Justice of the Peace acting in and for the County or Place in which such Offence shall be committed, and shall be paid to the Informer, or to the Person or Persons who, in the Judgment of the Justice or Justices before whom the Conviction shall take place, shall have sustained any Annoyance, Injury, or Damage by any such Act so done or committed.

To prevent Contamination of Water.

LXXVI. And be it further enacted, That whenever the Water of the Company of Proprietors, or other the Owner or Proprietors of any Waterworks within the said Town and Parish of *Sunderland*, shall be contaminated or affected by the Gas of the said Commissioners, Bodies, or other Persons as aforesaid, the said Commissioners, Bodies, or other Persons shall forfeit and pay for every such Offence a Sum not exceeding Twenty Pounds, to be sued for and recovered as any Penalty is hereby directed to be sued for and recovered; and the same shall be applied to and for the Use and Benefit of the said Company of Proprietors, or other the Owners or Proprietors of any Waterworks, or Party or Person using such Water, and suing for the same; and in case any such Water shall be contaminated or affected by Gas in any way whatsoever, then and in every such Case the said Commissioners, Bodies, or other Persons shall, within Twenty-four Hours next after Notice thereof in Writing, signed by any of the Directors, or by the Treasurer, or by the Manager or chief Clerk for the Time being of and for the said Company of Proprietors, or by other the Owners or Proprietors of any Waterworks, or by any other Party or Person interested in or using such Water, to be left at the usual Office or Place of transacting Business of the said Commissioners, Bodies, or at the last or usual Place of Abode of such other Persons, cause Measures to be taken effectually to stop and prevent Gas from escaping from their Works,

Works, Mains, or Pipes, or contaminating or affecting any such Water; and in case the said Commissioners, Bodies, or other Persons as aforesaid, shall not, within Twenty-four Hours next after each and every such Notice so left as aforesaid, effectually stop and prevent Gas from so escaping, and wholly and satisfactorily remove the Cause of every such Complaint, and prevent all and every such Contamination whereof Notice shall have been given as aforesaid, then and in every such Case the said Commissioners, Bodies, or other Persons as aforesaid, shall on each and every Complaint whereof Notice shall be given as aforesaid, forfeit and pay to the Treasurer for the Time being, or to any of the Directors for the Time being of the said Company of Proprietors, or other the Owners or Proprietors of any Waterworks, or other Parties or Persons as aforesaid, for the Use and Benefit of the same Proprietors or Owners, Parties or Persons, over and above the before-mentioned Penalty of Twenty Pounds, to be recovered as aforesaid, the Sum of Ten Pounds for each and every Day during which any such Water shall be and remain contaminated, tainted, or affected; and in default of Payment thereof as aforesaid such Penalty or Penalties shall and may be recovered by Information, to be exhibited on the Oath of some credible Witness, by and in the Name of the Treasurer, Manager, or chief Clerk for the Time being of the said Company of Proprietors, or other the Owners or Proprietors of any Waterworks, or by and in the Name of any of the Directors of the said Company of Proprietors, or other the Owners or Proprietors of any Waterworks, or by any such other Parties or Persons as aforesaid, at the Option of the Parties prosecuting such Information against the said Commissioners, Bodies, or other Persons as aforesaid, before any Justice of the Peace for the said County of *Durham*, with Costs, to be assessed by such Justice, and to be levied by Distress and Sale of the Goods and Chattels of the said Commissioners, Bodies, or other Persons as aforesaid, together with the Charges of such Distress and Sale, by Warrant under the Hand and Seal of such Justice, which Warrant such Justice is hereby empowered to grant; and such Penalty or Penalties and Costs when so levied shall be paid to the Treasurer or to any of the Directors for the Time being of the Company of Proprietors, or other the Owners or Proprietors of any Waterworks, or to such other Parties or Persons as aforesaid, for the Use of the same Proprietors, Owners, or Persons respectively.

For ascertaining if the Water is contaminated.

LXXVII. And whereas it may be or become a Question upon such Complaint as aforesaid, whether the said Water be contaminated or affected by the Gas of the said Commissioners, Bodies, or other Persons supplying Gas; be it therefore enacted, That in every such Case it shall be lawful for the said Company of Proprietors, or other the Owners or Proprietors of any Waterworks, to dig to and about, and search and examine the Mains, Pipes, Conduits, and Apparatus of the said Commissioners, Bodies, or other Persons as aforesaid, for the Purpose of ascertaining whether such Contamination proceed or be occasioned by the Gas of the said Commissioners, Bodies, or other Persons as aforesaid; and if it shall appear that the said Water has been contaminated by any Escape of Gas of the said Commissioners, Bodies, or other Persons as aforesaid, the Costs and Expences of the said Digging, Search, and Examination, and Repair of the Pavement of the Street or Streets which shall be taken up or disturbed, shall be borne and paid by the said Commissioners, Bodies, or other Persons as aforesaid, which Costs and Expences shall be ascertained and determined

determined (if necessary) by such Justice as aforesaid, and be recovered in like Manner as any Penalty may be recovered by virtue of this Act: Provided always, that if upon such Examination it shall appear that such Contamination has not arisen from any Escape of Gas from any of the Mains, Pipes, or Conduits of the said Commissioners, Bodies, or other Persons as aforesaid, then and in such Case the said Company of Proprietors, or other the Owners or Proprietors of any Waterworks, or other Party or Person making Complaint of such Contamination, shall bear and pay all the Costs and Expences of such Examination, Repair, and Search, and shall also make good to the said Commissioners, Bodies, or other Persons as aforesaid, any Loss, Injury, or Damage which may be occasioned to the said Mains, Pipes, Conduits, or Apparatus of the said Commissioners, Bodies, or other Persons as aforesaid, in and by such Search and Examination, and also to the Pavement of the said Streets so broken up or disturbed in such Search or Examination; the Amount of such Injury, Loss, or Damage to be ascertained and determined (if necessary) by such Justice or Justices of the Peace as aforesaid.

Not to prevent Commissioners, &c. from being indicted for any Nuisance.

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

Empowering Commissioners to purchase Houses, &c. for improving the Town.

LXXIX. And be it further enacted, That the said Commissioners shall have full Power and Authority to treat, contract, and agree with any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, Ecclesiastical or Civil, and all Corporations, whether Aggregate or Sole, and any Tenant for Life, or in Fee Tail, General or Special, or other the Owner or Owners, Proprietor or Proprietors of, and any Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, Parties, or Persons whomsoever interested in any Manner in any Buildings, Lands, Tenements, or Hereditaments within the Limits of this Act, mentioned and specified in the Schedule to this Act annexed, for improving the said Town and Parish, and for other the Purposes of this Act, for the absolute Purchase of all such Buildings, Lands, Tenements, and Hereditaments, or any of them, or for the Damage to be done thereto respectively in the Execution or for the Purposes of this Act, and to take down or alter all or any of such Buildings, Tenements, and Heredita-

ments so to be purchased, or any Part or Parts of the same respectively, and also to appropriate all or any Part of the Lands, Tenements, or Hereditaments so to be purchased for all or any of the Purposes aforesaid, as they the said Commissioners shall think fit: Provided always, that if the said Commissioners shall not, within the Space of Five Years, to be computed from the passing of this Act, agree for or cause to be valued and paid for as herein-after mentioned the several Buildings, Lands, Tenements, and Hereditaments, which they are hereby empowered to purchase as aforesaid, or so much thereof as they shall deem necessary or proper for the Purposes of this Act, then and from thenceforth the Powers and Authorities hereby granted to them for such Purpose shall cease, determine, and be utterly void.

Empowering Bodies Politic and others to sell.

LXXX. And be it further enacted, That it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Tenants for Life or Years, or in Fee Tail, General or Special, and all Feoffees in Trust, Husbands, Guardians, Committees for Lunatics and Idiots, and other Trustees whatsoever, not only for and on behalf of themselves and their respective Heirs and Successors, but also for and on behalf of their respective Cestuique Trusts, whether Infants or Issue unborn, Lunatics, Idiots, Femes Covert, and other Persons under any Disability of acting for themselves, who are or shall be seised or interested in their own Right, and for all and every other Person or Persons whomsoever who are now or shall at any Time or Times hereafter be seised or possessed of or in any way interested in any Messuages, Houses, Shops, Buildings, Lands, Tenements, or Hereditaments within the Limits of this Act which the said Commissioners shall at any Time hereafter be desirous of purchasing for any of the Purposes aforesaid, to contract and agree for the absolute Sale thereof, or any Part or Parts thereof, and to sell and convey the same, or any Part or Parts thereof, and all the Estate, Right, Title, and Interest whatsoever of, in, and to the same, unto the said Commissioners for the Purposes aforesaid; and all Contracts, Bargains, Sales, Conveyances, and other Assurances which shall be made by virtue and in pursuance of the Provisions of this Act, shall, without any Fine, Recovery, or other Assurance in the Law whatsoever, and without Enrolment or Registry, be good, valid, and effectual to all Intents and Purposes, not only to convey the Estate and Interest of the Party or Persons so conveying, but also to convey all the Right, Estate, and Interest, Trust, Use, Property, Possession, Claim, or Demand whatsoever of their several Cestuique Trusts, and all Persons whomsoever claiming or having Title to claim by, from, through, or under them, and of all Persons entitled in Remainder or Reversion expectant on any particular Estates, and the same shall be considered and deemed to bar and shall bar all Dower of the Wife or Wives of such Party or Parties, and all Estates Tail and other Estates in Possession, Reversion, Remainder, or Expectancy, and the Issue and Issues of the same Party, or Parties claiming under them or any of them respectively, any Law, Statute, or Usage, or any other Matter or Thing whatsoever to the contrary thereof in anywise notwithstanding; and all Bodies Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, Spiritual or Lay, and all Tenants for Life or in Fee Simple, or in Fee Tail, General or Special, and all Feoffees in Trust, Husbands, Guardians, Committees, and Trustees, Executors and Administrators, and all other Persons whomsoever, are and

shall and they are hereby fully indemnified for what they shall respectively do by virtue and in pursuance of this Act.

Notice to be given in Newspapers of Meeting to purchase Houses, &c.

LXXXI. Provided always, and be it further enacted, That the said Commissioners shall not have Power to purchase any such Houses, Buildings, or Grounds within the said Parish of *Sunderland*, by virtue of this Act, unless Fourteen Days Notice be previously given in some of the Newspapers published at *Sunderland*, *Durham*, or *Newcastle-upon-Tyne*, of a Meeting to be holden for that Purpose, nor shall any Houses or other Buildings be pulled down, or Grounds thrown open, in consequence of any Order for that Purpose, unless Three Months Notice in Writing at the least shall be given to or left at the usual Place of Abode of the Owners or Occupiers thereof.

Provisions in case of Refusal or Inability to sell.

LXXXII. And be it further enacted, That if any Body Politic, Corporate, or Collegiate, or any Corporation, whether Aggregate or Sole, or any Feme Covert, or any Tenant for Life, or any Tenant in Tail, General or Special, or for Years determinable on any Life or Lives, Owner or Owners, Occupier or Occupiers, or other Person or Persons whomsoever interested in any Building or Buildings, Erection or Erections, projecting in or upon any of the Carriageways or Footways within the said Town and Parish, or of any Door or Doors, Cellar or Cellars, or any Steps belonging thereto, or in any other Projection or Encroachment upon any such Carriageway or Footway whatsoever, or in any Lands, Houses, or other Buildings, Tenements, or Hereditaments which the said Commissioners are enabled by this Act to purchase or treat for, shall refuse to treat, contract, or agree as aforesaid, or by reason of Absence or otherwise shall be prevented from treating, contracting, or agreeing, or shall decline or refuse to sell, convey, and dispose of the Premises whereof or wherein or whereunto they respectively shall be so seised, possessed, interested, or entitled as aforesaid, or their respective Rights, Titles, Claims, or Interest into or upon the same, or any Part thereof, unto the said Commissioners or to such Person or Persons as they shall nominate for the Purposes, and according to the Tenor, true Intent, and Meaning of this Act, or shall not or cannot produce or make out a clear Title to the Premises they are in the Possession of, or to the Interest they claim therein, to the Satisfaction of the said Commissioners, or if any Dispute or Difference shall arise touching such Purchase or Purchases, then and in every such Case the said Commissioners are hereby empowered and authorized, before any General or Quarter Sessions of the Peace to be holden for the said County of *Durham*, or any Adjournment of such General or Quarter Sessions respectively, to give or cause to be given to such Owner or Owners, or the principal Officer or Officers of such Bodies Politic, Corporate, or Collegiate, or to leave or cause to be left at the House of the Tenant in Possession, Ten Days Notice in Writing, denoting and particularly describing the Lands, Buildings, Houses, Tenements, or other Hereditaments intended to be purchased, and purporting that the Value thereof shall be adjusted and settled by a Jury at the said respective Sessions, or Adjournment thereof; and the Justices at the said Sessions respectively, or any Adjournment thereof, upon Proof to them made of such Notice having been given or left, are hereby authorized and required to charge the Grand Jury at such Sessions assembled, or the Jury to try Prisoners at such Sessions, well and truly upon their Oaths to

assess

assess the Value of the said Lands, Buildings, Houses, Tenements, or other Hereditaments comprised in the Notices so given, and the Damages and Recompence to be awarded or given for the same to the respective Owner or Owners thereof, according to their respective Interests therein, and to which said Jury the said Commissioners, and all Persons interested in the said Lands, Buildings, Houses, Tenements, or other Hereditaments, shall have their lawful Challenges; and the Jury, being so sworn and charged as aforesaid, and after proper Evidence on Oath to them given concerning the Nature, Quality, or Value of the Lands, Houses, Buildings, Tenements, or other Hereditaments so to be sold or conveyed as aforesaid, shall by their Verdict assess the Damages and Recompence to be given for the same to the respective Owner or Owners, Occupier or Occupiers thereof, according to their respective Interests therein; and such Verdict of the said Jury, and the Judgment of the said Justices upon the same, shall be final, binding, and conclusive to the said Commissioners, and to all Person and Persons interested in the said Lands, Buildings, Houses, Tenements, and other Hereditaments; and such Verdict, and the Judgment of the Justices thereupon, shall be fairly entered and kept among the Records of the Sessions for the said County, and the same or true Copies thereof shall be taken to be good and effectual Evidence and Proof in any Court of Law or Equity whatsoever; and all Persons may have recourse to the same *gratis*, and take Copies thereof, paying Sixpence for every Seventy-two Words, and so in proportion for any greater or less Number of Words.

The Verdict of the Jury not to be binding, unless the Money be paid within Six Calendar Months.

LXXXIII. Provided always, That in case the Sum or Sums so assessed by the said Jury, and ordered and adjudged to be paid by the said Commissioners as a Satisfaction to the Owners, Occupiers, or others, for their respective Interests in the said Premises, shall not be paid, tendered, left, or deposited, according to the true Intent and Meaning of this Act, within Six Calendar Months after the same shall have been so assessed, ordered, and adjudged, then and in such Case the Verdict of the said Jury shall not be binding upon the said Parties; any thing herein contained to the contrary thereof in anywise notwithstanding.

Expences of Jury how to be paid.

LXXXIV. And be it further enacted, That in every Case where the Verdict of a Jury shall be given for a greater Sum than shall have been previously offered or tendered by the said Commissioners for the Purchase of any Buildings, Tenements, or Hereditaments to be used or taken by them for the Purposes of this Act, or as a Compensation or Recompence for any Damages, Loss, or Injury which may happen or arise in the Execution of any of the Powers hereby granted, all the Costs of summoning such Jury, and the Expence of Witnesses, shall be defrayed by the said Commissioners, and such Costs and Expences shall be settled and determined by some Justice of the Peace for the said County not interested in the Matter in question, (who is hereby authorized and required to settle the same at a Time or Place to be by him appointed, after summoning the Parties interested therein to attend him for that Purpose); and in case such Costs and Expences shall not be paid to the Party entitled to receive the same within Ten Days after the same shall have been demanded, then the same shall and may be levied and recovered by Distress and Sale of any Goods and Chattels vested in the said Commissioners or their Treasurer, (unless such Treasurer shall pay such Costs and

and Expences out of any Monies received by him by virtue of this Act, and which he is hereby authorized to do), under a Warrant to be issued for that Purpose by any Justice of the Peace for the said County, which Warrant any such Justice is hereby authorized and required to issue under his Hand and Seal, on Application made to him for that Purpose by the Party entitled to receive such Costs and Expences; but if the Verdict of the Jury shall not be given for a greater Sum than shall have been previously offered or tendered by or on behalf of the said Commissioners, then and in every such Case One Moiety of the Costs and Expences shall be defrayed by the Person or Persons with whom the said Commissioners shall have such Controversy or Dispute, and the other Moiety thereof shall be defrayed by the said Commissioners; and the Moiety of such Costs and Expences, having been ascertained and settled by some Justice of the Peace for such County, in manner herein-before described, shall and may be deducted out of the Money to be determined or adjudged to be paid to such Person or Persons as aforesaid, as so much Money advanced to and for his, her, or their Use, and the Payment or Tender of the Remainder of the Money so to be determined or adjudged shall be deemed and taken, to all Intents and Purposes whatsoever, to be a good Payment or Tender in Satisfaction of the whole thereof: Provided always, that in all Cases where by reason of Absence in Foreign Parts, or from any other Cause or Disability not herein-before provided for, any Person or Persons shall have been prevented from treating and agreeing as aforesaid, the whole of such Charges and Expences shall be borne and paid by the said Commissioners.

Houses, &c. not to be taken without Consent, except those specified in Schedule.

LXXXV. Provided always, and be it further enacted, That nothing herein contained shall authorize or empower the said Commissioners, or any Person or Persons acting by or under their Authority, to take, use, injure, or damage, for the Purposes of this Act, any House or other Building, Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to a House, or any inclosed Ground planted and set apart as a Nursery for Trees, without the Consent in Writing of the Owners or Occupiers thereof, and Persons interested therein respectively, other than and except those specified in the Schedule annexed to this Act.

Misnomers not to impede the Execution of the Act.

LXXXVI. Provided always, and be it further enacted, That if any of the Messuages, Buildings, Lands, Tenements, or Hereditaments mentioned and described in the Schedule hereunto annexed, or any of the Owners thereof, or of the Persons in whose Possession or Occupation the same or any Part thereof are or is stated or described to be, or any Person or Persons otherwise interested therein, shall happen by Mistake to be misnamed or incorrectly described, such Misnomer or incorrect Description shall not prevent or retard the Execution of this Act, but the same Premises, and every Part thereof, shall and may be purchased, sold, assessed, and valued, in manner as in this Act mentioned, and afterwards conveyed, disposed of, and applied for and to the Purposes of this Act, as fully and effectually as if the same was or were properly named and described in the said Schedule hereunto annexed; provided it shall appear to any Two Justices of the Peace for the County, Town, or Place wherein such Messuages, Buildings, Lands, Tenements, or Hereditaments shall be situate, and be certified by Writing under their Hands, that such Omission, Misnomer, or inaccurate Description proceeded from Mistake, or that the

real Owners or Occupiers of such Messuages, Buildings, Lands, Tenements, or Hereditaments, had Notice that the same respectively would be wanted for the Purposes of this Act.

Possession to be delivered up.

LXXXVII. And be it further enacted, That all and every Person and Persons, Body and Bodies Politic, Corporate, and Collegiate, in Possession of any Houses or Buildings, Lands, Tenements, or Hereditaments, which shall be purchased by and vested in the said Commissioners by virtue of this Act, or of any Part thereof, shall, at the End of Six Calendar Months next after Notice shall be given to him, her, or them for that Purpose, under the Hands of Three or more of the said Commissioners, peaceably and quietly deliver up the Possession of the said Premises to such Person or Persons as shall be authorized by the said Commissioners to take Possession thereof, they the said Commissioners making such Satisfaction to every such Person or Persons, Bodies Politic, Corporate, or Collegiate, in case he, she, or they shall be required to quit before the Expiration of his, her, or their Term in the Premises, as the said Commissioners shall deem just and reasonable; and in case any Dispute or Difference shall arise touching or concerning the same, such Satisfaction or Compensation shall be settled and ascertained by a Jury in manner herein-before mentioned; and in case any such Person, or Body Politic, Corporate, or Collegiate, shall refuse to give up such Possession as aforesaid, it shall be lawful for the said Commissioners to issue their Precept or Warrant, signed by any Three or more of the said Commissioners, to any Constable of the said Town, to deliver Possession of the Premises to such Person or Persons as shall in such Precept or Warrant be nominated to receive the same; and such Constable or Bailiff is hereby required to deliver such Possession accordingly, and to levy such Costs as shall accrue upon the issuing or Execution of such Precept or Warrant, on the Person or Persons so refusing to give Possession as aforesaid, by Distress and Sale of his, her, and their Goods, returning the Overplus (if any) to the Owner thereof on Demand.

Power for Commissioners to sell such Lands as shall not be wanted by them.

LXXXVIII. And whereas, by reason of the Purchases which the said Commissioners are hereby empowered to make, they may happen to be possessed of some Building or Buildings, Piece or Pieces of Ground, over and above what may be necessary for effecting the Improvements hereby directed to be made, or for other the Purposes of this Act; be it further enacted, That it shall be lawful for the said Commissioners to sell and dispose of such Building or Buildings, Piece or Pieces of Ground, either together or in Parcels, as they shall find most advantageous and convenient, to such Person or Persons as shall be willing to contract for and purchase the same; and the Money to arise by Sale of such Building or Buildings, Piece or Pieces of Ground, shall be applied to the respective Purposes of this Act, but the Purchaser or Purchasers thereof shall not be answerable or accountable for the Misapplication or Non-application thereof.

Persons from whom such Lands shall have been purchased, to have the first Offer.

LXXXIX. Provided always, and be it further enacted, That the said Commissioners, before they shall sell and dispose of any such Buildings or Grounds, shall first offer the same for Sale to the Person or Persons respectively from whom they shall have purchased such Buildings or Grounds, and in case such Person or Persons shall not then and there-

upon agree, or shall refuse to repurchase the same, then and in every such Case an Affidavit, to be made and sworn before a Master Extraordinary in the High Court of Chancery, or before some of His Majesty's Justices of the Peace for the County, Town, or Place, by some Person or Persons no way interested in the said Buildings or Grounds, stating that such Offer was made by or on behalf of the said Commissioners respectively, and that such Offer was not then and thereupon agreed to, or was refused by the Person or Persons to whom the same was so offered, shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made and was not agreed to or was refused by the Person or Persons to whom it was made, (as the Case may be); but in case such former Owner or Owners shall be desirous of repurchasing the same, and cannot agree with the said Commissioners in regard to the Price to be paid for the Purchase thereof, then and in such Case the Price or Value thereof shall be settled and ascertained by a Jury in like Manner as the Price or Value of any Hereditaments to be purchased or taken by the said Commissioners for the Purposes of this Act is herein-before directed to be settled and ascertained, and the Costs and Charges of ascertaining and determining the same shall be borne and paid in like Manner as herein-before directed with respect to Purchases made by the said Commissioners, *mutatis mutandis*; and all Monies to arise by any Sales which may be made by the said Commissioners of the said Premises or any Part or Parts thereof shall be applied to the Purposes of this Act, but the Purchasers thereof having paid his, her, or their Purchase Monies to the Treasurer or Treasurers of the said Commissioners, and obtained his or their Receipt or Receipts for the same, shall not be liable to see to the Application of the said Monies, or answerable or accountable for the Misapplication or Nonapplication of the same.

Application of Compensation Money when amounting to 200*l.*

XC. And be it further enacted, That if any Money shall be paid or agreed to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used by virtue of the Powers of this Act, which belong to any Body Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporation Aggregate or Sole, Tenant for Life or in Tail, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee, for or on behalf of any Infant, Lunatic, Idiot, Feme Covert, or other Cestuique Trust, or to any Person whose Lands, Tenements, or Hereditaments are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account there *ex parte* the Commissioners for executing this Act, pursuant to the Method prescribed by an Act passed in the First Year of the Reign of His present Majesty King *George* the Fourth, intituled *An Act for the better securing Monies 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 said Court, and for other Purposes*, and the General Orders of the said Court, and without Fee or Reward, and shall, when so paid in, there remain until the same shall, by Order of the said Court, made upon a Petition to be preferred to the said Court in a summary Way by the Person or Persons who would have been entitled to the Rents

1 G. 4. c. 35.

Rents and Profits of the said Lands, Tenements, or Hereditaments, be applied either in the Purchase or Redemption of the Land Tax, or in or towards the Payment or Discharge of any Debt or Debts or other Incumbrances, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Trusts, Intents, or Purposes, as the said Court shall authorize to be purchased, redeemed, paid, or discharged, or such Part thereof as shall be necessary; or until the same shall, upon the like Application, be laid out and invested in a summary Way, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed, limited, and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, or Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined or capable of taking effect; and in the meantime and until such Purchase shall be made, the said Money shall, by Order of the Court, upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities, or in Government or Real Securities; and in the meantime and until the said Bank Annuities or Government or Real Securities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends or Interest, and the annual Produce of the said Consolidated or Reduced Bank Annuities or Government or Real Securities, shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments so to be purchased, conveyed, and settled.

Application when less than 200*l.* and exceeding 20*l.*

XCI. Provided always, and be it further enacted, That if any Money so agreed to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used for the Purposes of this Act, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed or amount to the Sum of Twenty Pounds, then and in such Case the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy or other Incapacity, with the Approbation of the said Commissioners, to be signified in Writing under their respective Hands, be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General of the Court of Exchequer, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same shall be paid, at the like Option and with the like Approbation, to Two Trustees to be nominated by the Person or Persons who for the Time being would be entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments so to be purchased and settled, such Nomination to be approved of by Three or more of the said Commissioners, (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties); and the Money so paid to such Trustees, and the Dividends and Produce arising

arising therefrom, shall be by them applied in like Manner as is hereinbefore directed with respect to the Money so to be paid into the Bank of *England*, but without obtaining or being required to obtain any Order of the said Court touching the Application thereof.

Application if less than 20*l.*

XCII. Provided also, and be it further enacted, That where such Money so agreed to be paid as last mentioned shall be less than the Sum of Twenty Pounds, then and in such Cases the same shall be applied to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments so purchased, taken, or used for the Purposes of this Act, for his, her, or their own Use and Benefit; or in case of Infancy, Lunacy, or other Incapacity, then such Money shall be paid to his, her, or their Guardian or Guardians, Committee or Committees, Trustee or Trustees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of not making out Titles, &c.

XCIII. And be it further enacted, That in case the Person or Persons to whom such Sum or Sums of Money shall be agreed to be paid as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered, then and in every such Case it shall be lawful for the said Commissioners to order the said Sum or Sums of Money so agreed to be paid as aforesaid to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the said Court of Exchequer, to be placed to his Account to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments (describing them), subject to the Order, Controul, and Disposition of the said Court; which said Court, on the Application of any Person or Persons making claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England* who shall receive such Sum or Sums of Money is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying therein for what and for whose Use the same is or are received, to such Person or Persons as shall pay any Sum or Sums of Money into the Bank as aforesaid.

Where any Question shall arise touching the Right to such Money.

XCIV. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, Title, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance of this Act, or to any Bank Annuities or Government or Real Securities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities or Government or Real Securities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments at the

Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shown to the Satisfaction of the said Court; and the Dividends and Interest of the Bank Annuities and of the Government and Real Securities to be purchased with such Money, and also the Capital of such Bank Annuities or Government or Real Securities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

The Court may order reasonable Expences of Purchases to be paid by Commissioners.

XCV. Provided also, and be it further enacted, That when, by reason of any Disability or Incapacity of the Person or Persons or Corporation entitled to any Lands, Tenements, or Hereditaments to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the Bank of *England*, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the said Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Commissioners out of the Monies to be received by virtue of this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Form of Conveyance to the Commissioners.

XCVI. And be it further enacted, That all Sales, Conveyances, and Assurances of any Lands, Tenements, or Hereditaments to be made unto the said Commissioners, shall be made in the Form or to the Effect following; *viz.*

'I *A. B.* of in consideration of the Sum of to me paid by the Commissioners acting in the Execution of an Act of Parliament passed in the Seventh Year of the Reign of King *George* the Fourth, intituled [*here insert the Title of this Act*], do hereby grant and convey to the said Commissioners and their Successors all [*here describe the Premises to be conveyed*], and all my Right, Title, and Interest to and in the same and every Part thereof, to hold to the said Commissioners and their Successors for ever. In witness whereof I have hereunto set my Hand and Seal, this Day of in the Year of our Lord .'

And every such Sale, Conveyance, and Assurance so made, shall be good, valid, and effectual to vest the Premises so conveyed in the said Commissioners and their Successors, freed and absolutely acquitted and discharged of and from all Claims, Rights, Interests, Charges, and Incumbrances of all Persons whomsoever, to all Intents and Purposes whatsoever; any Law, Statute, Usage, or Custom to the contrary thereof notwithstanding.

Provision for Payment of Purchase Money, &c.

XCVII. And be it further enacted, That every Sum of Money to be agreed for, awarded, or assessed as aforesaid, shall, within the Space of One Calendar Month after the same shall have been so agreed for, awarded,

awarded, or assessed, be paid, out of the Monies to be received by virtue of this Act, to the Party or Parties respectively entitled to such Monies, or to their Agents; and upon Payment thereof, or in case of Refusal to accept the same, on placing the same in the Bank of *England* in manner by this Act directed (whether such Conveyance as aforesaid shall or shall not be made), all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand in Law and Equity of the Person or Persons claiming respectively, unto whom or to whose Credit or Use the same shall have been paid, in, to, and out of such Lands, Tenements, or other Hereditaments, shall vest in the said Commissioners and their Successors, in Trust for effecting the Purposes of this Act, and they shall be deemed in Law to be in the actual Seisin or Possession thereof to all Intents and Purposes whatsoever, as fully and effectually as if every Person having any Estate in the Premises had actually conveyed the same by Lease and Release, Bargain and Sale enrolled, Feoffment with Livery of Seisin, Fine, Common Recovery, Surrender, or any other Conveyance or Assurance whatsoever; and such Payments shall not only bar all Right, Title, Interest, Claim, and Demand of the Person or Persons to whose Use or Credit such Payments shall have been made as aforesaid, but also shall extend to and be deemed and construed to bar the Dower and Dowers of the Wife or Wives of such Person and Persons, and Estates Tail and other Estates in Possession, Reversion, Remainder, or Expectancy, and the Issue or Issues of such Person and Persons, and every Person claiming under them, as effectually as Fines or Common Recoveries would do if levied or suffered by the proper Parties in due Form of Law.

and for vesting the Property in the Commissioners.

XCVIII. And be it further enacted, That when such Town Hall or Town Halls as aforesaid shall be erected and built, it shall be lawful for the Lord Bishop of *Durham*, and his Successors, and his and their Lessee or Lessees for the Time being, from Time to Time to hold his or their Courts Leet, Courts Baron, and other Manorial and Borough Courts, as he or they respectively has or have been used and accustomed to hold, or as by Law he or they may and is and are entitled to hold the same in and for the Manor and Borough of *Sunderland*, or either of them, in some convenient Office, Apartment, or Room in such Town Hall or Town Halls; and the Courts to be from Time to Time held in any such Office, Apartment, or Room as aforesaid, and every of them, shall be deemed to be and shall be as lawful to all Intents and Purposes as if the same had been and were held in or at the Place or Places where the Courts Leet and Courts Baron, and other Manorial and Borough Courts of and for the said Manor and Borough, or either of them, have or had been usually or otherwise held at any Time before the passing of this Act.

Courts Leet, &c. may be held in the new Town Hall.

XCIX. And be it further enacted, That all Houses and Buildings hereafter to be built or new-fronted in the said Streets, Lanes, Passages, and Places, shall be made to rise perpendicularly from the Foundation thereof; and if any Person shall at any Time build or new-front any House or other Buildings within the Limits of this Act, or cause the same to be done otherwise than rising perpendicularly from the Foundation, except as aforesaid, it shall be lawful for the said Commissioners, by Writing under their Hands, to order and cause the same to be pulled down and removed by such Person or Persons as they shall direct or appoint, and the

Regulations as to the fronting of new Buildings.

the Costs and Charges thereof shall be paid and reimbursed to the said Commissioners or their Order, by the Owner or Owners of such Houses or Buildings, and in default of Payment thereof on Demand, the same may be recovered in like Manner as any Penalties or Forfeitures are by this Act authorized to be recovered: Provided always, that in such Regulations of the Fronts of new Buildings to be made as aforesaid, it shall be lawful for the said Commissioners, when any such new Building shall be made as aforesaid, to admit at their Discretion the said new Building to be advanced in front thereof, so as to be on a Line with the adjoining Buildings.

Commissioners may require Houses to be rebuilt in a regular Line.

C. And be it further enacted, That whenever any House or other Building standing in any Street, Lane, or other public Passage or Place within the Limits of this Act, projecting beyond the regular Line of such Street, Lane, or other public Passage or Place, or of the Range of Buildings adjoining thereto, shall be taken down and rebuilt, it shall be lawful for the said Commissioners (if they shall think proper) to require and compel the Owner or Owners thereof, when the same shall be rebuilt, to cause such House or other Building to be set back in and according to such regular Line as aforesaid, and to give such Directions and make such Orders in Writing for that Purpose as the said Commissioners shall think proper, and to cause the same to be delivered or left at the House or last or usual Places of Abode of such Owner or Owners, some or one of them; and if any House or other Building shall be built, erected, or rebuilt contrary to such Directions and Orders, the same shall be deemed an Encroachment, Nuisance, and Annoyance within the Intent and Meaning of this Act, and be removed or removable as such: Provided always nevertheless, that full Recompence and Satisfaction shall be made to the Owner or Owners of and all Persons interested in such Premises, for any Loss or Damage he, she, or they may sustain by such House or other Building being so set back as aforesaid; such Recompence and Satisfaction to be made and settled in the same Manner as is herein-before provided for making and ascertaining Compensation and Satisfaction to be made for Houses and Buildings damaged or injured by or in taking down Houses or Buildings for the Purposes of this Act.

Commissioners may order Streets, &c. to be paved, and Sewers and Drains to be cleansed, &c.

CI. And be it further enacted, That it shall be lawful for the said Commissioners, from Time to Time and at all Times, when and so often as they shall think proper, to cause, order, and direct all or any of the present or future Pavements in the said Streets, Lanes, or Alleys, public Ways and Passages, as well in those Parts which may be used by Carriages as those which may be used by Foot Passengers, to be taken up, and the said Streets, Lanes, or Alleys, public Ways and Passages, to be paved, repaired, raised, lowered, or altered, and also the Sewers, Drains, or Watercourses to be cleansed, altered, diverted, and amended, in such Manner as they shall think proper; and also such Footpaths, where practicable, to be paved with Flag Stones or smooth Pavement, and all the Horseways and Carriageways with good Rag Stones, Pebbles, or such other Materials as the said Commissioners shall think proper; and also to cause, order, and direct the said several Lanes, Streets, or Alleys, public Ways and Passages, to be cleansed, and all Annoyances, Obstructions, Nuisances, and Encroachments to be removed, and proper Sewers, Drains, Sinks, Gutters, or Watercourses to be made for conveying the Water off and from

from the said several Streets, Lanes, or Alleys, public Ways and Passages, and the several Houses and other Buildings within the said Town of *Sunderland*, in such Manner as the said Commissioners shall think proper; and the Person or Persons to be appointed by them for the Purposes aforesaid shall be and he and they are hereby empowered to do the same; and the Expences of such flagging, paving, renewing, draining, altering, diverting, and repairing, shall at all Times be paid out of the Rates or Assessments and other Monies to be made, levied, and recovered or received under the Authority of this Act.

Commissioners may contract with Persons for paving.

CII. And be it further enacted, That the said Commissioners may, and they are hereby empowered from Time to Time, at any of the said Meetings, as occasion shall require, to contract with any Person or Persons for paving, raising, lowering, amending, repairing, cleansing, and lighting the said Streets, Lanes, or Alleys, Footways, public Ways and Passages, or any Part or Parts thereof, and for doing and performing all other Matters and Things necessary for completing any of the Works hereby authorized; which Contract or Contracts so to be entered into shall be reduced into Writing, and shall specify the several Works to be done, the Prices to be paid for the same, and the Time or Times when the said Works shall be completed, and the Penalties in case of Non-performance thereof, and shall be signed by the said Commissioners, or any Five or more of them, and by the Person or Persons contracting to perform such Works: Provided always, that previous to the making of any such Contract Fourteen Days Notice shall be given in some of the Newspapers published at *Sunderland*, *Durham*, or *Newcastle-upon-Tyne*, expressing the Intention of such Contract, in order that any Person willing to undertake the same may make Proposals for that Purpose, to be offered and presented to the said Commissioners at a certain Time and Place in such Notice to be mentioned; and the said Commissioners shall and they are hereby required to take Security for every such Contractor for the due Performance of his, her, or their Contract.

Surveyors to inspect Works, and sue or compound for Nonperformance of Contracts.

CIII. And be it further enacted, That it shall be lawful for the said Commissioners and they are hereby directed to cause all and every the Works done in pursuance of this Act to be inspected by their Surveyor or Surveyors, or by such other Person or Persons as they shall from Time to Time appoint; and in case the same shall not be well and sufficiently performed, according to the true Intent and Meaning of such Contract, or shall not be finished at or within the Time or Times at which the same are agreed to be completed by the said Contract or Contracts, the said Commissioners shall and may bring an Action in any of His Majesty's Courts of Record at *Westminster*, or Court of Pleas at *Durham*, against any Person or Persons so contracting and neglecting to perform such Contract or Contracts, or for any Injury sustained on account of the Non-performance thereof; and the said Commissioners shall be entitled to and shall recover such Penalty or Penalties as therein expressed, and Damages with Costs of Suit, which Penalties and Damages, when recovered, shall be applied for the Purposes of this Act: Provided always, that it shall be lawful for the said Commissioners, from Time to Time and at all Times hereafter, to compound and agree with any Person or Persons against whom the said Commissioners shall bring or cause to be brought any Action or Suit for any Penalty incurred in any Contract hereafter to be made or entered into

in pursuance of this Act, either before or after such Action shall have been commenced, on account of any Breach or Non-performance of any such Contract, for such Sum or Sums of Money as they shall think proper, so as the Sums compounded and agreed for be not less than the Injury sustained by the Breach or Non-performance of such Contract, and the Costs, Charges, and Expences which shall have been or which may be occasioned thereby: Provided always, that the said Commissioners or their respective Estates shall not be liable, in their individual or personal Capacity, to any Loss, Damage, or Prejudice, by reason of their signing any such Contract.

When any new Street is made, the Owners of the Premises adjoining to cause the same to be paved.

CIV. And be it further enacted, That whenever any Street within the Limits of this Act shall be laid out and formed, the Owners and Proprietors of the Houses, Buildings, and Premises adjoining to such Street shall and they are hereby required, when and so soon as so many of such Houses, Buildings, and Premises as shall form One Fourth Part of such Street shall be built, to cause the Square of their Houses, Buildings, or Premises, as far as the Centre of such new Street, both in the Carriage and Footway, to be made or paved in such Manner as the said Commissioners shall direct; and after the same shall be so made or paved, the said Commissioners shall cause them to be kept in repair, and cleansed, lighted, and watched, in the like Manner as the other Streets, Lanes, Entries, and public Places within the said Limits are paved, cleansed, lighted, and watched, by and out of the Rates and Assessments to be made and levied by virtue of this Act; and in case such Owners or Proprietors shall neglect or refuse to pave the same, it shall be lawful for the said Commissioners to cause the same to be done, and to recover the Expences thereof from such Owners or Proprietors as aforesaid by Action at Law, or by the Warrant of any Justice of the Peace for the said County of *Durham*, who is hereby authorized and required to ascertain the Amount of such Expences, and to levy the same as any Penalty may be levied and recovered by virtue of this Act.

Power to get Materials.

CV. And be it further enacted, That it shall be lawful for the said Commissioners or their Surveyors or other Agents, or any other Person employed or appointed by them, having an Order in Writing under the Hands of any Three of the said Commissioners for the Purpose, to search, dig, gather, get, take, and carry away any Stone, Gravel, Sand, Earth, or other Materials fit or proper for the paving, repairing, amending, raising, or improving the said Streets, Roads, Squares, Crescents, Lanes, and other public Passages or Places within the Limits of the said Town and Parish, out of or from any Common or Waste Ground, or common River or Brook in the said Parish of *Sunderland near the Sea*, or from the Sea Beach, the Person or Persons acting by the Appointment of the said Commissioners or their Agent or Agents filling up the Pits or Quarries, levelling the Ground, or sloping down the Banks wherefrom such Materials shall be taken, or causing such Pits or Quarries to be fenced off, so that the same may not be dangerous to Passengers or Cattle; and in case a sufficient Quantity of Materials cannot be had in or upon any such Waste Grounds or Commons, or in any such common River or Brook as aforesaid, then and in such Case it shall be lawful for the said Commissioners or their Surveyors or other Officers, or the Person or Persons so employed or appointed by them as aforesaid, by Order of any Justice of the Peace for the said

said County of *Durham*, to search for, cut, dig, get, gather, and take away any such Materials as aforesaid, in, out of, or from any of the private Lands, Fields, or Grounds of any Person within the Parish of *Sunderland near the Sea*, where the same may be had or found, (such Lands, Fields, or Grounds not being a Garden, Orchard, Yard, Park, Paddock, Plantation, or Avenue to a House, or any Piece of Ground planted or set apart as a Nursery for Trees,) making or tendering such Satisfaction for the Value of such Materials, and also for the Damages done thereby, to the Owners and Occupiers of the Lands, Fields, or Grounds where and from whence the same shall be cut, dug, got, gathered, and carried away, or over which the same or any other Materials for making and repairing the said Streets, Roads, Squares, Crescents, Lanes, and other public Passages or Places shall be carried, as shall be agreed upon between the said Commissioners and such Owners or Occupiers; and in case of any Difference between the said Commissioners or other Person or Persons employed as aforesaid and such Owners or Occupiers, or any of them, concerning such Damages, it shall be lawful for any Justice of the Peace in and for the said County of *Durham*, on Seven Days Notice thereof given by either Party to the other, or left at his, her, or their respective Place or Places of Abode, to hear, settle, and finally determine the Matter of such Damages and Payment: Provided also, that no such Materials as aforesaid shall be dug for, gotten, or taken away from any Place within the Distance of One hundred Yards from any Bridge, Mill, Mill Weir, or Dam, nor so as to injure any Building or Highway on any Account or Pretence whatsoever.

Notice to be given to Occupiers of inclosed Lands previous to taking any Materials.

CVI. Provided nevertheless, and be it further enacted, That it shall not be lawful for any Person acting under the Authority of this Act to dig, gather, get, take, or carry away any Materials for repairing such Streets, Roads, Squares, Crescents, Lanes, or other public Passages or Places, out of or from any inclosed Lands or Grounds, until Fourteen Days Notice in Writing, signed by the Surveyor or Surveyors or other Officer to the said Commissioners, shall have been given to the Owner or Occupier of the Premises from which such Materials are intended to be taken, or left for such Owner or Occupier at his or her usual Place of Residence, to appear before any Justice of the Peace acting in and for the said County of *Durham*, to show Cause why such Materials shall not be had from such Lands or Grounds; and in case such Owner or Occupier or his or her Agent shall attend pursuant to such Notice, but shall not show sufficient Cause to the contrary, then and in such Case such Justice shall and may authorize the said Commissioners or their Agent, or such Person or Persons, to dig, get, gather, take, and carry away such Materials at such Time as to such Justice shall seem proper; and if such Owner or Occupier shall neglect or refuse to appear by himself or herself, or his or her Agent, pursuant to such Notice, the said Justice shall and may make such Order therein as he or they respectively shall think fit, as fully and effectually to all Intents and Purposes as if such Owner or Occupier or his or her Agent had attended.

Penalty on taking away Materials from the Roads, &c.

CVII. And be it further enacted, That if any Person shall remove or take away any Stones, Gravel, or other Materials laid upon or near such Streets, Roads, Squares, Crescents, Lanes, or other public Passages or Places, or any Part thereof, without the Order of the said Commissioners for

for that Purpose, or if any Person shall take away any Stones, Gravel, or other Materials which have been dug, got, or gathered by or by Order of the said Justice or Commissioners in any Land, Field, or Waste Ground, River or Brook, for the Purpose of amending or repairing such Streets, Roads, Squares, Crescents, Lanes, or other public Passages or Places, or any Part or Parts thereof, or shall get or take away any Stones, Gravel, or other Materials out of any Pit or Quarry which shall have been made for the Purpose of getting such Materials, before the said Commissioners, or their Surveyor or Surveyors, or Workmen, shall have discontinued working thereon for the Space of Six Weeks, (except the Owner or Occupier of any private Ground wherein such Pit or Quarry shall have been made, and Persons authorized by such Owner or Occupier to get Materials therein for his or her own private Use only, and not for Sale), every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

Penalty for interrupting Workmen.

CVIII. And be it further enacted, That if any Person shall at any Time obstruct, hinder, or molest any Surveyor, Collector, or other Officer, Workman or Person whomsoever, who may be employed in the Performance or Execution of his Duty under this Act, every such Person so offending shall forfeit and pay any Sum not exceeding Five Pounds.

Alteration not to be made in Pavements, &c. without Consent of Commissioners.

CIX. And be it further enacted, That no Person shall at any Time make or cause to be made any Alteration in the Form of the Pavement of any Street, Lane, or Alley, public Way or Passage, within the said Town of *Sunderland*, without the Consent and Approbation of the said Commissioners, assembled at some of their Meetings, first had and obtained, upon pain of forfeiting any Sum not exceeding Ten Pounds for every such Offence.

Branches into Drains not to be made without Leave.

CX. And be it further enacted, That no Person shall, without Leave and Licence of the said Commissioners, make or branch any Drain into any of the public Sewers, Drains, or Vaults made or to be made by virtue of this Act; and if any Person shall without such Leave or Licence make or branch any such Drain, he, she, or they so offending shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds.

Private Drains to be repaired and cleansed under the Inspection of the Surveyor, at the Expence of the Owners.

CXI. And be it further enacted, That all private Drains which now are or by Permission of the said Commissioners shall hereafter be made within any of the public Streets, Lanes, or Alleys, public Ways and Passages within the said Town and Parish of *Sunderland*, and which do or shall issue into or communicate with any public Sewers, Drains, or Vaults, shall from Time to Time, and so often and by such Persons as the said Commissioners shall appoint or order, be repaired and cleansed under the Inspection and Direction of the Surveyor or other proper Officer of the said Commissioners; and the Costs and Charges incurred thereabouts, and also of taking up, relaying, or repairing any Pavements in any Streets or public Places which may for those Purposes, or any of them, be taken up, shall be borne and paid by the Owner or Owners, Occupier or Occupiers of the Houses, Lands, or Tenements to which the said private Drains do or shall respectively belong, and be recovered in the

the same Manner as is by this Act directed for the Recovery of any Penalty.

Occupiers to cleanse Foot-paths, &c.

CXII. And be it further enacted, That the respective Occupiers of every House, Tenement, or other Hereditament within the said Town of *Sunderland*, shall scrape, sweep, and cleanse, or cause to be scraped, swept, and cleansed, and all Ice and Snow to be removed from the Footways or Foot Pavements the whole Length of the Front of their respective Houses or Tenements, dead Walls, vacant Pieces of Ground, and other Hereditaments, and the Channels of Watercourses opposite the same respectively, to the full Extent of the said Footways or Foot Pavements, before, behind, and on the Side or Sides of the same respectively, on such Days of every Week, and at such Times as the said Commissioners shall from Time to Time order and direct, of which Order and Direction Notice in Writing, signed by the Clerk to the said Commissioners, shall be affixed upon the Doors of the Parish Church of *Sunderland* aforesaid, or upon the Doors of the Market-house to be erected by virtue of this Act, and shall also, immediately after so cleansing the same, cause the Dirt and Soil to arise from such cleansing to be collected and taken away, upon pain of forfeiting any Sum not exceeding Ten Shillings for every Neglect therein.

Contractors to cleanse the other Parts of the Streets.

CXIII. And be it further enacted, That the Person or Persons contracted with for cleansing the said Streets, Lanes, or Alleys, public Ways and Passages, shall sweep, cleanse, and carry away, or cause to be swept, cleansed, and carried away, all the Dirt, Dung, and Soil out of and from all the said Streets, Lanes, or Alleys, public Ways and Passages, within the said Town of *Sunderland*, not less than Three Times in every Week, on such Days as shall be appointed by the said Commissioners, and shall clear away all Ice and Snow, upon pain of forfeiting Twenty Shillings for every Neglect therein; and such Person or Persons so contracted with as last mentioned, or the said Commissioners, shall and may sell and dispose of the Dirt, Dung, or Soil, and the Money therefrom arising shall be applied to and for the Use and Benefit of such Contractors, or for the Purposes of this Act, (as the Case may require).

Streets to be watered.

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

No other Person except the Contractor may take or carry away any Ashes, &c.

CXV. And be it further enacted, That if any Person (excepting the Person or Persons to be appointed for this Purpose in pursuance of this Act) shall take or carry away, or cause to be taken and carried away, any Ashes, Dust, Dirt, Mire, Dung, Manure, or other Filth which shall be made in any of the said Streets, Lanes, or Alleys, public Ways and Passages, from or out of the same, such Person shall forfeit and pay any Sum not exceeding Twenty Shillings for every such Offence.

Inhabitants may reserve their own Rubbish.

CXVI. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to prevent any of the Inhabitants residing within the Limits of this Act from preserving or

keeping any Ashes, Dust, Dirt, Mire, Soil, Dung, or Rubbish, within their own respective Houses, Gardens, Yards, or Premises, or from carrying away the same, at any Time they may think proper, within the Hours of Ten at Night and Six in the Morning between *Michaelmas* and *Lady-day*, and Five in the Morning between *Lady-day* and *Michaelmas*, so as such Ashes, Dust, Dirt, Mire, Soil, Dung, or Rubbish be not laid down or placed in any of the said Streets, Lanes, or Alleys, public Ways and Passages in the said Town and Parish, for any longer Time than shall be necessary for the loading of Carts or Carriages with and carrying away the same, or be of any Annoyance to the said Inhabitants or any Persons passing through the same; and in case such Person or Persons so preserving such Ashes, Dust, Dirt, Mire, Soil, Dung, or Rubbish, shall permit or suffer the same to become a Nuisance or Annoyance to any of such Inhabitants, or to any other Person as aforesaid, and shall not remove the same for the Space of Twenty-four Hours after Notice in Writing so to do given to him or them, under the Hands of any Three or more of the said Commissioners, or of their Surveyor, or left at the Place of Abode of such Person or Persons, such Person shall forfeit and pay any Sum not exceeding Twenty Shillings for every Day such Annoyance shall be permitted to remain next after Notice given as aforesaid.

Penalty not to extend to Rubbish occasioned by Buildings, so as convenient Room be kept for Carriages, &c.

CXVII. Provided also, and be it further enacted, That no Person shall be subject to the last-mentioned Penalty for any Rubbish or Dirt lying in the said Streets, Lanes, or Alleys, public Ways and Passages, or any of them, before the House or Tenement of such Person, which shall be occasioned by the repairing or pulling down of such House or Tenement, or by the rebuilding the same, so as there be convenient Room left in the same Street, Lane, or Alley, public Way and Passage, where such Rubbish or Dirt shall lie, for Carriages to pass and repass, and a sufficient Way kept clean for Foot Passengers by the Person laying or occasioning such Dirt or Rubbish, nor for the making up of any Lime into Mortar, in any of the said Streets, Lanes, or Alleys, public Ways and Passages, so as sufficient and convenient Room be left for Foot Passengers and Carriages, and so as such Lime be inclosed before such House or Building about which the same shall be used, and so as the Owner or Owners of such House or Tenement before which such Rubbish or Lime shall lie shall cause the same to be removed therefrom at his or their own Costs and Charges within a reasonable Time, or upon Notice to be given to him, her, or them, or left at his, her, or their Place of Abode for that Purpose in Writing, to be signed by any Three of the said Commissioners, or their Surveyor or Surveyors, and so as that during the Time that the same shall be lying in the said Street, Lane, or Alley, public Way or Passage, such Owner or Owners shall set up a Rail or Fence, and maintain a sufficient Light upon or against the same every Night, during the whole Night from the Time it becomes dark, to prevent any Mischief happening thereby to Passengers.

Lime used about Buildings to be inclosed, &c.

Penalty for wilfully breaking Lamps, &c.

CXVIII. And be it further enacted, That if any Person shall wilfully break, throw down, or otherwise damage any Lamp which shall be erected by virtue of this Act, or any Post, Iron, or other Furniture thereof, or any other Materials used for the lighting and paving of the said Town and Parish, or shall wilfully extinguish the Light or Lights of or in any such Lamp, and Complaint thereof shall be made by some

credible

credible Witness or Witnesses to any Justice or Justices of the Peace acting for the said County of *Durham*, it shall be lawful for such Justice or Justices, and he and they is and are hereby required, to summon before him or them the Party or Parties complained against, and in case of his, her, or their making Default to appear according to such Summons (Oath having been made that the Party or Parties complained against hath or have been served with such Summons, or that the same hath been left at his, her, or their usual Place of Abode, if known), to issue a Warrant or Warrants for apprehending the Party or Parties accused; or it shall be lawful for any Person who shall see such Offence committed to apprehend, and also for any other Person to assist in apprehending the Offender or Offenders, and by the Authority of this Act, and without any other Warrant or Authority, to deliver him, her, or them into the Custody of a Peace Officer, in order to be conveyed before the said Justice or Justices; and the Party or Parties so accused being brought before such Justice or Justices, or Oath being made before such Justice or Justices that such Offender or Offenders cannot be found or apprehended, such Justice or Justices shall examine upon Oath any Witness who shall appear or be produced to give Information touching such Offence; and if the Party or Parties accused shall be convicted of such Offence, either by his, her, or their own Confession, or upon such Information as aforesaid, he, she, or they shall forfeit and pay any Sum not exceeding Five Pounds, and shall also make full Satisfaction (such Satisfaction to be ascertained by such Justice or Justices) to the said Commissioners for the Damage so done; and in case such Offender or Offenders shall not upon Conviction forthwith pay such Penalty and make such Satisfaction as aforesaid, such Justice or Justices shall and may, and he and they is and are hereby empowered and required to commit such Offender to the Common Gaol for the County or Place within which such Offender shall reside, and there to be kept to hard Labour, for any Time not exceeding Three Calendar Months, unless such Penalty and Satisfaction shall be sooner paid and made.

Satisfaction for accidental Damage to Lamps.

CXIX. And be it further enacted, That in case any Person shall carelessly or accidentally break, throw down, or damage any of the said Lamps to be set up as aforesaid, or the Posts, Irons, or other Furniture thereof, and shall not immediately upon Demand make Satisfaction for the Damage done thereto, then and in every such Case it shall be lawful for any Justice of the Peace for the said County of *Durham*, upon Complaint made, to summon the Person or Persons so complained of to appear before him, and upon his or her appearing or making default to appear (Oath having been made that such Person hath been served with such Summons, or that the same hath been left at his or her usual Place of Abode if the same can be ascertained), such Justice shall examine such Cause of Complaint, and upon Proof thereof, either upon Confession of the Party or upon the Oath of some credible Witness or Witnesses, shall award such Satisfaction to be made by the Party or Parties complained against for the Damage so done, as to such Justice shall seem reasonable; and in case of Refusal or Neglect forthwith to pay the Sum so awarded, such Justice shall and may cause the same to be levied and recovered in the same Manner as any Fine or Penalty is by this Act directed to be levied and recovered.

Justice to award Penalty.

CXX. And

Commissioners may hire a Room for an Office, and a Storehouse.

CXX. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time to hire any Room or Building as they shall think fit, within the Limits of this Act, for the Purpose of making use thereof as and for any Office or Offices for keeping their Accounts, holding their Meetings, and transacting the Business relating to this Act, and as a Storehouse or Storehouses for keeping their Implements and Materials, and for other the Purposes of this Act; and to pay out of the Monies to arise by virtue of this Act such yearly Rent or Rents as they the said Commissioners shall from Time to Time agree upon, and also to accept and take a Lease of such Room or Building to themselves, or any of them, or any Person or Persons in trust for them, for any Term or Number of Years or otherwise, at and under such yearly Rent or Rents as they shall from Time to Time think fit, and to pay such Rent or Rents out of the Monies to be received by virtue of this Act.

Names of Streets and Numbers of Houses to be put up.

CXXI. And be it further enacted, That it shall be lawful for the said Commissioners to cause to be painted, engraved, or otherwise described, and placed on a conspicuous Part or Parts of any House or Building, or at or near each End, Corner, or Entrance of every Street, Lane, Entry, and other public Passage or Place within the said Limits, the Name by which such Street, Lane, Entry, or other public Passage or Place now is or shall be called or known; and also to cause every House and Building in the several Streets, Lanes, Entries, and other public Passages and Places within the Limits aforesaid, to be marked and numbered with Figures, either on the Door thereof or otherwise, and in such Manner as they shall think most proper for distinguishing the same, and from Time to Time to vary and renew the same Names, Numbers, and Figures, as Occasion may require; and if any Person shall wilfully destroy, obliterate, deface, remove, or, without the Consent of the said Commissioners first had and obtained, alter any such Name, Number, or Figure, or any Part thereof, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Numbers to be renewed.

CXXII. And be it further enacted, That when any such Numbers or Figures so painted or placed on any House or other Building within the said Limits, or on the Door thereof, shall decay or otherwise become defaced or obliterated, the Occupier or Occupiers of such House or Building shall, upon Notice in Writing being given for that Purpose, signed by any Three or more of the said Commissioners, cause the like Numbers or Figures to be painted or placed on such House or other Building, or on the Door thereof, within Ten Days after such Notice; and in case of Neglect or Refusal to comply with such Notice within the Time above specified, such Occupier or Occupiers shall forfeit and pay for every such Offence any Sum not exceeding Twenty Shillings.

Commissioners may take down Signs.

CXXIII. And be it further enacted, That it shall be lawful for the said Commissioners, at any Time after the passing of this Act, to take down, remove, alter, and regulate in such Manner as they shall think proper, all the projecting Signs or other Emblems or Devices used to denote the Profession, Trade, Occupation, or Calling of any Person, and all the projecting Sign Posts, Penthouses, Show Boards, Spouts, Gutters, Stalls, Porches, Sheds, Butchers Gallows and Crooks, projecting Win-

dow

dow Blinds, Cellar Windows, Flaps, Dwarf Walls, Posts, Rails, Palisadoes, and Frames of Wood, Iron, Bricks, Stones, and other Materials, Steps, and all other Erections, Projections, Encroachments, Nuisances, and Annoyances whatsoever in the said Town and Parish of *Sunderland*, which they the said Commissioners shall adjudge to obstruct or incommode or render inconvenient the Footway or Carriageway of or in all or any of the said Streets, Lanes, or Alleys, public Ways and Passages, in the said Town, and to leave the Materials so to be taken down or removed, or the Residue of such Materials, in case of regulating the same only, on the Spot, or as near thereto as conveniently may be, for the Use of the Person or Persons who may be entitled to the same; and the Expences attending the taking down, removing, altering, or regulating the same, shall be borne and defrayed out of the Money to be raised by virtue of this Act: Provided, that if any Person shall think himself or herself aggrieved by any Order, Adjudication, or Judgment made or given by the said Commissioners, or any of them, relating to any Matter or Thing in this Clause mentioned or contained, then and in every such Case such Person may appeal therefrom to the Justices of the Peace, in the like Manner and Form as is herein-after directed as to Appeals which may be made against any Rates or Assessments to be made or Penalties imposed by or in pursuance of this Act; any thing herein contained to the contrary thereof in anywise notwithstanding.

Penalty on certain Nuisances, and Power to remove the same.

CXXIV. And be it further enacted, That if any Person shall at any Time or Times hereafter convey Water from his or her House or Houses to the Channels of the Carriageways in any other Manner than by Drains under the Footways, as far as the same can be done, or shall hang, place, erect, or build, or make any Sign, Sign Post, or other Post, Sign Iron, Penthouse, Show Board, Spout, Gutter, Stall, Bow Window, Window, Window Shutter, projecting Window Blind, Porch, Shed, Butchers Gallows and Crook, Cellar Window, or Dwarf Window, Shamble, Post, or other Erection, Projection, Encroachment, Nuisance, or other Annoyance whatsoever, or cause or permit the same to be done contrary to the Directions aforesaid, every Person so offending shall for every such Offence forfeit any Sum not exceeding Five Pounds; and it shall be lawful for the said Commissioners to order the same to be taken down, removed, carried away, altered, or regulated in such Manner as they shall think proper; and the Person or Persons so ordered shall and may make, take down, remove, carry away, alter, or regulate the same accordingly, after Ten Days Notice given to the Owner or Owners, Tenant or Tenants, Occupier or Occupiers, to take down, remove, carry away, alter, or regulate the same; and the Expences thereof shall be borne by the Owner or Owners, Tenant or Tenants, or Occupier or Occupiers of the same Premises respectively.

Doors and Gates to open inwards.

CXXV. And be it further enacted, That the several Occupiers of Houses, Buildings, Yards, Gardens, and Lands within the said Limits, and every of them, are hereby respectively directed and required, at their own Costs and Expences, within Ten Days next after receiving Notice in Writing from the said Commissioners, signed by any Three or more of them, to cause all such of the Doors and Gates leading into the several Houses, Buildings, Yards, Gardens, and Lands in their respective Occupations, which do now or shall hereafter open outwards upon or over

any Footpath in any of the Streets, Lanes, Entries, and other public Passages and Places within the said Limits, to be altered, so as that the same Doors and Gates shall thenceforward open inwards and into their respective Premises, or so as that the same shall not cause any Obstruction to the public Passage; and if any such Occupier shall neglect or refuse to make the Alteration so required by the said Commissioners within the Period specified in such Notice, such Occupier shall forfeit and pay the Sum of Ten Shillings a Day for every Day during which such Gate or Door shall be suffered to remain opening outwards, or occasioning Obstruction as aforesaid, after the Expiration of the Time specified in such Notice.

Penalty on obstructing Causeways, and on other Annoyances.

CXXVI. And be it further enacted, That if any Person or Persons shall, upon any of the Footways or Foot Pavements in any of the Streets, Lanes, Entries, and other public Passages and Places within the said Limits, run, draw, drive, or carry thereon any Wheel, Truck, Sledge, Wheelbarrow, Handbarrow, Bier, or Carriage whatsoever, or roll any Cask or Tub, other than for the necessary loading or unloading thereof, upon, from, or out of any Carriage Road or Footway, or for any longer Space than the Extent of the Premises in the Occupation of the Person from or to whose House and Building such Cask or Tub shall be rolled, (such Premises adjoining to or having immediate Communication with such House or Building from or to which such Cask or Tub shall be rolled); or if any Person shall wilfully drive any Cart or Carriage whatsoever, or shall ride, lead, or drive any Horse or other Beast, or any Cattle whatsoever, on any of the said Footways and Foot Pavements, (except in the necessary crossing the same in passing to or from any Stable or Premises immediately adjoining such Footways or Foot Pavements), or shall wilfully break up, damage, or remove any Part of the Pavements, or set up, affix, or use any Stall, Standing, Block, or working Place thereon, or so near thereto as to obstruct the Passage thereon, or put or place any Cask, Tub, Pail, Bucket, Stool, Bench, Stall, or erect, set up, or place any Blind, Shade, Coverlid, or Awning, or any other Matter or Thing, in the Front of or before any House, Shop, or other Building, and suffer it to remain, so as in any Manner to cause any Obstruction or Impediment in the Footway or on the Foot Pavement, or shall slide upon any such Footway, or shall in any other Manner wilfully obstruct or incommode, hinder or prevent, the free Passage of any such Footway; or shall, in any Street, Lane, Entry, or other public Passage or Place within the Limits of this Act, hoop, fire, cleanse, wash, or scald any Cask or Tub, or hew, saw, or cut any Stone, Wood, or Timber, or bore any Timber, or make or repair, or wash or clean, any Coach, Chaise, Gig, Waggon, Cart, Sledge, or other Carriage, (except such as may want immediate Repair from any sudden Accident on the Spot, or which cannot be conveniently removed for that Purpose, such unavoidable Repair to be done and completed with all convenient Speed); or if any Person shall hang out or cause to be hung out any Linen or Cloth, or any Article of Wearing Apparel, or other Article for the Purpose of Sale, or of airing or drying the same, upon or from any Door or Window within any Market, Street, Lane, Entry, or other public Passage or Place within the Limits of this Act, or fix or tie up any Line, Rope, or Cord for any such Purpose; or if any Person shall, in or upon any such Market, Street, Lane, Entry, or other public Passage or Place, shoe, bleed, farry, or

kill any Horse or other Beast or Cattle, (except in case of Accident); or if any Person shall, within any such Market, Street, Lane, Entry, or other public Passage or Place, show or expose any Stone Horse or Stallion, or expose to sale any Horse or other Beast, except only in such Places as the said Commissioners shall direct, or turn loose or permit to wander therein any Horse, Mule, Ass, Pig, or other Beast or Cattle; or if any Person shall make or assist the making of any Bonfire, or shall wantonly let off or fire any Gun, Pistol, Blunderbuss, or other Firearms, or shall wantonly let off or throw any Serpent or Rocket, any Cracker, Squib, or other Fireworks, or play at Football, Bandy, or any other Game or Games, to the Annoyance of any Inhabitant or Passenger, or fly any Kite or Kites, or shall wilfully break, or aid, abet, or assist in wilfully breaking any Glass Pane or Window, Panes or Windows, in or belonging to any Dwelling House or other Building; or if any Person shall throw or lay down or leave to remain any Timber, Bricks, Lime, Mortar, Sand, Stone, Slate, Hay, Straw, Wood, Faggots, Tiles, Coals, Boards, Tubs, Manure or Dung, Goods, Wares, Merchandizes, or other Material or Thing whatsoever, in any of the said Market, Streets, Lanes, Entries, or Alleys, or other public Passages and Places, for any longer Time, not exceeding Four Hours, than shall be necessary for moving and housing the same, and after Sunset without placing a sufficient Light upon or near the same to prevent Accidents; or if any Person shall throw, cast, or lay, in any of the said Markets, Streets, Lanes, or Alleys, public Passages and Places, any Coals, Coal Ashes, Rubbish, or other Nuisance or Annoyance whatsoever; or if any Person shall leave or cause to be left in any of the said Markets, Streets, Lanes, Entries, or other public Passages and Places, any Cart, Waggon, or other Carriage whatsoever, with or without Horses or other Cattle, for any longer Time than for the Purpose of loading or unloading the same; or if any Person shall kill or slaughter, or scald or singe any Pig, Beast, Swine, Calf, Sheep, Lamb, or other Cattle or Animal, either wholly or in part, in any Shop or other Place adjoining and exposed to any of such Markets, Streets, Lanes, Entries, or other public Passages and Places, or cause or permit any Blood to run from any Slaughter-house, Butcher's Shop or Shambles, Hog Sty or Dunghill, into the same or any of them, or shall, for the Purpose of obtaining or collecting Manure, or for any other Purpose, stop up or impede the Passage of any common Sewer, Ditch, Drain, or Watercourse, or shall empty, convey, or discharge any Filth or Rubbish into any common Sewer or public Drain; or if any Person shall in any of the said Markets, Streets, Lanes, Entries, or other public Passages and Places, bait or cause to be baited any Bull, Bear, Badger, or other Animal, or shall fight or set to fight any Dogs or Cocks, or shall permit or suffer his, her, or their Mastiff, Bull Dog, or other Kind of Dog, or any other dangerous Animal, to go at large, without being safely and sufficiently muzzled, or shall not, after public Notice given by Order of any Justice or Justices of the Peace for the Borough and Parish of *Sunderland* aforesaid, tie up and keep safely secured his, her, or their Dog or Dogs, in order to prevent any Danger or Mischief happening by reason of Hydrophobia or otherwise; or if any Person shall fix up or suffer to remain any Flower Pot or Bough Pot at any Window without sufficiently guarding the same so as to prevent the same being blown or thrown down, or shall commit any other Kind of Obstruction or Annoyance in or upon any Street, Lane, Entry, or other public Passage or Place within the Limits

of

of this Act, then and in every such Case every Person so offending, or the Owner or Proprietor of any such Horse, Beast, Cattle, Carriage, Goods, Matter, or Thing as aforesaid, as the Case may be, (in case the Person actually offending cannot afterwards be found,) shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds; and it shall be lawful for any Officer appointed by virtue of this Act, or for any Constable, to take away and remove any of the before-mentioned Obstructions, in case the Party occasioning the same shall not remove the same within a reasonable Time after being required so to do by any Person whomsoever; and it shall be lawful for any Constable or other Peace Officer, or any of the said Commissioners, or any Officer or other Person acting by or under their Authority, by virtue of this Act and without any Warrant whatever, to seize and apprehend any such Offender as aforesaid, and forthwith to convey him or her before some Justice or Justices of the Peace for the said County of *Durham*, in order to his, her, or their Conviction of such Offence.

Penalty on Drivers of Carriages misbehaving.

CXXVII. And be it further enacted, That if the Drivers of any Waggon, Cart, Car, Dray, or other Carriage, shall ride upon any such Carriage in any Highway, Market, Street, Square, Way, Lane, public Passage or Place within the Limits of this Act, not having some other Person on foot or on horseback to guide the same (such Carriages as are usually conducted by some Person holding the Reins of the Horse or Horses drawing the same excepted); or if the Driver of any Carriage whatsoever shall in any such Highway, Market, Street, Square, Way, Lane, public Passage or Place, furiously drive the same, or shall by Negligence or wilful Misbehaviour cause any Hurt or Damage to any Person or Carriage, or shall wilfully be at such Distance from such Carriage whilst it shall be passing in any such Highway, Market, Street, Square, Way, Lane, public Passage or Place, that he cannot have the Direction and Government of the Horse or Horses or other Cattle drawing the same, or shall by furious or over-driving the same, or by Negligence or wilful Misbehaviour, prevent, hinder, or interrupt the free Passage of any other Carriage, or of any of His Majesty's Subjects, in any such Highway, Market, Street, Square, Way, Lane, public Passage or Place; or if the Driver of any empty or unloaded Waggon, Cart, or other Carriage, shall refuse or neglect to turn aside and make way for any Coach, Chariot, Chaise, loaded Waggon, Cart, or other Carriage, then and in every such Case every such Driver so offending and being convicted of any such Offence, either by his own Confession, the View of a Justice of the Peace, or by the Oath of some credible Witness or Witnesses, before any Justice of the Peace for the County, Town, or Place where such Offence shall be committed, shall for every such Offence forfeit and pay any Sum not exceeding Twenty Shillings, in case the Driver shall not be the Owner of such Carriage, and in case such Driver be the Owner of such Carriage, then any Sum not exceeding Five Pounds; and every such Driver offending in any of the said Cases shall and may, by Authority of this Act, with or without any Warrant, be apprehended by any Person who shall see such Offence committed; and it shall be lawful for the Person or Persons so apprehending such Driver to convey such Driver or cause him to be conveyed or delivered to a Constable or other Peace Officer, in order to be conveyed before some Justice of the Peace for such County, Town, or Place aforesaid, to be dealt with according

cording to Law; and if any such Driver, in any of the Cases aforesaid, shall refuse to disclose his Name, it shall be lawful for the Justices of the Peace before whom he shall be taken, or to whom such Complaint shall be made, to commit him to the Common Gaol for such County, Town, or Place aforesaid, for any Time not exceeding Three Months, or to proceed against such Offender for the Penalty aforesaid by a Description of the Person and the Offence, and expressing in such Proceedings that such Driver refused to disclose his Name.

Regulating Cellar Doors or Flaps.

CXXVIII. And be it further enacted, That where any Opening is now or may be made in the Paving or Flagging of any of the said Markets, Streets, Squares, Ways, Lanes, public Passages or Places, as an Entrance into, or for the Purpose of conveying Coals or other Articles into any Vault or Cellar, whether such Vault or Cellar be inhabited or uninhabited, or for the Purpose of conveying Light into any Room or Cellar, or for any other Purpose, the Door, Lid or Lids, Flap or Flaps, Covering or Grating to such Opening, shall be made at the Expence of the Person or Persons repairing the same, and shall be made of Iron or such other Materials, of such Dimensions and in such Manner and Form as the said Commissioners shall direct and approve of; and every such Door, Lid, Flap, Grating, and Covering shall from Time to Time be repaired, varied, and altered, at the like Expence of the Person or Persons for whose Use and Benefit the same shall be possessed and enjoyed, and in such Manner and Form as the said Commissioners shall direct or appoint; and in case any Person shall neglect or refuse to make, repair, vary, or alter such Grating or Covering, according to such Direction or Appointment as aforesaid, or shall cause or permit any such Cellar Door, Cellar Lid, Flap, or Cover within the said Limits, to be left open or not properly secured at any Time between Sunset and Sunrise, on any Pretence whatsoever, without the same being well and sufficiently lighted and guarded, or in the Day-time without being sufficiently guarded; or shall at any Time permit the same to be or remain not properly fastened or secured, so as to prevent Accident from happening, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Twenty Shillings, as also any further Sum not exceeding Five Pounds for every Week the said Offence shall be continued.

SteamEngine Furnaces to consume their own Smoke.

CXXIX. And be it further enacted, That all Furnaces employed or to be employed in the Working of Engines by Steam within the Limits of this Act shall be so constructed as to consume their own Smoke; and if any Person shall after the passing of this Act use any Furnace for the Purpose aforesaid, within the said Limits, which shall not be so constructed, or shall negligently use any Furnace for the Purpose aforesaid so constructed as not effectually to consume the Smoke thereof, and prevent the same occasioning any Nuisance whatever, the Person or Persons so offending shall forfeit and pay the Sum of Five Shillings for every Day during which such Furnace shall be so used, or during which any Nuisance thereby occasioned shall continue and be unabated.

Respecting Fire Engines.

CXXX. And be it further enacted, That it shall be lawful for the said Commissioners to contract with any Person or Persons from Time to Time to keep the Fire Engines belonging to the said Town, and the Pipes, Buckets, and other Things thereto, in good working Order and Repair,

Repair, and for the said Commissioners to order the same to be used at such Time and Times as they shall direct, either in cases of Fire, or for the Purpose of watering the said Streets, Lanes, Entries, and other public Passages and Places, or any of them, as they shall from Time to Time think necessary; and it shall also be lawful for the said Commissioners from Time to Time to purchase any new Engine or Engines, Pipes, Buckets, or other Things belonging thereto, or that may be requisite to be used therewith, for the Use of the said Town and Parish, and to pay and defray all Costs and Expences attending the same respectively out of the Monies to be raised by virtue of this Act; and such Engines, Buckets, Pipes, and all other Things connected with or belonging thereto respectively, shall be solely vested in the said Commissioners, who shall from Time to Time have the Custody, Controul, Management, and Direction of the same.

Power to get Water in case of Fire.

CXXXI. Provided always, and be it further enacted, That in case of any Fire happening within the said Town and Parish of *Sunderland*, it shall be lawful for any of the Inhabitants thereof or other Persons whomsoever to take, use, and employ the Water which shall be contained in any Pipes, Aqueducts, or Reservoirs already laid and made, or to be hereafter laid or made within the said Town and Parish, in or for the extinguishing any such Fire, without any Compensation or Satisfaction to be made to the Proprietors of such Pipes, Aqueducts, or Reservoirs, and without being subject to any Penalty on account thereof, such Inhabitants or other Persons not wilfully wasting the said Water, and doing as little Damage as may be to such Pipes, Aqueducts, or Reservoirs; and for the more easy obtaining of Water on such Occasions, it shall be lawful for the said respective Commissioners to make such Communications with any of the said Pipes as they shall think proper.

Water from Roofs of Houses to be carried off by Spouts and Pipes.

CXXXII. And be it further enacted, That the Owner or Owners, Proprietor or Proprietors, or Occupier or Occupiers for the Time being of each House or Building fronting the Street, and the Footpath of the Front whereof is or shall be flagged or paved by virtue of the Directions of this Act, shall, within Ten Days next after Service of any Order or Direction for the Purpose, signed by Three or more of the said Commissioners, on him, her, or them personally, or left at his, her, or their last or usual Place of Abode, put up and place and for ever afterwards keep in repair and condition, a Spout of the whole Length of such Front, with a Pipe or Trunk to be fixed to the Front or Side of such House or Building from the Roof down to the Ground, to carry off or conduct the Water from the Roof of such House or Building, in such a Manner that such Water shall pass underneath the Flagging or Foot Pavement into the common Channel, and so as not to fall upon or incommode the Persons passing over or along the flagged or paved Footpaths; and every Tenant or Occupier of any such House or other Building, except Houses or Buildings held on Lease granted for any Term of Twenty-one Years or upwards, who shall put up or place any such Spout, Pipe, or Trunk, or keep the same in repair, shall be entitled to deduct and retain out of the Rent payable to the Owner or Proprietor, or Owners or Proprietors of such House or Building, so much Money as such Tenant or Occupier shall have expended in putting up or placing or in keeping in repair any such Spout, Pipe, or Trunk, and the Payment of such Expences by any

such Tenant or Occupier shall be a sufficient Discharge for him, her, or them for so much of his, her, or their Rent as the Amount of such Expences shall be equal to, and shall be abated and allowed to him, her, or them by the Owner or Owners or Proprietor or Proprietors of such House or Building out of such Rent; and if any such Owner or Owners, Proprietor or Proprietors, Occupier or Occupiers, shall, for the Space of Fifteen Days after Service as aforesaid of any such Order or Direction, neglect to put up or place, or neglect to repair any Spout, Pipe, or Trunk as aforesaid, then and in any and in every such Case it shall be lawful for the said Commissioners to cause any such Spout, Pipe, and Trunk to be put up or placed against any such House or Building, at the Expence of the Owner or Proprietor thereof; and in case any such Owner or Proprietor shall refuse to pay such Expences, the same shall and may be levied and recovered by the said Commissioners by the same Ways and Means as are by this Act provided for levying and recovering the Rates or Assessments thereby granted, and as the Rates or Assessments by this Act granted may be levied and recovered.

Regulation as to Night-soil, &c.

CXXXIII. And be it further enacted, That no Opening shall be made into any of the public Streets or Passages within the Limits of this Act from any public or private Dunghill or Dungwell, or other Receptacle for Dung, nor shall any Person empty or begin to empty any Privy or Midden, or any Dunghill, or to take and carry away any Night-soil or Dung, or Manure of any offensive Description whatsoever, or bring or place any Carts for removing the same from any House, Building, or Place already erected or hereafter to be erected, built, or made within the Jurisdiction of the Commissioners for executing this Act, before the Hour of Ten at Night, or shall continue to take away the same after the Hour of Six in the Morning between *Michaelmas* and *Lady-day*, and after the Hour of Five in the Morning between *Lady-day* and *Michaelmas*, or otherwise than in covered Carts or Carriages; and no Person shall unload or cast or spill, or cause or suffer to be unloaded, cast, or spilt, any such Night-soil, Dung, or offensive Manure, out of any Cart, Tub, Utensil, or otherwise, within the Limits of this Act; and if any Person shall commit any Offence herein, he shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, One Half whereof shall go to the Informer, and the other Half shall be paid to the Treasurer of the said Commissioners, to be applied to the general Purposes of this Act.

To prevent Cattle wandering in Streets.

CXXXIV. And be it further enacted, That if any Sort of Cattle or Swine shall at any Time be found wandering about any of the Markets, Streets, Squares, Ways, Lanes, or other public Passages or Places within the Limits of this Act, the Owner or Owners thereof shall for every such Head of Cattle or Swine forfeit and pay any Sum not exceeding Twenty Shillings; and moreover it shall be lawful for any Person appointed by the said Commissioners, if he shall think proper, to seize and impound such Cattle or Swine in the common Pound of the said Town, or in such other Place as the said Commissioners shall appoint, and the same there to retain until the Owner or Owners thereof shall for every such Head of Cattle or Swine so impounded pay the Sum of Two Shillings and Sixpence to the Person impounding the same, together with the reasonable Charges and Expences of impounding and keeping the same; and in case the said Sum, Charges, and Expences shall not be paid within

Five

Five Days after such impounding, it shall be lawful for the said Commissioners to sell or cause to be sold the same; and the Money arising from such Sale, after deducting the said Sum of Two Shillings and Sixpence, and the Charges and Expences of impounding, keeping, and selling such Cattle or Swine, shall be paid to the Person or Persons whose Property the Cattle or Swine so sold shall appear to have been.

Penalty on Persons guilty of Pound-breach.

CXXXV. And be it further enacted, That in case any Person shall release or attempt to release any Cattle or Swine which shall be seized for the Purpose of being impounded, under the Authority of this Act, from the Pound or Place where the same shall be so impounded, 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 or before such Cattle or Swine seized or so 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 some of His Majesty's Justices of the Peace for the County, Town, or Place where the Offence shall be committed, either on Confession of the Party or Parties offending, or upon the Oath of some credible Witness, (and which Oath the said Justice is hereby authorized and empowered to administer), be committed by such Justice, by Warrant under his Hand and Seal, to the Common Gaol of the said County, Town, or Place, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months.

Commissioners to appoint Watchmen and erect Watch-houses.

CXXXVI. And be it further enacted, That the said Commissioners shall and may, and they are hereby authorized and required, from Time to Time to appoint such a Number of able-bodied Watchmen and Night Constables respectively as they shall judge necessary, to be employed to watch within the said Town of *Sunderland*, or any Parts thereof, and also upon that Part of the River *Wear* between the Pier on the East and *Ayre's* Quay on the West, and on the Quays and Shores thereof, for and during such Periods in every Year; and shall also pay such Wages or make such Remuneration to the said Watchmen and Night Constables as the said Commissioners shall think fit; and the said Commissioners shall likewise direct and appoint how and where the several Watchmen and Night Constables shall be stationed, and in what Manner they shall be armed, how often they shall go their Rounds, and the Limits of the same, and how long they shall continue upon Duty, and from Time to Time to remove any of them, and appoint others in their Stead; and shall and may also erect and provide proper Places, Boxes, and Coats, and Watch-houses for the Use and Reception of such Watchmen and Night Constables as aforesaid; and shall make all such Orders and Regulations as the said Commissioners shall think fit, and as shall be necessary for preserving and maintaining Peace and Order and an effective Police within and for the Safety of the Inhabitants of the said Town of *Sunderland* and of Persons employed or having Property upon the said River *Wear* within the Limits aforesaid; and such Watchmen and Night Constables shall and they are hereby authorized and required to keep watch and ward within the said Town, and upon the said River within the Limits aforesaid, and to arrest, apprehend, and secure in the Watch-house

Duty of Watchmen.

house, or some other convenient Place or Places of Security within the said Town, to be provided and appointed by the Commissioners, all Felons, Malefactors, Rogues, Vagabonds, suspicious or disorderly Persons, Vagrants, Thieves, Night Walkers, Beggars, and all Disturbers of the public Peace; and such Watchmen shall take such Persons within Twenty-four Hours (or as soon after as conveniently may be) before some of His Majesty's Justices of the Peace for the said County of *Durham*, to be examined and dealt with according to Law; and in case any Person shall displace, overturn, damage, or injure any of such Boxes or Coats so provided for such Watchmen or Constables, such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, besides the Damage or Injury so done, to be ascertained by the Justice before whom such Offender or Offenders shall be carried, as herein-after provided.

Watchmen to apprehend disorderly Persons.

CXXXVII. And be it further enacted, That if such Watchmen and Night Constables, or any of them, shall not observe, perform, and keep the Orders, Rules, and Regulations which shall be made for the Purposes aforesaid by the said Commissioners, or shall in any Manner neglect their Duty, every Person so offending shall forfeit and pay for every such Neglect or Offence any Sum not exceeding Forty Shillings, and shall, if the said Commissioners think proper, be immediately discharged from his Office or Employment.

Penalty on Watchmen, &c. neglecting their Duty.

CXXXVIII. And be it further enacted, That if any Victualler, Alehouse-keeper, or other Person selling Ale, spirituous or other Liquors, shall entertain or harbour in his or her House, Outhouse or Premises, any Watchman or Night Constable employed under or by virtue of this Act, or permit or suffer any of them to be and remain in his or her House or Premises during any Part of the Time appointed for his being on Duty, every such Victualler, Alehouse-keeper or other Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Penalty on Publicans harbouring Watchmen.

CXXXIX. And be it further enacted, That all Watchmen and Night Constables shall be sworn in as Constables before some Justice of the Peace of the said County of *Durham*, and act as such while in the Execution of the Powers and Authorities of this Act, and they are hereby invested with and shall have and enjoy the like Powers and Authorities, Privileges and Immunities, as any Constable is invested with or has and enjoys by Law.

Watchmen vested with Power of Constables.

CXL. And be it further enacted, That it shall be lawful for the said Commissioners to cause Rewards in Money to be paid, out of the Monies arising by virtue of this Act, to any Watchmen or Night Constables appointed by virtue of this Act, who may be disabled or wounded in the Execution of their Duty, as they the said Commissioners shall think reasonable.

Power to reward Watchmen.

CXLI. And be it further enacted, That it shall be lawful for any of the said Commissioners, or their Collectors, Surveyors, or other Officers respectively, and such Person or Persons as they or any of them shall call to their Assistance, without any Warrant or other Authority than this

For securing casual Offenders.

Act, to seize and detain any Person (being unknown to such Commissioners, Collectors, Surveyors, or Officers) who shall commit any Offence against this Act, and take him or her before some Justice or Justices of the Peace for the said County of *Durham*; and such Justice and Justices shall and is and are hereby empowered and required to proceed and act with respect to such Offender or Offenders according to the Provisions of this Act.

Recovery and Application of Forfeitures.

CXLII. And be it further enacted, That all Fines, Penalties, and Forfeitures, inflicted or imposed by this Act, (the Manner of levying and recovering whereof is not hereby particularly directed,) may in case of Nonpayment thereof be recovered in a summary Way by the Order and Adjudication of some Justice of the Peace for the said County of *Durham*, on Complaint to him or them for that Purpose exhibited, and afterwards be levied as well as the Costs of such Proceedings on Nonpayment by Distress and Sale of the Goods and Chattels of the Offender or respective Offenders, or Person or Persons liable to pay the same, by Warrant under the Hand and Seal or Hands and Seals of such Justice or Justices, who is and are hereby authorized and required to summon and examine any Witness upon Oath of and concerning such Offences, Matters, and Things, and to hear and determine the same, and the Overplus (if any) of the Money raised or recovered, after discharging the Fine, Penalty, or Forfeiture for which such Warrant shall be issued, and the Costs and Expences of recovering and levying the same, shall be rendered to the Owner or Owners of the Goods and Chattels so seized and distrained; all which Penalties not herein directed to be otherwise applied shall be paid to the Treasurer of the said Commissioners for the Time being, to be applied for the general Purposes of this Act, unless such Penalties shall be incurred by the said Commissioners, in which Case the same shall be paid to the Overseers of the Poor of the Township or Place within which the Offence shall be committed; and it shall be lawful for the said Justice or Justices to order the Offender or Offenders so convicted to be detained in safe Custody until Return can be conveniently made to such Warrant or Warrants of Distress, unless the said Offender or Offenders shall give sufficient Security, to the Satisfaction of such Justice or Justices, for his, her, or their Appearance before the said Justice or Justices on such Day or Days as shall be appointed for the Return of such Warrant or Warrants of Distress, such Day or Days not being more than Ten Days from the Time of taking any such Security, and which Security the said Justice or Justices is and are hereby empowered to take by way of Recognizances or otherwise; but if, upon the Return of such Warrant or Warrants, it shall appear that no sufficient Distress can be had whereupon to levy the said Penalty or Penalties, and such Costs as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to the Satisfaction of any such Justice or Justices, upon the Confession of the Offender or Offenders, or otherwise, that he, she, or they hath or have not sufficient Goods and Chattels whereupon such Penalties, Forfeitures, Costs, and Expences can be levied if a Warrant of Distress should be issued, such Justice or Justices shall not be required to issue such Warrant of Distress; and thereupon it shall be lawful for such Justice or Justices, and he and they is and are hereby required and empowered, by Warrant or Warrants under his Hand and Seal or their Hands and Seals, to commit such Offender or Offenders to the Common Gaol for the said County of

Durham, at the Discretion of such Justice or Justices, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, or until such Offender or Offenders shall have fully paid such Penalty or Penalties, and all Costs and Charges attending such Proceedings as aforesaid, to be ascertained by such Justice or Justices, or shall otherwise be discharged by due Course of Law: Provided always, that it shall be lawful for the said Commissioners, when and so often as they shall think fit, to give all or any of the Penalties and Forfeitures which shall be incurred by reason of any Offence or Offences against this Act to the Informer or Informers of such Offender or Offenders.

Damages and Charges in case of Dispute to be settled by Justices.

CXLIII. And be it further enacted, That where by this Act any Damages or Charges are directed or authorized to be paid or recovered in addition to any Penalty for any Offence, the Amount of such Damages or Charges, in case of Dispute respecting the same, shall be settled, ascertained, and determined by the Justice or Justices of the Peace by or before whom any Offender shall be convicted of any such Offence, who is hereby authorized and required, on Nonpayment thereof, to levy such Damages or Charges by Distress and Sale of the Offender's Goods and Chattels, in manner hereby directed for the levying of any Penalties or Forfeitures.

Justices may proceed by Summons in the Recovery of Penalties.

CXLIV. And be it further enacted, That in all Cases in which by this Act any Penalty or Penalties is made recoverable by Information before a Justice of the Peace, it shall be lawful for any Justice of the Peace to whom Complaint shall be made of any Offence against this Act to summon the Party complained against before him, and on such Summons to hear and determine the Matter of such Complaint, and on Proof of the Offence to convict the Offender, and to adjudge him to pay the Penalty or Forfeiture incurred, and to proceed to recover the same, although no Information in Writing shall have been exhibited or taken by or before such Justice; and all such Proceedings by Summons, without Information, shall be as good, valid, and effectual, to all Intents and Purposes, as if an Information in Writing was exhibited.

Penalties to be sued for within certain Time.

CXLV. Provided always, and be it further enacted, That no Person or Persons shall be subject or liable to the Payment of the Penalties or Forfeitures inflicted by virtue of this Act for any Offence or Offences against this Act, unless Information be given of such Offence or Offences within One Calendar Month next after the Offence committed; save and except the Penalties in and by this Act inflicted for Nonpayment of the Rates or Assessments in and by this Act directed to be made.

Form of Conviction.

CXLVI. And, for the more easy and speedy Conviction of Offenders against this Act, be it further enacted, That all Justices of the Peace before whom any Persons shall be convicted of any Offence against this Act shall and may cause the Conviction to be drawn up according to the following Form, or in any other Form to the same Effect, as the Case shall happen; (that is to say),

' } BE it remembered, That on [*Time of Conviction*] at [*Place of*
' to wit. } *Conviction*], *A. B.* [*Name and Addition of Offender*] was
' convicted before me [*or* us] [*Name and Style of convicting Justice or*
' *Justices*], for that the said *A. B.* [*Name of Offender*] on [*Time of com-*
' *mitting*

'*mitting Offence*] at [*Place of committing Offence*] did [*here state the Offence* '*against this Act, according to the Fact*] contrary to an Act passed in the 'Seventh Year of the Reign of His Majesty King *George* the Fourth, 'intituled [*here set forth the Title of this Act*]; and I [*or* we] do therefore 'declare and adjudge, that the said *A. B.* has forfeited for the said Offence 'the Sum of [*Fine*], or shall be committed to [*Place of Imprisonment*] 'for the Space of [*Time of Imprisonment*]. Given under my Hand and 'Seal [*or* our Hands and Seals] the Day and Year first above written.'

In case of Nonpayment of Compensation for Damages, &c. the same to be levied by Distress of the Goods of the Company or their Treasurer.

CXLVII. And be it further enacted, That when and as often as any Sum of Money shall be directed or ordered to be paid by any Justice of the Peace in pursuance of this Act, as or by way of Compensation or Satisfaction for any Materials or Costs, or for any Damage, Spoil, or Injury of any Nature or Kind whatsoever done or committed by the said Commissioners, or any Person acting by or under their Authority, and such Sum of Money shall not be paid by the said Commissioners to the Party or Parties entitled to receive the same within Fourteen Days after Demand in Writing shall have been made of the said Commissioners in pursuance of the Direction or Order made by such Justice, and in which Demand the Order of such Justice shall be stated, then and in such Case the Amount of such Compensation or Satisfaction shall and may be levied and recovered by Distress and Sale of the Goods and Chattels vested in the said Commissioners by virtue of this Act, or of the Goods and Chattels of their Treasurer for the Time being, (unless such Treasurer shall pay such Sum out of any Money belonging to the said Commissioners in his Hands, and which he is hereby authorized to do,) under a Warrant to be issued for that Purpose by such Justice, which Warrant any such Justice is hereby authorized and required to grant under his Hand and Seal, on Application made to him for that Purpose by the Party or Parties entitled to receive such Sum of Money as or by way of Compensation or Satisfaction for any such Materials, Costs, Damages, Spoil, or Injury as aforesaid; and in case any Overplus shall remain after Payment of such Sum or Sums of Money, and the Costs and Expences of hearing and determining the Matter in dispute, and also the Costs and Expences of such Distress and Sale, then and in such Case such Overplus shall be returned on Demand to the said Commissioners or to their Treasurer for the Time being, as the Case may be: Provided always, that it shall be lawful for such Treasurer to retain out of any Monies which he shall have received, or shall receive in pursuance of this Act, all such Damages, Costs, Charges, and Expences as he shall have sustained or be put unto by virtue of any such Warrant as aforesaid.

Appeal to Quarter Sessions.

CXLVIII. Provided always, and be it further enacted, That if any Body Politic, Corporate, or Collegiate, or any Person or Persons whomsoever, shall think himself, herself, or themselves aggrieved by any Rate or Assessment made, or by any Bye Law, Rule, or Regulation made by the said Commissioners, or by any Order or Judgment of the said Commissioners, or by the Order or Determination of any Justice or Justices of the Peace in pursuance of this Act, such Body Politic, Corporate, or Collegiate, or Person or Persons respectively, may appeal to the Justices at any General or Quarter Sessions of the Peace to be holden for the said County of *Durham*, at the Option of the Person or Persons aggrieved, within Four Calendar Months next after the Cause of Complaint shall have arisen, the

Person

Person or Persons appealing having first given at least Fourteen clear Days Notice in Writing of such Appeal, and of the Nature and Matter thereof, to the Person or Persons appealed against, or to the Clerk to the said Commissioners, as the Case may be, and forthwith after such Notice entering into a Recognizance before some Justice of the Peace for the said County of *Durham*, with Two sufficient Sureties, conditioned to try such Appeal and to abide the Order and Award of the said Court thereon; and the said Justices, upon due Proof of such Notice and Recognizance having been given and entered into, shall in a summary Way hear and determine such Complaint at such General or Quarter Sessions of the Peace, or may, if they think proper, adjourn the Hearing thereof to the next subsequent General or Quarter Sessions of the Peace to be held for the said County of *Durham;* and shall and may, upon the Determination of the said Appeal, award such Satisfaction to be made to the Party injured, or such Costs to either of the Parties, as they shall judge reasonable and proper; and all such Determinations of the said Justices shall be final, binding, and conclusive upon all Parties to all Intents and Purposes whatsoever.

Justices may amend the Rates without quashing the same.

CXLIX. Provided always, and be it further enacted, That on any Appeal from any Rate or Assessment to be made for the Purposes of this Act, the Justices of the Sessions where such Appeal shall be heard shall and may amend the same in such Manner as may be necessary for giving Relief, without quashing or altering such Rates or Assessments with respect to the other Persons mentioned in the same.

Distress not to be deemed unlawful for Want of Form, &c.

CL. And be it further enacted, That where any Distress shall be made for any Sum of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Defect or Want of Form in the Information, Summons, Conviction, Warrant of Distress, or other Proceeding relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers (*ab initio*) on account of any Irregularity which shall be afterwards done by the Party or Parties so distraining, but the Person or Persons so aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damage in an Action of Trespass upon the Case: Provided always, that no Plaintiff or Plaintiffs shall recover in any such Action for such Irregularity, or for any Trespass or other wrongful Proceedings, unless Notice in Writing shall be given to the Defendant or Defendants Ten Days before such Action shall be commenced of such intended Action, signed by the Attorney for the Plaintiff or Plaintiffs, specifying the Cause of such Action; nor shall the Plaintiff or Plaintiffs recover in any such Action if Tender of sufficient Amends shall have been made to him, her, or them, or his, her, or their Attorney, by or on the Behalf of the Defendant or Defendants before such Action brought; and in case no such Tender shall have been made, it shall be lawful for the said Defendant or Defendants in any such Action, by Leave of the Court, after such Action shall have been brought, at any Time before Issue joined, to pay into Court such Sum of Money as he or they shall think fit, whereupon such Proceedings, Order, and Judgment shall be made and given in and by such Court as in other Actions where the Defendant is allowed to pay Money into Court.

Proceedings not to be quashed for Want of Form.

CLI. And be it further enacted, That no Order, Verdict, Judgment, or other Proceeding made touching or concerning any of the Matters aforesaid, or touching the Conviction of any Offender or Offenders against this Act, shall be quashed or vacated for Want of Form only, or be removed or removable by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*, or Court of Pleas at *Durham*; any Law or Statute to the contrary thereof in anywise notwithstanding.

Limitation of Actions.

CLII. Provided always, and be it further enacted, That no Action or Suit shall be commenced against any Person for any thing done in pursuance of this Act, or in relation to the Matters herein contained, until Ten Days Notice thereof be given to the Defendant or Defendants, or after sufficient Satisfaction or Tender thereof hath been made to the Party or Parties aggrieved, or after Four Calendar Months next after the Fact committed; and every such Action or Suit shall be brought and tried in the County or Place in which the Cause of Action shall have arisen, and not elsewhere; and the Defendant or Defendants in every such Action or Suit shall or may, at his or their Election, plead specially or the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if the same shall appear to have been so done, or if such Action or Suit shall be brought before Ten Days Notice shall be given as aforesaid, or after sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or shall be brought in any other County or Place than as aforesaid, then the Jury shall find for the Defendant or Defendants; and upon such Notice, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Suit after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall recover Treble Costs, and have such Remedy for the same as any Defendant or Defendants hath or have in other Cases by Law.

Directing what shall be deemed a Service of Notice on the Commissioners.

CLIII. And be it further enacted, That in all Cases wherein it may be requisite or necessary for any Person or Persons, Party or Parties, to serve any Notice or Notices upon the said Commissioners, or any Writ or Writs, or other legal Proceedings, the Service thereof upon any of the said Commissioners, or left at his usual Place of Abode, or at the Office of such Commissioners, or upon the Clerk to the said Commissioners, or left at the Office of such Clerk, or at his last or usual Place of Abode, or upon any Agent or other Officer empowered by the said Commissioners, or left at his last or usual Place of Abode, shall be deemed a sufficient Service of the same respectively on the said Commissioners.

Public Act.

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

SCHEDULE to which the foregoing Act refers.

Owners.	Tenants.	Particulars.
William Hill, Nathan Thompson, Albany Hopton, Christopher Mordey, and the Representatives of George Brooks, Esq. - -	Crofton Hunter - -	Shop and Beast House.
	Thomas Blackett - -	Do.
	Thomas Horn - -	Public House.
	Thomas Hutchinson - -	Shop and Beast House.
"William Taylor, Agent" -	John Watson and William Kellet - - -	Do.
—	Timothy Stabler - -	Do.
—	John Robson - - -	Do.
—	Anthony Hutchinson -	Do.
—	William Hay - - -	Do.
—	William Robson - -	Do.
—	Richard Mumforth - -	House.
—	Isaac Newton - - -	Two Smith Shops.
—	Sarah Cook - - -	Part of a House.
—	John Johnson - - -	Pipe Shop.
—	John Murray - - -	House, Shop, Ropery, and a large Yard or Garth, which is bounded on the South by Coronation Street.
—	William Jackson - -	Shop and Beast House.
—	Charles Fairlamb - -	Do.
—	Thomas Wealands - -	Do.
—	Robert Robson - -	Do.
—	Sarah Hay - - -	Upper Rooms.
—	William Longstaff - -	Shop and Beast House.
—	Luke Towers - - -	Do.
—	Titus Calvert - - -	House.
—	Grace Burletson - -	Do.
—	George William Longridge -	Warehouse.
—	Joseph Smith - - -	House.
Stevenson Eden - -	William Walker - -	House and Shop.
Henry Storey - - -	David Hopper - -	House and Cellar.
William Beckwith - -	Thomas Reed and Son -	House and Shop.
John Atkinson - - -	Michael Hodgson - -	Do.
John Watson - - -	John Peacock & Co. - -	Do.
Henry Storey - - -	Charles Service - -	Shop and Rooms.
—	John Service - - -	Rooms.
—	Thomas Whitfield - -	Rooms.
—	David Rutherford - -	Rooms.
—	Ann Rutherford - -	Rooms and Shop.
—	William Surtees - -	Cellar.
Thomas Burdon - -	Self - - - -	Smith's Shop, Buildings, Middenstead.

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