ANNO QUINTO

VICTORIÆ REGINÆ.

Sess. 2.

****

Cap. XX.

An Act for paving, lighting, watching, cleansing, and otherwise improving the Town of *Weston-super-Mare* in the County of *Somerset*, and for establishing a Market therein. [13th *May* 1842.]

WHEREAS it is expedient that Powers should be granted for better paving, lighting, watching, cleansing, draining, and otherwise improving the Streets, Lanes, public Passages and Places within the Town of *Weston-super-Mare* in the County of *Somerset*, and for removing and preventing Encroachments, Obstructions, Nuisances, and Annoyances within the same, and for establishing a Market therein; but such Objects cannot be completely effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *William Cox*, *Matthew Day*, *Francis Ker Fox* Doctor of Medicine, *James Gordon*, *John Gregory*, *Thomas Harrill*, *Charles* First Commissioners.

William Hickes, William Hurst, Joseph James, John Palmer, Richard Parsley, Horatio Francis Parsley, John Reeve, Samuel Serle, Thomas Smith, John Sperrin, Francis Hutchinson Synge, and *Joseph Whereat,* shall be the First Commissioners for carrying this Act into execution, and shall continue in Office until other Commissioners shall be elected in their Place in manner herein-after mentioned.

Qualification of Commissioners.

II. And be it enacted, That every Commissioner under this Act shall be either a resident Inhabitant of the said Town, rated to the Rates made for the Relief of the Poor of the Parish of *Weston-super-Mare* in the annual Sum of Forty Pounds or upwards, or be seised or possessed or in the Enjoyment of the Rents and Profits of Lands and Hereditaments within the Limits of this Act of the clear annual Value of Forty Pounds above Reprizes, for an Estate not less than a Life in being, for his own Use or as a Trustee.

Same Property not to give Two Qualifications.

III. Provided always, and be it enacted, That the same Property shall not give a Qualification to Two Commissioners at the same Time as Owner and Occupier thereof.

No Bankrupt or Insolvent to be a Commissioner.

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

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

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

Shareholders of any Joint Stock Company not disqualified by reason of Contracts.

VI. Provided always, and be it enacted, That no Person, being a Shareholder or Member of any Joint Stock Company established by Act of Parliament, or of any Company or Concern engaged in the Manufacture or Supply of Gas, shall be prevented from acting as a Commissioner by reason of any Contract entered into between such Company and the Commissioners; nevertheless it shall not be lawful for any such Shareholder or Member of such Company to act as a Commissioner in any Manner relating to any Contract entered into between the Commissioners and such Company.

Commissioner not incapable of acting as a Justice.

VII. And be it enacted, That a Person shall not be incapable of acting as a Justice of the Peace in any Matter relating to the Execution of this Act by reason of his being a Commissioner.

Declaration by Commissioners.

VIII. And be it enacted, That no Person shall be capable of acting as a Commissioner (except in administering the Declaration herein-after mentioned) until he shall have made and signed before One of the Commissioners a Declaration to the Effect following:

'I *A. B.* do solemnly declare, That I will faithfully and impartially, according to the best of my Skill and Judgment, execute all the Powers and Authorities reposed in me as a Commissioner by virtue

'of an Act of Parliament intituled [*here insert the Title of this Act*], 'and also that I am a resident Inhabitant of the said Town, and am 'rated to the Rates made for the Relief of the Poor of the Parish of '*Weston-super-Mare* in the annual Sum of Forty Pounds [*or* that I 'am seised or possessed or in the Enjoyment of the Rents and 'Profits of Lands and Hereditaments within the Limits of the said 'Act of the clear annual Value of Forty Pounds above Reprizes, 'for an Estate not less than a Life in being, for my own Use or as 'a Trustee].'

False Declaration a Misdemeanor.

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

Declaration to be taken at the First Meeting.

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

Penalty on Commissioner, not being qualified, acting.

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

Commissioners neglecting to act.

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

Period of Service of Commissioners, and Time of going out of Commissioners.

XIII. And be it enacted, That the Commissioners appointed by this Act shall go out of Office by Rotation as follows; (that is to say,) in the Month of *July* in the Year One thousand eight hundred and forty-three One Third of such Commissioners shall go out of Office, and at the same Time in the following Year One Half of the remaining Commissioners shall go out of Office, and at the same Time in the following Year the Remainder of the Commissioners shall go out of Office, and at the same Time in every subsequent Year

Year One Third of the Commissioners, being those who have been longest in Office, shall go out of Office; and in each Instance the Places of the retiring Commissioners shall be supplied by the Election of a similar Number of Commissioners, as herein-after provided.

Commissioners re-eligible.

XIV. And be it enacted, That every Commissioner going out of Office may be re-elected, and after such Re-election he shall with reference to going out by Rotation be considered as a new Commissioner.

Rotation of Commissioners named by the Act.

XV. And in order to determine the Rotation by which the Commissioners are required to go out of Office, be it enacted, That within Two Months after the passing of this Act the Commissioners shall meet at the Gas Committee Room or some other convenient Place within the said Town, for the Purpose of forming a Rotation List of the Commissioners; and at such Meeting the Clerk to the Commissioners, or some other Person to be previously appointed by the Commissioners for that Purpose, shall write the Names of all the then Commissioners on separate Slips of Paper, all as nearly as may be of equal Size, and having folded them up in the same Manner he shall put them in a Box, and shall draw out such Slips in succession, and the Names upon the Slips so drawn shall be inserted by such Clerk in a List in the Order in which they shall be so drawn, and such List shall be kept by such Clerk for the Purposes of this Act, and the Names in such List shall be numbered consecutively, and the Commissioners shall retire from Office in the Order in which their Names appear in such List, according to the Proportion hereinbefore mentioned.

Electors to have Votes in proportion to their Property.

XVI. And be it enacted, That every Person who shall be rated to the Rates made for the Relief of the Poor of the Parish of *Weston-super-Mare* in respect of any Dwelling House, Office, Shop, Warehouse, Counting-house, or other Building, Lands, Tenements, Hereditaments, or other Property whatsoever, within the Limits of this Act, and who shall have paid up all Rates due from him Three Months before the Period before the Election of Commissioners, shall be entitled to vote in the Election of Commissioners to supply the Places of those retiring by Rotation, in manner following; (that is to say,) that every Person who shall be so rated shall be entitled to give One Vote, or any greater Number of Votes in respect of the Assessment made upon him, in like Manner in all respects as he is or may be entitled to vote at any Vestry in respect of the Assessment made upon him for the same Premises in any Rate for the Relief of the Poor of the said Parish.

Manner of Election for supplying periodical Vacancies.

XVII. And be it enacted, That for the Purpose of such Election a Meeting of the Persons entitled to vote thereat shall be held at the Gas Committee Room, or at some other convenient Place within the said Town to be appointed by the Commissioners, on the Second *Friday* in *July* in each Year, between the Hours of Ten of the Clock in the Morning and Four of the Clock in the Afternoon, and between the Hours aforesaid the Persons by whom such Election is to be made shall

shall respectively deliver to the Clerk of the Commissioners, or, in his unavoidable Absence, to some Person authorized for that Purpose by the Commissioners, a Paper containing the Names of the Persons for whom they respectively vote to fill the Office of Commissioners, and the Persons, not exceeding the Number of Commissioners proper to be elected at such Meeting, having the Majority of Votes at such Election, shall be Commissioners for the Purpose of carrying this Act into execution; and if at any such Election there be an Equality for Two or more Persons, the Clerk to the Commissioners, or such Person as aforesaid, shall, if necessary to prevent an Excess in the Number of Commissioners, decide by Lot upon the Persons to be elected.

Mode of supplying occasional Vacancies.

XVIII. And be it enacted, That if any of the Commissioners die, or resign, or be disqualified, or cease to be a Commissioner from any other Cause than that of going out of Office by Rotation, it shall be lawful for the remaining Commissioners, if they think fit, to elect another Commissioner in his Place; and every Commissioner so elected shall continue in Office only so long as the Person in whose Place he shall be elected would have been entitled to continue had he remained in Office.

Power for Electors to require occasional Vacancies to he supplied by Election in same Manner as periodical Vacancies.

XIX. Provided always, and be it enacted, That Notice shall be given by the Clerk to the Commissioners previously to the Election of any Commissioner under the last-mentioned Provision, by affixing a Notice on the Door of the Church of *Weston-super-Mare* aforesaid for Three successive *Sundays* prior to such Election; and if previously to any such Election a Notice in Writing, signed by Twelve Persons qualified to vote in the Election of Commissioners, shall be given to the Clerk to the Commissioners, or left at his last or usual Place of Abode, requiring the remaining Commissioners not to proceed to the Election of a Commissioner in the Room of any Commissioner who shall have died or resigned, or have ceased to be a Commissioner as aforesaid, then the Place of such Commissioner shall be supplied by Election in the same Manner as is herein-before directed with respect to the Election of Commissioners in lieu of those retiring by Rotation.

First and other Meetings.

XX. And be it enacted, That the Commissioners for executing this Act shall hold their First General Meeting at the Gas Committee Room or some other convenient Place within the said Town of *Weston-super-Mare* on the Second *Friday* after the passing of this Act, between the Hours of Ten of the Clock in the Forenoon and Two of the Clock in the Afternoon, and proceed to put this Act into execution; and a General Meeting of the said Commissioners shall be held on the first *Friday* in each Month at the Place and between the Hours aforesaid, unless some other Place within the said Town shall be appointed by the Commissioners; and it shall be lawful for the Commissioners present at such First or any subsequent Meeting from Time to Time to adjourn such Meeting to the same or any other Place within the said Town; and if at any such Meeting there shall not be Five Commissioners present within One Hour after the Time appointed for such Meeting, then it shall be lawful for the Commissioners

sioners present, or the major Part of them, or any One Commissioner, if only One be present, to adjourn such Meeting to another Day, and if the Meeting shall not be adjourned then it shall be lawful for any Two of the Commissioners or the Clerk to appoint a Meeting to be held at any convenient Place within the said Town, and not less than Seven Days Notice shall be given of such intended Meeting.

Special Meetings.

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

Quorum of Commissioners.

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

How Notices of Meetings are to be given.

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

Expences at Meetings.

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

General Meetings may appoint Committees.

Duration of Committees.

XXV. And be it enacted, That it shall be lawful for the Commissioners at any General Meeting to appoint a Committee, consisting of not more than Five of the Commissioners, for carrying into effect any of the Provisions of this Act, and at any General Meeting to continue, alter, or discontinue such Committee; but no such Committee shall be appointed to act for a longer Term than until the annual General Meeting of the Commissioners next following its Appointment.

Quorum of Committees.

XXVI. And be it enacted, That no Business shall be transacted at any Meeting of the Committee unless Three Members of the Committee be present.

Order of Business at Meetings of Commissioners and Committees.

XXVII. And be it enacted, That at every Meeting of the Commissioners or Committee One of the Commissioners present shall be elected Chairman by the Majority of the Votes of the Commissioners present at such Meeting; and all Questions considered at any such Meeting shall be decided by the Votes of the Majority present, and if there be an equal Division of Votes the Chairman, in addition to his own Vote as a Commissioner or Member of the Committee, shall have

have a casting Vote: Provided always, that if at any such Meeting there shall be an Equality of Votes in the Election of the Chairman that One of the Commissioners having equal Number of Votes whose Name would stand first if the Names of the Commissioners present were alphabetically arranged shall be Chairman of such Meeting.

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

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

For what Contracts may be made.

XXIX. And be it enacted, That it shall be lawful for the Commissioners to enter into Contracts with any Persons for the Execution of any Works directed or authorized by this Act to be done by the Commissioners, and for furnishing any Materials for the same, or which may be required by the Commissioners; and every such Contract shall be in Writing, and shall specify the Works to be done and the Materials to be furnished, and a Copy thereof shall be entered into a Book to be kept by the Clerk of the Commissioners for that Purpose.

How to be signed.

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

Materials for Works contracted for to be considered the Property of the Commissioners.

XXXI. And be it enacted, That during the Execution of any such Contract the Works in course of being done under such Contracts, and all the Materials of every Description brought upon or near such Works for the Purpose of being used in the Execution of such Contracts, shall, for the Purpose of protecting the same from Injury by Indictment as herein-after mentioned, be held to be the Property of such Commissioners.

Indictments how to be preferred.

XXXII. And be it enacted, That it shall be lawful for the Commissioners, by their Clerk, to prefer any Bill of Indictment against any Person who shall steal, take, or carry away, deface or injure, any Property, Article, or Thing belonging to the Commissioners; and in any such Bill of Indictment it shall be sufficient to state generally the Property, Article, or Thing in respect of which such Bill of Indictment

ment shall be preferred to be the Property of the Commissioners for executing this Act, without naming the Members thereof.

Commissioners not to be personally liable.

XXXIII. And be it enacted, That nothing in any Deed or Contract by this Act authorized to be made by or on the Behalf of the Commissioners, for any of the Purposes of this Act, shall extend to charge or affect the Persons of any of the Commissioners, or their Heirs, Executors, or Administrators, or their or any of their own proper Lands or Goods, with or for the Performance of any thing contained in any such Instrument; but the Amount of all Damages, Costs, and Charges recovered in any Action or Suit in consequence of any such Instrument, or which any such Commissioner shall otherwise be put to by virtue of this Act, shall respectively be discharged out of the Monies to arise by virtue of this Act, or other the Goods and Chattels vested in the Commissioners by virtue of their Office, unless such Action or Suit, or any such Damages or Charges, have arisen in consequence of wilful Neglect or Default on the Part of the Commissioner incurring the same, or unless such Action or Suit have been defended without the Order or Direction of the Commissioners.

Liability of their Funds.

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

XXXIV. And be it enacted, That in all Actions and Suits in respect of any Matter or Thing relating to the Execution of this Act, to be brought by or against the Commissioners, it shall be sufficient to state the Names of any Two of the Commissioners, or the Name of their Clerk, as the Party, Plaintiff or Defendant, representing the Commissioners in any such Action or Suit; and no such Action shall abate or be discontinued by the Death of any such Commissioner, or by the Death, Suspension, or Removal of such Clerk.

Executions against Commissioners.

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

Indemnity to Commissioners and their Clerk.

XXXVI. And be it enacted, That every such Commissioner or Clerk in whose Name any such legal Proceedings shall be carried on, either as Plaintiff or Defendant, on behalf of the Commissioners, shall be reimbursed, out of the Monies which shall come into the Hands of the Treasurer of the Commissioners by virtue of his Office, all Damages, Costs, Charges, and Expences to which any such Commissioner or Clerk may be put, or with which he may become chargeable, by reason of being so made Plaintiff or Defendant; and no such Commissioner or Clerk shall be personally liable for the Payment of the same, unless such Action or Suit have arisen in consequence of his own wilful Neglect or Default, or unless, if such Action have been brought by the Clerk, or Two Commissioners, or more, as aforesaid, it have been so brought without the Order or Direction of the Commissioners.

Proceedings to be entered in a Book,

XXXVII. And be it enacted, That the Commissioners shall cause Notes, Minutes, or Copies, as the Case may require, of all Appointments made or Contracts entered into by them, and of the Orders

and Proceedings of all Meetings, as well ordinary as special, of the Commissioners and of the Committees, to be duly entered in Books to be from Time to Time provided for the Purpose, which shall be kept under the Superintendence of the Commissioners; and every such Entry shall be signed by the Chairman of the Meeting at which the Matter in respect of which such Entry is made was moved or discussed; and such Entry, so signed, shall be received as Evidence in all Courts, and before all Judges, Justices, and others, without Proof of such respective Meetings having been duly convened, or of the Persons making or entering such Orders or Proceedings being Commissioners or Members of Committee respectively, or of the Signature of the Chairman, all of which last-mentioned Matters shall be presumed; and all such Books shall at all reasonable Times be open to the Inspection of the Commissioners, and any of the Creditors or Rate-payers or other Parties interested.

to be open for Inspection.

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

Commissioners to appoint a Treasurer and other Officers.

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

Offices of Clerk and Treasurer to be separate.

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

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

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

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

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

XL. And be it enacted, That if any such Treasurer, Clerk, Collector, or other Officer employed by the Commissioners, exact, take, or accept, on account of any thing done by virtue of his Office, or in relation to the Functions of the Commissioners, any Fee or Reward whatsoever,

Officer taking Fees to lose his Office, and forfeit 50*l.*

whatsoever, other than the Salaries, Rewards, or Allowances allowed by the Commissioners, or be in anywise concerned or interested in any Bargain or Contract made by the Commissioners, he shall be incapable of being afterwards employed by the Commissioners, and he shall forfeit Fifty Pounds to any Person who shall sue for the same as aforesaid.

Commissioners to take Security from all Officers intrusted with Money.

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

Officers to account.

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

Remedy against Officers failing to account.

XLIII. And be it enacted, That if any such Officer shall fail to render such Accounts, or to produce and deliver up all the Vouchers and the Receipts relating to the same in his Possession or Power, or to pay the Balance thereof when thereunto required, or if for Three Days after being thereunto required he shall fail to deliver up to the Commissioners, or to any Person appointed by them to receive the same, all Papers and Writings, Property, Effects, Matters, and Things, in his Possession or Power, relating to the Execution of this Act, or belonging to the Commissioners, then, on Complaint thereof being made to any Justice acting within the Jurisdiction where such Officer may be found, such Justice shall, by Warrant under his Hand and Seal, cause such Officer to be brought before him, or if such Officer cannot be found, then in his Absence such Justice may hear and determine the Matter in a summary Way, and may adjust and declare the Balance owing by such Officer; and if it appear, either upon Confession of such Officer, or upon Evidence, or upon Inspection of the Account, that any Monies of the Commissioners are in the Hands of such Officer, or owing by him to the Commissioners, such Justice may order such Officer to pay the same forthwith, and if he shall fail to pay the Amount it shall be lawful for such Justice to grant a Warrant to levy the same by Distress, or in default thereof to commit the Offender

Offender to Gaol, there to remain without Bail for any Time not exceeding Three Months; and in any of the following Cases; (that is to say,)

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

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

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

If such Officer refuse to deliver up any Books, Papers, or Writings, Property, Effects, Matters, or Things, relating to the Execution of this Act, or belonging to the Commissioners in his Possession or Power, such Justice may lawfully commit such Offender to Gaol:

And in every such Case of Commitment the Prisoner shall remain in Custody without Bail until he have made out and delivered such Accounts, and delivered up the Vouchers and Receipts, if any, relating thereto, in his Possession or Power, and have delivered up such Books, Papers, Writings, Property, Effects, Matters, and Things, if any, in his Possession or Power.

Commitment not to discharg Sureties.

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

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

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

Accounts to be settled and examined at the annual Meeting;

XLVI. And be it enacted, That the Accounts of the Monies received and expended by the Commissioners shall be produced at the First Ordinary Meeting of the Commissioners which shall take place in *July* in every Year, or at some Adjournment thereof, at which Meeting it shall be lawful for all Persons interested to be present; and such Accounts shall be examined and settled by the Commissioners, and if the same shall be found just and true they shall be allowed by the Commissioners, and certified accordingly under the Hand of the Chairman of such Meeting; and after such Account shall

to be final, unless appealed from.

shall have been so allowed and signed the same shall be final in regard to all Persons whomsoever, unless an Appeal be prosecuted against such Accounts at one of the Two then next General Quarter Sessions of the Peace for the County of *Somerset*, which Appeal it shall be lawful for any Person interested in such Account to institute and prosecute, Notice in Writing of such Appeal having been given to the Clerk of the Commissioners Fourteen Days at least before the hearing of any such Appeal.

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

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

Auditors may be appointed.

XLVIII. And be it enacted, That at the Meeting so to be held for examining and passing the Accounts of the Commissioners it shall be lawful for the Rate-payers, or other Persons by this Act authorized to appoint the Commissioners, to nominate, if they think fit so to do, Two or more Persons, not being Commissioners, to be Auditors of the Accounts of the Commissioners; and the Persons so to be nominated Auditors shall have the like Qualification, and shall be subject to the like Disqualification or Disability, as the Commissioners, and before entering on their Office they shall make and sign, before One of Her Majesty's Justices of the Peace, a solemn Declaration of the like Purport and Effect to that hereby required to be signed by the Commissioners.

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

XLIX. And be it enacted, That the Auditors so nominated shall meet forthwith, or as soon after their Appointment as conveniently may be, at the Office of the Commissioners, or at some other convenient Place to be appointed by the Commissioners, and from Time to Time shall, in the Presence of the Clerk of the Commissioners, in case he should desire to be present, proceed to audit the Accounts of the Commissioners for the Year preceding the Appointment of such Auditors; and the Commissioners shall by their Clerk produce and lay before such Auditors at every such Meeting the Statement and

Account herein-before mentioned, accompanied with proper Vouchers in support of the same, and all Books, Papers, and Writings in their Custody or Power relating thereto; and if such Auditors think there is just Cause to disapprove of any Part of the said Accounts it shall be lawful for such Auditors, or any other Person interested in the said Accounts, to appeal against any such Parts of the said Accounts as shall be so disapproved of to one of the Two next General Quarter Sessions of the Peace for the said County of *Somerset*, Notice in Writing of such Appeal being given to the Clerk of the Commissioners Fourteen Days at the least prior to the hearing of such Appeal.

An Annual Account to be transmitted to the Clerk of the Peace.

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

Power to borrow on Mortgage.

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

Form of Mortgage.

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

Mortgages to be without Preference.

LIII. And be it enacted, That all Persons to whom such Mortgages or Assignment shall be made, or who shall be entitled to the Monies thereby secured, shall, in proportion to the Sums therein respectively

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

Commissioners may raise Money by Annuity.

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

Form of Grant of Annuity.

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

For preventing improvident Grants of Annuities.

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

Annuities to rank after Mortgages.

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

Expences of Mortgages and Annuities.

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

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

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

Assignment of Mortgages and Annuities.

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

LXI. And

Register of Transfers to be kept.

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

Interest on Mortgages to be paid half-yearly.

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

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

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

Mode of paying off Mortgages.

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

unless such Principal Money and Interest be not paid, on Demand, pursuant to such Notice; but such Principal Money, and the Interest thereof to the End of the said Six Months, shall nevertheless be payable, on Demand.

Application of Monies to be borrowed.

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

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

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

Fines for Breach of such Bye Laws.

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

Service of Notice on Commissioners.

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

Authentication of Notices.

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

Releases to Witnesses.

LXX. And be it enacted, That in all legal Proceedings under this Act it shall be lawful for any Three or more of the Commissioners, by Order of the Commissioners, to grant general or other Releases for the Purpose of qualifying any Person in the Service of the

Commissioners to give Evidence as a Witness; and every such Release or Discharge shall be under the Hands and Seals of the Parties giving the same.

Tender of Amends.

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

Power to purchase Lands.

LXXII. And be it enacted, That, subject to the Provisions of this Act, it shall be lawful for the Commissioners to agree with the Owners of any Lands which they may require for the Purposes of this Act, for the absolute Purchase, for a Consideration in Money, of any such Lands, or such Parts thereof as they shall think proper, and of all subsisting Leases therein, and of all Rent-charges, Annuities, Mortgages, or Incumbrances affecting any such Lands, and all other Estates or Interests in such Lands of what Kind soever.

Power to buy Land for Landing Place.

LXXIII. And be it enacted, That it shall be lawful for the Commissioners to purchase from any Person who shall be willing to sell the same, any Plot or Parcel of Land, not exceeding One Acre, adjoining to and abutting upon the *Bristol* Channel within the Limits of this Act, for a Landing Place for the Use and Accommodation of the Inhabitants of and other Persons frequenting the said Town, with all necessary Approaches thereto, and such Land shall be properly fenced off by the Commissioners.

Parties under Disability enabled to sell and convey.

LXXIV. And be it enacted, That it shall be lawful for all or any of the following Parties, being seised, possessed of, or entitled to any such Lands, or any such Estate or Interest therein as aforesaid, to sell and dispose of and convey or release the same to the Commissioners, and to enter into all necessary Agreements for that Purpose; (that is to say,) all Corporations, Tenants for Life or in Tail, or for any other partial or qualified Estate or Interest, Married Women seised in their own Right or entitled to Dower, Guardians, Committees of Lunatics and Idiots, Trustees or Feoffees in Trust for charitable or other Purposes, Executors and Administrators; and the Power so to sell and convey as aforesaid may lawfully be exercised by all such Parties, not only on behalf of themselves, and their respective Heirs, Executors, Administrators, and Successors, but also for and on behalf of every Person entitled in Reversion, Remainder, or Expectancy after them, if incapacitated, unborn, or not to be found, and as to such Married Women, as if they were sole, and as to such Guardians, on behalf of their Wards, and as to such Committees, on behalf of the Lunatics

Lunatics and Idiots of whom they are the Committees respectively, and that to the same Extent as such Wives, Wards, Lunatics, and Idiots respectively could have exercised the same Power under the Authority of this Act if they had respectively been under no Disability, and as to such Trustees, Executors, and Administrators, on behalf of their Cestuique Trusts, whether Infants, Issue unborn, Lunatics, Femes Covert, or other Persons, and that to the same Extent as such Cestuique Trusts respectively could have exercised the same Powers under the Authority of this Act if they had respectively been under no Disability.

Consideration to be a gross Sum.

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

Acceptance of Compensation for Price of Damage to Lands.

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

Amount of Compensation to be ascertained by Valuation in case of Parties under Disability.

LXXVII. And with respect to the Consideration Money to be paid for any Lands to be purchased from any Party under any Disability or Incapacity, and not having Power to sell or convey, except under the Provisions in this Act contained, and the Compensation Money to be paid for any permanent Damage or Injury to any such Lands, be it enacted, That such Consideration Money or Compensation shall not, except where the same shall have been determined by the Verdict of a Jury, under the Provision herein-after contained, be less than shall be determined by the Valuation of Two able practical Surveyors, one of whom shall be nominated by the Commissioners, and the other by the other Party; and if such Two Surveyors cannot agree in the Valuation, then by such Third Surveyor as any Two Justices shall for that Purpose nominate; and each of such Two Surveyors, if they agree, or if not, then the Surveyor nominated by the Justices, shall annex to the Valuation a Declaration of the Correctness thereof.

Compensation to absent Parties to be ascertained by Valuation.

LXXVIII. And with respect to the Compensation Money to be paid for any Lands to be purchased from any Party who, by reason of Absence, or from any other Incapacity or Accident, is prevented from treating, or cannot be found, and the Compensation Money to be paid for any permanent Injury to such Lands, be it enacted, That such Consideration or Compensation shall not be less than shall be determined by the Valuation of such able practical Surveyor as Two Justices shall nominate for that Purpose, and such Surveyor shall annex to the Valuation a Declaration of the Correctness thereof.

LXXIX. And

Form of Conveyances.

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

Costs of Conveyances.

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

Taxation of Costs.

LXXXI. And be it enacted, That if the Commissioners and the Party entitled to any such Costs shall not agree as to the Amount thereof, such Costs shall be ascertained by the Court of Chancery, and for that Purpose either Party may apply to the Court by Petition, and thereupon the Court shall order such Costs to be referred to One of the Masters, to be taxed in the usual Manner, and upon Proof of such Service the Master shall proceed to tax such Costs accordingly, Notice of such Taxation being given to the other Party, and after the Taxation thereof it shall be lawful for the Court to order the Amount at which the same shall be so taxed, together with the Costs of Taxation, or so much of the same as shall be payable by the Commissioners, to be paid to the Party entitled thereto, and the same shall be paid accordingly; and the Expence of taxing such Costs, and of obtaining the Order referring the same to be taxed, shall be borne by the Commissioners, unless on the Taxation

tion One Sixth Part of the Costs be disallowed, in which Case the Expence shall be borne by the Party from whom the Lands shall have been purchased or taken.

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

LXXXII. And for the Purpose of providing for the Deposit and Application of the Purchase Money or Compensation to be paid in respect of any such Lands which may belong to Parties under Disability, be it enacted, That if any such Purchase Money or Compensation shall be payable in respect of any such Lands, or any Interest therein, which any Corporation, Tenant for Life, or for any other partial or qualified Interest, Married Woman seised in her own Right or entitled to Dower, Guardian, Committee of Lunatic or Idiot, Trustee, Executor or Administrator, or Person under any Disability, shall be entitled to, and shall under the Powers of this Act be enabled to convey or dispose of, the same shall, if it amount to or exceed the Sum of Two hundred Pounds, be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account there *ex parte* "The *Weston-super-Mare* Improvement Commissioners," pursuant to the Method prescribed by an Act of the Twelfth Year of the Reign of His late Majesty King *George* the First, intituled 12 G. 1. c. 32. *An Act for the better securing the Monies and Effects of the Suitors of the Court of Chancery, and to prevent the counterfeiting of* East India *Bonds and Indorsements thereon, and likewise Indorsements on* South Sea *Bonds*, and pursuant to the General Rules and Orders of the said Court, and without Fee or Reward, according to the Act of the Twelfth Year of the Reign of His late Majesty King 12 G. 2. c. 24. *George* the Second, intituled *An Act to empower the High Court of Chancery to lay out on proper Securities any Monies, not exceeding a Sum therein limited, out of the common and general Cash in the Bank of* England *belonging to the Suitors of the said Court, for the Ease of the said Suitors, by applying the Interest arising therefrom for answering the Charges of the Office of the Accountant General of the said Court*, and such Monies shall remain so deposited until the same be applied to some One or more of the following Purposes; (that is to say,)

Application of Monies deposited.

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

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

If such Monies shall be paid in respect of any Buildings taken under the Authority of this Act, in replacing such Buildings, or substituting others in their Stead, in such Manner as the Court of Chancery shall direct; or

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

LXXXIII. And

Order for Application.

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

Power to purchase Lands for Improvement of Town.

LXXXIV. And be it enacted, That for the Purpose of forming Approaches to the said Town, of making and opening more convenient Communications, Ways, or Streets, and of widening and improving the Streets and Ways within the said Town, it shall be lawful for the Commissioners to agree with the Owners of any Lands which they may require for any of those Purposes for the absolute Purchase of any such Lands, and therewith to form Approaches to the said Town, or to lay the same into the said Streets, or otherwise appropriate the same for the Purposes aforesaid as the Commissioners shall think fit; and all such Approaches, Ways, or Streets, when and as soon as the same shall be so formed, widened, or improved, shall be deemed public Streets and Highways.

Where Parties refuse to convey, or do not show Title, the Purchase Money to be deposited.

LXXXV. And for the Purpose of providing for the Payment and Application in certain Cases of the Purchase Money or Compensation to be paid in respect of any such Lands not belonging to Parties under Disability, be it enacted, That in the following Cases; (that is to say,) if the Owner of any such Lands, or of any Interest therein, on Tender of the Purchase Money or Compensation either agreed or awarded to be paid, refuse to accept the same; or if any such Person fail to make out a Title to the Lands in respect whereof such Purchase Money or Compensation shall be payable, or to the Interest therein claimed by him, to the Satisfaction of the Commissioners; or if such Owner be gone out of the Kingdom, or cannot be found, or be not known, or refuse to convey or release such Lands as directed by the Commissioners, it shall be lawful for the Commissioners to deposit the Purchase Money or Compensation payable in respect of such Lands, or any Interest therein, in the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account there to the Credit of the Parties interested in such Lands (describing them, so far as the Commissioners can do), subject to the Control and Disposition of the said Court; and upon Receipt of such Money, the Cashier of such Bank shall give to the Commissioners, or to the Party paying in such Money, a Receipt for such Money, specifying therein for what and for whose Use (described as aforesaid) the same shall have been received, and in respect of what Purchase the same shall have been paid in;

and thereupon all the Interest in such Lands in respect whereof such Purchase Money or Compensation shall have been deposited shall vest absolutely in the Commissioners.

Application of Monies so deposited.

LXXXVI. And be it enacted, That upon the Application by Petition of any Party making claim to the Money so deposited as last aforesaid, or any Part thereof, or to the Lands purchased or taken by the Commissioners, or any Part thereof, or any Interest in the same, the said Court of Chancery may in a summary Way, as to such Court shall seem fit, order such Money to be laid out or invested in the Public Funds, or may order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estates, Titles, or Interests of the Parties making claim to such Money or Lands, or any Part thereof, and may make such other Order in the Premises as to such Court shall seem fit.

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

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

Party in possession deemed to be the Owner.

LXXXVIII. And be it enacted, That if any Question arise respecting the Title to the Lands in respect whereof such Monies shall have been so paid or deposited as aforesaid, the Parties respectively in possession or receipt of the Rents of such Lands at the Time of such Lands being purchased or taken shall be deemed to have been lawfully entitled to such Lands until the contrary be shown to the Satisfaction of the Court; and unless the contrary be shown as aforesaid the Parties so in possession, and all Parties claiming under them, or consistently with their Possession, shall be deemed entitled to the Money so deposited, and to the Dividends or Interest of the Annuities or Securities purchased therewith, and the same shall be paid and applied accordingly.

Costs in case of Money deposited.

LXXXIX. And with respect to Costs in Cases of Monies deposited in the Bank of *England*, be it enacted, That the Court of Chancery may in all such Cases, except where Monies shall have been so deposited by reason of the wilful Refusal of any Party entitled thereto to receive the same, or to convey or release the Lands in respect whereof the same shall be payable, order the Costs of the following Matters, including therein all reasonable Charges and Expences incident thereto, to be paid by the Commissioners; (that is to say,) the Costs of the Purchase or of the taking or using of the Lands, or which shall have been incurred in consequence thereof, other than such Costs as are herein otherwise provided for, and the

Costs of the Investment of such Monies in Government or Real Securities, and of the Re-investment thereof, or of the Government or Real Securities purchased therewith, in the Purchase of other Lands; and also the Costs of obtaining the proper Orders for any of the Purposes aforesaid, and of the Orders for the Payment of the Dividends and Interest of the Government or Real Securities upon which such Monies shall be invested, and for the Payment out of Court of the Principal of such Monies, or of the Government or Real Securities whereon the same shall be invested, and of all other Proceedings relating thereto, except such as are occasioned by Litigation between adverse Claimants.

Payment of Price to be made previous to Entry, except to survey, &c.

XC. And be it enacted, That the Commissioners shall not, except by Consent of the Owner and Occupier, enter upon any Lands which shall be required to be purchased or permanently used for the Purposes of this Act, until they shall either have paid to every Party having any Interest in such Lands, or deposited in the Bank of *England* in the Manner herein mentioned, the Purchase Money or Compensation agreed or awarded to be paid to such Parties respectively for their respective Interests therein: Provided always, that for the Purpose merely of surveying and taking Levels of such Lands it shall be lawful for the Commissioners to enter upon the same without the previous Consent of the Owners, making Compensation for any Damage thereby occasioned to the Owners or Occupiers of such Lands.

Penalty on Commissioners entering upon Lands without Consent before Payment of the Purchase Money.

XCI. And be it enacted, That if the Commissioners or any of their Contractors shall, except as aforesaid, wilfully enter upon and take possession of any Lands which shall be required to be purchased or permanently used for the Purposes of this Act, without such Consent as aforesaid, or without having made such Payment or Deposit as aforesaid, the Commissioners shall forfeit to the Party in possession of such Lands the Sum of Ten Pounds, over and above the Amount of any Damage done to such Lands by reason of such Entry and taking possession as aforesaid, such Penalty and Damage respectively to be recovered before Two Justices; and if the Commissioners or their Contractors shall, after Conviction in such Penalty as aforesaid, or after Notice from the Party in possession of such Lands, continue in unlawful Possession of any such Lands, the Commissioners shall be liable to forfeit the Sum of Twenty-five Pounds for every Day they or their Contractors shall so remain in possession as aforesaid, such Penalty to be recoverable by the Party in possession of such Lands, with full Costs of Suit, in any of the Superior Courts: Provided always, that nothing herein contained shall be held to subject the Commissioners to the Payment of any such Penalties as aforesaid if they shall *bonâ fide* and without Collusion have paid or deposited the Compensation agreed or awarded to be paid in respect of the said Lands to any Person whom the Commissioners may have reasonably believed to be entitled thereto, although such Person may not have been legally entitled thereto.

Decision of Justices not conclusive as

XCII. And be it enacted, That in the Trial of any Action for any such Penalty as aforesaid the Decision of the Justices under the Provision

to Commissioners Right

Provision herein-before contained shall not be held conclusive as to the Right of Entry on any such Lands by the Commissioners.

Notice of Intention to take Lands.

XCIII. And be it enacted, That when the Commissioners shall require to purchase any of the Lands which by this Act they are authorized to purchase or take, they shall give Notice thereof to all the Parties interested in such Lands, or enabled by this Act to sell and convey or release the same, or such of them as shall be known to the Commissioners, and by such Notice shall demand from such Parties the Particulars of their Estate and Interest in such Lands, and of the Claims made by them in respect thereof; and every such Notice shall be in Writing, and shall state the Particulars of the Lands so required, and shall state that the Commissioners are willing to treat for the Purchase of the Interest of such Party in such Lands, and as to the Compensation to be made for the Damage that may be sustained by him by reason of the making of the Works authorized by this Act.

Parties interested in Lands to state their Claims.

XCIV. And be it enacted, That if for One Month after the Receipt of such Notice any such Party shall fail to state the Particulars of his Claim in respect of any such Land, or to treat with the Commissioners in respect of his Interest therein, or if such Party and the Commissioners shall differ as to the Amount of the Compensation to be paid to such Party for any such Interest, or for any Damage that may be sustained by him by reason of the Execution of the said Works, the Amount of such Compensation shall be settled in the Manner herein-after provided for settling Cases of disputed Compensation.

Proceedings in case of Refusal to deliver Possession of Lands.

XCV. And be it enacted, That where, according to the Provisions of this Act, the Commissioners are authorized to enter upon and take possession of any Lands required for the Purposes of this Act, if the Owner or Occupier of any such Lands, or any other Person, refuse to give up the Possession thereof, or hinder the Commissioners from entering upon or taking possession of the same, it shall be lawful for the Commissioners to issue their Precept under the Hands of any Three or more of them to the Sheriff to deliver Possession of the same to the Person appointed in such Precept to receive the same, and upon the Receipt of such Precept the Sheriff shall deliver Possession of any such Lands accordingly; and the Costs accruing by reason of the issuing and Execution of such Precept, to be settled by the Sheriff, shall be paid by the Persons refusing to give Possession, and such Costs, if not paid, on Demand, shall be levied by Distress, and the Sheriff shall issue his Warrant accordingly.

Dispute as to Compensation to be settled by a Jury.

XCVI. And for the Purpose of making Provision for settling Cases of disputed Compensation arising under this Act, be it enacted, That if any Difference shall arise or if no Agreement can be come to between the Commissioners and the Owners of any Lands, or of any Interest in any such Lands, taken or required for or injuriously affected by the Execution of the Powers of this Act, (including among such Owners all Parties by this Act enabled to sell or convey Lands,) as to the Value of such Lands, or of any Interest therein, or

as

as to the Compensation to be made in respect thereof, or if by reason of Absence any such Owner be prevented from treating, or if any such Owner fail to disclose or prove his Title to any such Lands or to any Interest therein, or if by reason of any Impediment or Disability any such Owner be incapable of making any Agreement, Conveyance, or Release necessary for enabling the Commissioners to take such Lands, or to proceed in executing the Works authorized by this Act, or if any such Difference arise as to the Amount of the Damages occasioned to any such Lands by the temporary Occupation thereof in the Execution of the said Works, or otherwise in exercise of the Powers given by this Act, and for which any Party may be entitled to demand Compensation according to the Provisions of this Act, the Amount of the Compensation to be paid by the Commissioners in every such Case shall be settled by the Verdict of a Jury in manner herein-after mentioned.

Claims not exceeding 100*l.* to be settled by Two Justices.

XCVII. Provided always, and be it enacted, That if the Compensation claimed in any of the Cases mentioned in the preceding Enactment shall not exceed One hundred Pounds, the same shall be settled by Two Justices.

Notice by Commissioners of Intention to have Jury summoned.

XCVIII. And be it enacted, That where it shall be necessary to refer any such Question to the Determination of a Jury, by reason of any such Difference as aforesaid, then, One Month at the least before issuing their Warrant for summoning a Jury, as herein-after provided, the Commissioners shall give Notice in Writing to the Party with whom such Difference shall have arisen of their Intention to cause such Jury to be summoned, and in such Notice the Commissioners shall state what Sum of Money they are willing to give such Party for his Interest in such Lands, and for the Damage to be sustained by him by the Execution of the said Works.

Requisition by Party claiming Compensation that Jury be summoned.

XCIX. And be it enacted, That if any Party who shall be entitled to any Compensation in respect of any Lands, or of any Interest therein, taken for or injuriously affected by the Execution of the Powers of this Act, shall desire the Amount of such Compensation to be determined by a Jury, it shall be lawful for such Party to give Notice in Writing to the Commissioners of such his Desire, and he shall in such Notice state the Nature of the Interest claimed by him in such Lands, and the Amount of the Compensation claimed by him in respect thereof; and unless the Commissioners be willing to pay the Amount of Compensation so claimed, and shall enter into a written Agreement for that Purpose, then, within Twenty-one Days after the Receipt of any such Notice from any Party so entitled, they shall issue their Warrant to the Sheriff to summon a Jury accordingly in the Manner herein mentioned.

Warrant for summoning Jury to be addressed to the Sheriff.

C. And be it enacted, That in every Case in which any such Question of disputed Compensation shall be required to be determined by the Verdict of a Jury, the Commissioners shall issue their Warrant to the Sheriff, under the Hands of any Three or more of them, requiring him to summon a Jury for that Purpose, and if such Sheriff be interested in the Matter in dispute such Application

shall be made to some Coroner of the County in which the Lands in question, or some Part thereof, shall be situate, and if all the Coroners of such County be so interested, such Application may be made to some Person having filled the Office of Sheriff or Coroner in such County, and who shall be then living there, and who shall not be interested in the Matter in dispute, and with respect to the Persons last mentioned Preference shall be given to one who shall have most recently served either of the said Offices.

Provisions applicable to the Sheriff to apply to the Coroner.

CI. And be it enacted, That throughout the Enactments contained in this Act relating to the Reference to a Jury, where the Term "Sheriff" is used, the Provisions applicable thereto shall be held to apply to every Coroner or other Person lawfully acting in his Place; and in every Case in which any such Warrant shall have been directed to any other Person than the Sheriff, such Sheriff shall, immediately on receiving Notice of the Delivery of the Warrant, deliver over (on Application for that Purpose) to the Person to whom the same shall have been directed, or any Person appointed by him, the Jurors Book and Special Jurors List belonging to the said County.

Summoning of Jurymen.

CII. And be it enacted, That upon the Receipt of such Warrant the Sheriff shall summon a Jury of Twenty-four indifferent Persons, duly qualified to act as Common Jurymen in the Superior Courts, to meet at the Time and Place named in the Warrant for that Purpose.

Impannelling of Jury.

CIII. And be it enacted, That out of the Jurors appearing upon such Summons a Jury of Twelve Persons shall be drawn by the Sheriff in such Manner as Juries for Trials of Issues joined in the Superior Courts are by Law required to be drawn; and if a sufficient Number of Jurymen do not appear in obedience to such Summons, the Sheriff shall return other indifferent Men duly qualified as aforesaid of the By-standers, or others that can speedily be procured, to make up the Jury to the Number aforesaid; and all Parties concerned may have their lawful Challenges against any of the Jurymen, but no such Party shall challenge the Array.

Notice of Inquiry.

CIV. And be it enacted, That Fourteen Days Notice of the Time and Place of the Inquiry shall be given in Writing by the Commissioners to the other Party.

Sheriff to preside; Witnesses to be summoned.

CV. And be it enacted, That the Sheriff shall preside on the said Inquiry, and the Party claiming Compensation shall be deemed the Plaintiff, and shall have all such Rights and Privileges as the Plaintiff is entitled to in the Trial of Actions at Law; and, if either Party so request, in Writing, the Sheriff shall summon before him any Person considered necessary to be examined as a Witness touching the Matters in question; and on the like Request the Sheriff shall order the Jury, or any Six or more of them, to view the Place or Matter in controversy, in like Manner as Views may be had in the Trial of Actions in the Superior Courts.

CVI. And

Oath of Jurymen.

CVI. And be it enacted, That before the Jury proceed to inquire of and assess the Compensation or Damage in respect of which their Verdict is to be given they shall make Oath that they will truly and faithfully inquire of and assess such Compensation or Damage; and the Sheriff shall administer such Oaths, as well as the Oaths of all Persons called upon to give Evidence.

Verdict of the Jury to be for Purchase of Lands and for Damages assessed separately.

CVII. And be it enacted, That such Jury shall deliver their Verdict for the Sum of Money to be paid for the Purchase of the Lands required for the Purposes of this Act, or of any Interest therein, belonging to the Party with whom such Questions of disputed Compensation shall so have arisen, and also the Sum of Money to be paid for the Injury done to the Lands of any such Party by the Severance from such Lands of the Lands required by the Commissioners, and also the Sum of Money to be paid by way of Compensation for the Damage occasioned to any such Lands by the Execution of the Works, whether it be for Damage sustained before the Time of the Inquiry, or for future Damage, either temporary or permanent, or for any recurring Damage of which the Cause is then only in part obviated, and which cannot or will not be further obviated by the Commissioners; and the Sums of Money to be paid for the Injury done by any such Severance as aforesaid, or by way of Compensation for any such Damage as aforesaid, shall in every Case be assessed separately from the Value of the Lands, or the Sum to be paid for the Purchase thereof or of any Interest therein.

Value of Interests previously purchased to be deducted.

CVIII. And be it enacted, That in assessing the Sum of Money to be paid for the Purchase of any such Lands the Value of any Interest in such Lands as shall have been heretofore rightfully purchased by the Commissioners shall be first deducted.

Verdict and Judgment to be recorded.

CIX. And be it enacted, That the Sheriff before whom such Inquiry shall be held shall give Judgment for the Purchase Money or Compensation assessed by such Jury; and the said Verdict and Judgment shall be signed by the Sheriff, and being so signed shall be kept by the Clerk of the Peace among the Records of the Quarter Sessions of the County in which the Lands or any Part thereof shall be situate in respect of which such Purchase Money or Compensation shall have been awarded; and such Verdicts and Judgments shall be deemed Records, and the same, or true Copies thereof, shall be good Evidence in all Courts and elsewhere; and all Persons may inspect the said Verdicts and Judgments, and may have Copies thereof or Extracts therefrom, on paying for each Inspection thereof One Shilling, and for every One hundred Words copied or extrcated therefrom, Sixpence.

Costs of the Inquiry.

CX. And be it enacted, That on every such Inquiry before a Jury, where the Verdict of the Jury shall be given for the same or a greater Sum than the Sum previously offered by the Commissioners, all the Costs of such Inquiry shall be borne by the Commissioners; but if the Verdict of a Jury be given for a less Sum than the Sum previously offered by the Commissioners, one Half of the Costs shall be defrayed by the Owner of the Lands, and the other Half by the Commissioners: Provided always, that in every Case where by reason of

of Absence in Foreign Parts, or of any Disability, the Owner of the Land shall have been prevented from treating with the Commissioners, all the Costs shall be borne by the Commissioners.

Particulars of the Costs.

CXI. And be it enacted, That such Costs shall be settled by the Sheriff, and such Costs shall include all reasonable Costs, Charges, and Expences incurred in summoning, impannelling, and returning the Jury, taking the Inquiry, the Attendance of Witnesses, the Employment of Counsel, recording the Verdict and Judgment thereon, and otherwise incident to such Inquiry, and also the Expences of the Bond, if any, given by the Party at whose Instance the Inquiry shall have been taken, for prosecuting his Claim, and securing the Costs of such Inquiry; and with respect to any such Costs payable by the Commissioners, if within Seven Days after Demand such Costs be not paid to the Party entitled to receive the same, the same shall be recoverable by Distress, and on Application to any Justice he shall give his Warrant accordingly; and with respect to any such Costs payable by the Owner of the Lands or of any Interest therein, the same may be deducted out of any Money awarded by the Jury to be paid to such Owner, as so much Money advanced for his Use, and the Payment of the Remainder of such Money shall be a good Payment and Satisfaction of the whole thereof.

Penalty on Sheriff and Jury for Default.

CXII. And be it enacted, That if the Sheriff make default in any of the Matters herein-before required to be done by him in relation to any such Trial or Inquiry, he shall forfeit Fifty Pounds for every such Offence; and if any Person summoned and returned upon any Jury under this Act, whether common or special, do not appear, or appear but refuse to make Oath, or in any other Manner unlawfully neglect his Duty, he shall, unless he show reasonable Excuse to the Satisfaction of the Sheriff, forfeit a Sum not exceeding Ten Pounds; and every such Penalty payable by a Sheriff or a Juryman shall be applied in satisfaction of the Costs of the Inquiry, so far as the same will extend; and in addition to the Penalty hereby imposed, every such Juryman shall be subject to the same Regulations, Pains, and Penalties as if such Jury had been returned for the Trial of any Issue joined in any of the Superior Courts.

Penalty on Witnesses making default.

CXIII. And be it enacted, That if any Person duly summoned to give Evidence upon any such Inquiry, and to whom a Tender of his reasonable Expences shall have been made, fail to appear at the Time and Place specified in the Summons, without sufficient Cause, or if any Person, whether summoned or not, who shall appear as a Witness, refuse to be examined on Oath touching the Subject Matter in question, every Person so offending shall forfeit a Sum not exceeding Ten Pounds.

Reference of Dispute as to Compensation to Justice.

CXIV. And with respect to any such Question of disputed Compensation, or other Matter of Difference by this Act authorized to be referred to the Determination of Two Justices, be it enacted, That either Party may apply to such Justices in respect to any such Matter, and thereupon such Justices, in Presence of the Parties, or such of them as shall appear, being duly summoned for that Purpose, shall examine into the Matter in dispute, and shall award such an Amount

of Compensation, or shall make such Determination in respect of the Matter so referred to them as to them shall seem fit; and the Costs of every such Inquiry shall be in the Discretion of such Justices, and they shall settle the Amount thereof, and in default of Payment of such Costs as directed by such Justices the same shall be levied by Distress, and the said Justices shall issue their Warrant accordingly.

Parties not to be required to sell Part of a House.

CXV. And be it enacted, That no Party shall at any Time be required to sell or convey to the Commissioners a Part only of any House or other Building or Manufactory if such Party be willing to sell and convey the whole thereof.

Commissioners empowered to purchase the Interest in Lands the Purchase whereof may have been omitted by Mistake.

CXVI. And be it enacted, That if at any Time after the Commissioners shall have entered upon any Lands which under the Provisions of this Act they were authorized to purchase, and which shall be permanently required for the Purposes of this Act, any Party shall appear to be entitled to any Estate, Right, or Interest in or Charge affecting such Lands which the Commissioners shall have failed or omitted duly to purchase or to pay Compensation for, then, whether the Period granted for the Purchase of Lands shall have expired or not, the Commissioners shall remain in the undisturbed Possession of such Lands, provided, within Six Calendar Months after Notice of such Estate, Right, Interest, or Charge, in case the same shall not be disputed by the Commissioners, or in case the same shall be disputed then within Six Calendar Months after the Right thereto shall have been finally established by Law in favour of the Party claiming the same, the Commissioners shall purchase or pay Compensation for the same, and shall also pay to such Party, or to any other Party who may establish a Right thereto, full Compensation for the Mesne Profits or Interests which would have accrued to such Parties respectively in respect thereof during the Interval between the Entry of the Commissioners thereon and the Time of the Payment of such Purchase Money or Compensation by the Commissioners, so far as such Mesne Profits or Interest may be recoverable in Law or Equity; and such Purchase Money or Compensation shall be agreed on or awarded and paid in like Manner as according to the Provisions of this Act the same respectively would have been agreed on or awarded and paid in case the Commissioners had purchased such Estate, Right, Interest, or Charge before their entering upon such Lands, or as near thereto as Circumstances will admit.

Power to redeem Mortgages.

CXVII. And with respect to any such Lands which shall be subject to any Mortgage, be it enacted, That the Commissioners may purchase or redeem the Interest of the Mortgagee of such Lands, and that whether they shall have previously purchased the Equity of Redemption of such Lands or not, and whether the Mortgagee thereof be entitled thereto in his own Right or in Trust for any other Party, and whether he be in possession of such Lands by virtue of such Mortgage or not, and whether such Mortgage affect such Lands solely, or jointly with any other Lands not required for the Purposes of this Act, and in order thereto the Commissioners may pay or tender to such Mortgagee the Principal and Interest due on such Mortgage, together with his Costs and Charges, if any, and also

Six Months additional Interest, and thereupon such Mortgagee shall immediately convey his Interest in the Lands comprised in such Mortgage to the Commissioners, or as they shall direct, or the Commissioners may give Notice in Writing to such Mortgagee that they will pay off the Principal and Interest due on such Mortgage at the End of Six Months, computed from the Day of giving such Notice; and if they shall have given any such Notice, or if the Party entitled to the Equity of Redemption of any such Lands shall have given Six Months Notice of his Intention to redeem the same, then at the Expiration of either of such Notices, or at any intermediate Period, upon Payment or Tender by the Commissioners to the Mortgagee of the Principal Money due on such Mortgage, and the Interest which would become due at the End of Six Months from the Time of giving either of such Notices, together with his Costs and Expences, if any, such Mortgagee shall convey or release his Interest in the Lands comprised in such Mortgage to the Commissioners, or as they shall direct.

Deposit of Mortgage Money on Refusal to accept Redemption.

CXVIII. And be it enacted, That if in either of the Cases aforesaid, upon such Payment or Tender, any Mortgagee shall fail to convey or release his Interest in such Mortgage as directed by the Commissioners, or if he fail to adduce a good Title thereto to their Satisfaction, then it shall be lawful for the Commissioners at any Time after such Failure to pay into the Bank of *England*, in the Manner provided by this Act in Cases of Money directed to be deposited in such Bank, the Principal and Interest, together with the Costs, if any, due on such Mortgage, and also, if such Payment be made before the Expiration of Six Months Notice as aforesaid, such further Interest as would at that Time become due, and thereupon, as well as upon such Conveyance by the Mortgagee, if any such be made, all the Estate and Interest of such Mortgagee, and of all Persons in Trust for him, or for whom he may be a Trustee in such Lands, shall vest in the Commissioners, and they shall be deemed to be in the actual Possession thereof in case such Mortgagee were himself entitled to such Possession.

As to the Sum to be paid when Mortgage exceeds Value of Lands.

CXIX. And with respect to any such mortgaged Lands which shall be of less Value than the Principal, Interest, and Costs secured thereon, be it enacted, That the Value of such Lands, or the Compensation to be made by the Commissioners in respect thereof, shall be settled by Agreement between the Mortgagee of such Lands and the Party entitled to the Equity of Redemption thereof on the one Part, and the Commissioners on the other Part; and if the Parties aforesaid fail to agree respecting the Amount of such Value or Compensation, the same shall be determined as in other Cases of disputed Compensation; and the Amount of such Value or Compensation, being so agreed upon or determined, shall be paid by the Commissioners to the Mortgagee in satisfaction of his Mortgage Debt, so far as the same will extend, and upon Payment or Tender thereof the Mortgagee shall convey or release all his Interest in such mortgaged Lands to the Commissioners, or as they shall direct.

CXX. And

If such Mortgagee fails to convey his Interest, the Money to be deposited, and the Lands to vest in the Commissioners.

CXX. And be it enacted, That if upon such Payment or Tender as aforesaid being made any such Mortgagee fail so to convey his Interest in such Mortgage, or to adduce a Title thereto to the Satisfaction of the Commissioners, then they may pay the Amount of such Value or Compensation into the Bank of *England* in the Manner provided by this Act in the Case of Monies required to be deposited in such Bank; and every such Payment or Deposit shall be accepted by the Mortgagee in satisfaction of his Mortgage Debt, so far as the same will extend, and shall be a full Discharge of such mortgaged Lands from all Money due thereon; and thereupon such Lands, as to all such Estate and Interest as were then vested in the Mortgagee, or any Person in Trust for him, shall become absolutely vested in the Commissioners, and they shall be deemed to be in the actual Possession thereof in case such Mortgagee were himself entitled to the Possession thereof; nevertheless, all Rights and Remedies possessed by the Mortgagee against the Mortgagor, by virtue of any Bond or Covenant or other Obligation, other than the Right to such Lands, shall remain in force in respect of so much of the Mortgage Debt as shall not have been satisfied by such Payment or Deposit.

Where a Part only of the mortgaged Lands are taken the Value to be settled by Agreement.

CXXI. And with respect to any such mortgaged Lands of which only a Part shall be required for the Purposes of this Act, be it enacted, That if the Part so required be of less Value than the Principal Money, Interest, and Costs secured on such Lands, and the Mortgagee shall not consider the remaining Part of such Lands a sufficient Security for the Money charged thereon, or be not willing to release the Part so required, then the Value of such Part, and also the Compensation (if any) to be paid in respect of the Severance thereof, or otherwise, shall be settled by Agreement between the Mortgagee and the Party entitled to the Equity of Redemption of such Land on the one Part, and the Commissioners on the other; and if the Parties aforesaid fail to agree respecting the Amount of such Value or Compensation, the same shall be determined as in other Cases of disputed Compensation; and the Amount of such Value or Compensation, being so agreed upon or determined, shall be paid by the Commissioners to such Mortgagee, in satisfaction of his Mortgage Debt, so far as the same will extend, and thereupon such Mortgagee shall convey or release to them, or as they shall direct, all his Interest in such mortgaged Lands the Value whereof shall have been so paid; and a Memorandum of what shall have been so paid shall be indorsed on the Deed creating such Mortgage, and shall be signed by the Mortgagee, and a Copy of such Memorandum shall at the same Time (if required) be furnished by the Commissioners, at their Expence, to the Party entitled to the Equity of Redemption of the Lands comprised in such Mortgage Deed.

If Mortgagee fails to convey upon Payment of the Sum agreed the Money to be deposited and the Lands to

CXXII. And be it enacted, That if, upon Payment or Tender to any such Mortgagee of the Amount of the Value or Compensation so agreed upon or determined, such Mortgagee shall fail to convey or release to the Commissioners, or as they shall direct, his Interest in the Lands in respect of which such Compensation shall so have been paid or tendered, or if he shall fail to adduce a good Title thereto to the Satisfaction of the Commissioners, it shall be lawful for the

vest in the Commissioners.

the Commissioners to pay the Amount of such Value or Compensation into the Bank of *England* in the Manner provided by this Act in the Case of Monies required to be deposited in such Bank; and such Payment or Deposit shall be accepted by such Mortgagee in satisfaction of his Mortgage Debt, so far as the same will extend, and shall be a full Discharge of the Portion of the mortgaged Lands so required from all Money due thereon; and thereupon such Lands shall become absolutely vested in the Commissioners as to all such Estate and Interest as were then vested in the Mortgagee or any Person in Trust for him, and in case such Mortgagee were himself entitled to such Possession they shall be deemed to be in the actual Possession thereof; nevertheless, every such Mortgagee shall have the same Powers and Remedies for recovering or compelling Payment of the Mortgage Money, or the Residue thereof, as the Case may be, and the Interest thereof respectively, upon and out of the Residue of such mortgaged Lands, or the Portion thereof not required for the Purposes of this Act, as he would otherwise have had or been entitled to for recovering or compelling Payment thereof upon or out of the whole of the Lands originally comprised in such Mortgage.

Saving the Powers of the Mortgagee as to the Residue.

Limiting Time for purchasing Lands.

CXXIII. And be it enacted, That the Powers of the Commissioners for the compulsory Purchase or taking of Lands shall not be exercised after the Expiration of Five Years from the passing of this Act.

Property not to be taken without Consent, unless specified in Schedule (E.)

CXXIV. And be it enacted, That the Commissioners shall not take for the Purposes of this Act any Property, except such as shall be specified in the Schedule (E.) to this Act, without the Consent in Writing of the Owners and Occupiers thereof, unless the Omission in such Schedule be certified according to the Provisions herein-after contained to have proceeded from Mistake.

Errors and Omissions to be corrected.

CXXV. And for the Purpose of making Provision for correcting any Omission, Mis-statement, or erroneous Description of any Lands, or of the Owners, Lessees, or Occupiers of any Lands described on any Plan referred to in this Act, or in the Schedule (E.) hereto annexed, be it enacted, That the Correction of any such Matter may be referred by the Commissioners to the Determination of Two Justices; and if it shall appear to such Justices that such Omission, Mis-statement, or erroneous Description arose from Mistake, they shall certify the same accordingly, and they shall in such Certificate state the Particulars of such Omission, and in what respect any such Matter shall have been mis-stated or erroneously described, and such Certificate shall be deposited with the Clerk of the Peace of the County, and a Copy thereof with the Churchwardens of the Parish of *Weston-super-Mare*, and such Certificate and such Copy respectively shall be kept by such Clerk of the Peace and Churchwardens of the Parish respectively along with the Documents to which they relate, and thereupon such Document, or the Schedule (E.) to this Act, shall be deemed to be corrected according to such Certificate, and it shall be lawful for the Commissioners to take any such Lands, and to execute the said Works in accordance with such Certificate,

Lands not wanted to be sold.

CXXVI. And for the Purpose of making Provision respecting the Sale of Lands acquired by the Commissioners under the Provisions of this Act, but which shall not be required for the Purposes thereof, be it enacted, That the Commissioners shall sell all such superfluous Lands in such Manner as they may deem most advantageous, and convey the same to the Purchasers thereof by Deed under the Hands and Seals of Three at least of the Commissioners; and the Receipt of the Treasurer of the Commissioners shall be a sufficient Discharge to the Purchaser of any such Lands for the Purchase Money in such Receipt expressed to be received; and such Sales and Conveyances shall take place within Ten Years after the passing of this Act.

Lands not so sold to vest in Owners of adjoining Lands.

CXXVII. And be it enacted, That if the Commissioners do not sell such superfluous Lands within the Period aforesaid, then such Lands remaining unsold at the Expiration of such Period shall thereupon vest in and become the Property of the Owners of the Lands adjoining thereto in proportion to the Extent of their Lands respectively adjoining the same.

Right of Pre-emption as to Lands to be offered for Sale.

CXXVIII. Provided always, and be it enacted, That before the Commissioners dispose of any such superfluous Lands they shall first offer to sell the same to the Person then entitled to the Lands (if any) from which the same were originally severed, or if such Person refuse to purchase the same, or cannot be found, then the like Offer shall be made to the Person or to the several Persons whose Lands shall immediately adjoin the Lands so proposed to be sold, such Persons being capable of entering into a Contract for the Purchase of such Lands; and where more than One such Person shall be entitled to such Right of Pre-emption, such Offer shall be made to such Persons in succession one after another in such Order as the Commissioners shall think fit.

Such Right to be claimed within Sixty Days.

CXXIX. And be it enacted, That if such respective Persons be desirous of purchasing such Lands, then, within Sixty Days after such Offer of Sale, they shall signify their Desire in that Behalf to the Commissioners, or if they decline such Offer, or if for Sixty Days they neglect to signify their Desire to purchase such Lands, the Right of Pre-emption of every such Person so declining or neglecting in respect of the Lands included in such Offer shall cease, and thereupon a Declaration in Writing, made before a Justice by some Person not interested in the Matter in question, stating that the Person or all the Persons entitled to the Right of Pre-emption were out of the Country, or could not be found, or were not capable of entering into a Contract for the Purchase of such Lands, or that such Offer was made, and was refused or not accepted within Sixty Days from the Time of making the same, shall in all Courts whatsoever be sufficient Evidence of the Facts therein stated.

Differences as to Price to be settled as in other Cases.

CXXX. And be it enacted, That if any Person entitled to such Pre-emption shall be desirous of purchasing any such Lands, and such Person and the Commissioners do not agree as to the Price thereof, then such Price shall be ascertained as in other Cases of disputed Compensation; and upon Payment or Tender to the Commissioners

of the Purchase Money so agreed upon or determined, they shall convey such Lands to the Party so entitled to purchase the same; and every such Conveyance shall be effectual for vesting the Lands comprised therein in the Purchaser thereof, for the Estate which shall so have been purchased by him; and the Money produced by the Sale of such Lands shall be applied by the Commissioners for the Purposes of this Act.

Effect of the Word "grant" in Conveyances.

CXXXI. And be it enacted, That in every Conveyance of Lands to be made by the Commissioners under this Act the Word "grant" shall operate as express Covenants by the Commissioners, for themselves and their Successors, with the respective Grantees therein named, and the Successors, Heirs, Executors, Administrators, and Assigns of such Grantees, according to the Quality or Nature of such Grants, and of the Estate or Interest therein expressed to be thereby conveyed, as follows, except so far as the same shall be restrained or limited by express Words contained in any such Conveyance; (that is to say,)

A Covenant that, notwithstanding any Act or Default done by the Commissioners, they were at the Time of the Execution of such Conveyance seised or possessed of the Lands or Premises thereby granted for an indefeasible Estate of Inheritance in Fee Simple, free from all Incumbrances done or occasioned by them, or otherwise, for such Estate or Interest as therein expressed to be thereby granted, free from Incumbrances done or occasioned by them:

A Covenant that the Grantee of such Lands, his Heirs, Successors, Executors, Administrators, and Assigns, (as the Case may be,) shall quietly enjoy the same against the Commissioners and their Successors, and all other Persons claiming under them, and be indemnified and saved harmless by the Commissioners and their Successors from all Incumbrances created by the Commissioners:

A Covenant for further Assurance of such Lands, at the Expence of such Grantee, his Heirs, Successors, Executors, Administrators, or Assigns, (as the Case may be,) by the Commissioners or their Successors, and all other Persons claiming under them:

And all such Grantees, and their several Successors, Heirs, Executors, Administrators, and Assigns respectively, according to their respective Quality or Nature, and the Estate or Interest in such Conveyance expressed to be conveyed, may in all Actions brought by them assign Breaches of Covenants as they might do if such Covenants were expressly inserted in such Conveyances.

Land Tax and Poor's Rate to be made good.

CXXXII. And for the Purpose of providing against Deficiencies in the Assessments for Land Tax or Poor's Rate occasioned by making the Improvements hereby authorized in the said Parish of *Weston-super-Mare*, be it enacted, That if the Commissioners become possessed by virtue of this Act of any Lands charged with the Land Tax, or liable to be assessed to the Poor's Rate, the Commissioners shall from Time to Time, until the Improvements shall be completed and assessed to such Land Tax and Poor's Rate, be liable to make good the Deficiency in the several Assessments for Land Tax and

Poor's Rate arising within the said Parish by reason of such Lands having been taken or used for the Purposes of the Improvements; and such Deficiency shall be computed according to the Rental at which such Lands with any Building thereon were valued or rated at the Time of the passing of this Act, and on Demand of such Deficiency the Treasurer of the Commissioners shall pay all such Deficiencies to the Collector of the said Assessments respectively; nevertheless, if at any Time the Commissioners think fit to redeem such Land Tax, they may do so in accordance with the Powers in that Behalf given by the Acts for the Redemption of the Land Tax.

Limits of the Act.

CXXXIII. And be it enacted, That the Limits of the Town of *Weston-super-Mare*, for the Purposes of this Act, shall comprehend so much of the present Village, Hamlet, or Township of *Weston-super-Mare* as are coloured Green on a Map or Plan thereof signed by *William Miles* Esquire, one of the Members of Parliament for the Eastern Division of the County of *Somerset*, and deposited in the Office of the Clerk of the Peace for the County of *Somerset*, to the end that all Persons may at all seasonable Times have Liberty to inspect the same, and to take Copies thereof or Extracts therefrom; and the said Map or Plan, or any Copy thereof or of any Part thereof, certified by such Clerk of the Peace to be a Copy thereof, shall be good Evidence in all Courts of Law or Equity; and a Copy of such Plan shall also be deposited with the Churchwardens for the Time being of the said Parish of *Weston-super-Mare*.

Streets, &c. vested in the Commissioners.

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

Future Streets may be declared Highways.

CXXXV. And be it enacted, That if any Street already made or hereafter to be made, not being a public Highway, shall at any Time hereafter be paved or put into good Order to the Satisfaction of the Commissioners, then, on the Application of any Three or more rated Inhabitants within the Limits of this Act, it shall be lawful for the Commissioners by Writing under their Hands to declare the same to be a public Highway, and after such Declaration the same shall be a public Highway, and shall be for ever repaired by the Commissioners.

Commissioners to cause Streets to be paved, &c.

CXXXVI. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to cause all or any of the Streets within the Limits of this Act, or any Part thereof, to be repaired, formed, and paved, and the Ground or Soil to be raised, lowered, and altered

altered in such Manner and with such Materials as they shall think proper.

Penalty on Persons altering Pavements.

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

Owner or Occupier to pave Footways, if required.

CXXXVIII. And be it enacted, That the Owner or Occupier of any House or Building abutting upon any Street within the Limits of this Act shall, if required by the Commissioners, pave or form with Stones or such Materials as the Commissioners shall prescribe, upon the Sides of such Street, for the whole Length of such House or Building, and the Premises occupied therewith, a Causeway or Footway for the Use of Foot Passengers, to a Depth not exceeding Nine Feet.

Commissioners may pave Footways.

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

Footways to be kept in repair by the Commissioners.

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

Commissioners may place Fences to Footways.

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

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

CXLII. And be it enacted, That it shall be lawful for the Commissioners, or any Surveyor, or any Person to be employed by them under an Order for that Purpose, to search for, dig, and carry away any Stones, Gravel, or other Materials fit for paving and covering the Pavements, and pitching or repairing any Streets, within the Limits of this Act, or for any Purposes of this Act, in and from any Waste or Common Land within the Limits of this Act, or within any

any adjoining Parish, without paying for the same, they the Commissioners or other Persons filling up or levelling the Pits; and also to search for, dig, and carry away any such Materials in and from the Lands of any Person where the same may be had and found within the Limits of this Act or any adjoining Parish, such Lands not being a Yard, Garden, Orchard, Park, Wood, Coppice, Nursery, or any inclosed Ground planted with any Avenue of Trees for Ornament, they the Commissioners or other Persons filling up the Pits and levelling the Grounds from which such Materials shall be taken, and paying the respective Owners and Occupiers of such Lands reasonable Compensation for the cutting, digging, taking, and carrying away such Materials, and for carrying the same over any inclosed Lands.

making Compensation.

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

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

CXLIV. And be it enacted, That it shall be lawful for the Commissioners to purchase or rent any Land, Building, or Premises for procuring or depositing Stone, Gravel, or other Materials for the several Purposes of this Act, from any Person willing to sell or let the same, provided no such Stone, Gravel, or other Materials be procured or deposited within Five Yards of the High-water Mark of the *Bristol Channel*.

Power to purchase or hire Land for depositing Materials.

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

Road Trustees not to collect Toll within the Limits.

CXLVI. And be it enacted, That the Commissioners shall be liable to be indicted at Common Law for the Want of sufficient Repair of any public Highway within the Limits of this Act, in the same Manner as the Inhabitants of the Parish of *Weston-super-Mare* were before the passing of this Act.

Commissioners liable to Indictment for Want of Repairs.

CXLVII. And be it enacted, That every Inhabitant who shall be assessed to the Rates made under this Act for any Lands within the Limits of this Act shall be released from all Rates and Assessments for the Repairs of the Highways within the said Parish of *Weston-super-Mare* not within the Limits of this Act in respect of such Lands.

Inhabitants rated under the Act to be free from the Highway Rates.

Power to construct Common Sewers.

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

Compensation to be made for Injury thereby.

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

Communication of private Drains with Common Sewers.

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

Occupiers to repair private Drains.

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

Houses to be numbered and Streets named.

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

Future Projections to be removed on Notice.

CLIII. And be it enacted, That if the Commissioners shall consider any Porch, Shed, projecting Window, Step, Cellar, Cellar Door or Window, Sign, Sign Post, Sign Iron, Showboard, Window Shutter, Wall, Gate, or Fence, or any other Obstruction or Projection, hereafter to be placed against or in front of any House or Building, to be an Annoyance, in consequence of the same projecting into, endangering, or rendering less commodious the Passage along any Street within the Limits of this Act, it shall be lawful for them to

give Notice in Writing to the Owner or Occupier of such House or Building to remove such Obstruction or Projection, or to alter the same in such Manner as the Commissioners shall think fit; and such Owner or Occupier shall, within Thirty Days after the Service of such Notice upon him, remove such Obstruction or Projection, or alter the same in such Manner as shall have been directed by the Commissioners.

Existing Projections to be removed and Compensation made.

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

Doors in future to be made to open inwards.

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

Doors opening outwards to be altered by Commissioners.

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

Ruinous or dangerous Houses to be taken down or secured.

CLVII. And whereas it may happen that some of the Houses or Buildings within the Limits of this Act may be in so ruinous a Condition that Passengers passing may be in Danger of their Lives or some bodily Harm from the falling thereof, or of Bricks, Stone, or Timber therefrom; be it therefore enacted, That on any Information, signed by Four or more Householders living within the Limits of this Act, that any such House or Building is in a ruinous or dangerous Condition, it shall be lawful for any Two Justices to cause the same to be surveyed by Two Surveyors, and if such Surveyors shall present

that

that such House or Building is in a ruinous or dangerous Condition, the Commissioners shall, on Notice of any such Presentment being given, and on a Copy thereof being laid before them, cause with all convenient Speed a sufficient Fence to be put up to guard such House or Building from the Street, and shall also cause Notice in Writing to be given to the Owner thereof if he can be found within the said Limits, and if not shall cause such Notice in Writing to be left at or affixed upon the said Premises, to repair or take down such House or Building, as the Case shall require, within the Space of Twenty Days then next ensuing; and if such Owner shall not repair or take down the same within the Time so limited, the Commissioners shall with all convenient Speed cause all or so much of such House or Building as shall be in a ruinous Condition or dangerous to Passengers to be taken down and secured in such Manner as shall from Time to Time be thought requisite; and all the Charges of putting up every such Fence, and of taking down or securing such ruinous House or Building shall from Time to Time be paid by the Owner of such House or Building.

The Expence to be levied by Distress on the Owner.

CLVIII. And be it enacted, That if such Owner can be found within the Limits of this Act, and he shall, on Demand of the Charges aforesaid, neglect or refuse to pay the same, then such Charges may be levied by Distress, and any Justice may issue his Warrant accordingly.

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

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

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

Commissioners may sell the Materials.

CLX. And be it enacted, That in case any such House or Building as aforesaid, or any Part of the same, shall be pulled down by virtue of the Powers aforesaid, it shall be lawful for the Commissioners to sell the Materials thereof, or so much of the same as shall be pulled down, and to apply the Proceeds of such Sale in Payment of the Charges incurred in respect of such House or Building, and the Commissioners shall restore any Overplus arising from such Sale to the Owner of such House or Building, on Demand; nevertheless, the Commissioners, although they shall sell such Materials for the Purposes

poses aforesaid, shall have the same Remedies for compelling the Payment of so much of the said Charges as may remain due after the Application of the Proceeds of such Sale as are herein-before given to them for compelling the Payment of the whole of the said Charges.

Where Houses taken down Commissioners may take Land to improve the Streets.

CLXI. And be it enacted, That where any House or Building in or near any Street within the Limits of this Act shall be burnt or pulled down, or shall be intended to be rebuilt, and the Commissioners shall be desirous of widening such Street, or of making any Alteration in the Line of the House or Building, it shall be lawful for them to purchase and take any Part of the Site of such House or Building, or of the Land occupied therewith, in the same Manner as they are authorized to purchase and take any Land described in Schedule (E.) to this Act; and all Powers and Provisions herein contained for the Purchase of the Land mentioned in the said Schedule to this Act, and for ascertaining the Value thereof, and any Damage sustained by the Person interested therein, and for the Payment and Investment of the Purchase Monies, and for the Payment of the Expences attending the Purchase of any such Land by the Commissioners, shall be applicable to any such House or Building, and the Land occupied therewith, in the same Manner as if such House or Building and Land had been described in the said Schedule: Provided always, that the Commissioners shall have Power to take or purchase any Part of the Site of such House or Building, or the Land occupied therewith, without the Consent of the Parties interested therein, although the Time limited by this Act for the compulsory Purchase of Land may have expired.

Projecting Houses, when taken down, to be set back.

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

Houses built contrary to the Act to be taken down.

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

Houses may be set forward.

CLXIV. And be it enacted, That it shall be lawful for the Commissioners to allow any Building to be advanced for the Purpose of improving

improving the Line of the Street or Place in which such Building may be situate, or any Building adjacent thereto.

Waterspouts to be affixed.

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

Under-ground Drains to be formed.

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

Vaults and Drains to be substantially made.

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

Vaults and Drains to be kept in repair.

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

Coverings for Cellar Doors to be made.

CLXIX. And be it enacted, That when any Opening is now or shall hereafter be made in the Paving or Soil of any Pavement or Footpath within the Limits of this Act, as an Entrance in any

Vault or Cellar, a Door or Covering shall be made by the Occupier of such Vault or Cellar, of Iron or such other Material, and in such Manner as the Commissioners shall direct, and such Door or Covering shall from Time to Time be kept in good Repair by the Occupier of such Vault or Cellar; and if the Occupier of any such Vault or Cellar shall not within a reasonable Time make such Door or Covering, or shall make any such Door or Covering contrary to the Directions of the Commissioners, or shall not keep the same when made in good Repair, he shall forfeit for every such Offence a Sum not exceeding Five Pounds.

Houses not to be thatched.

CLXX. And be it enacted, That no House or Building hereafter to be built in or near any Street within the Limits of this Act shall be thatched wholly or in part; and in case any such House or Building shall be so thatched, the Owner thereof shall forfeit the Sum of Forty Shillings for every Month during which the same or any Part thereof shall continue to be thatched.

Hoards to be set up during Repairs.

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

Penalty for not lighting Deposits of Building Materials or Excavations.

CLXXII. And be it enacted, That when any Building Materials, Rubbish, or other Things shall be laid, or any Hole or Excavation shall be made, in any of the Streets within the Limits of this Act, the Person causing such Materials or other Things to be so laid, or the said Hole or Excavation to be made, shall at his own Expence cause a sufficient Light to be fixed in a proper Place upon or near the same, and continue such Light every Night from Sun-setting to Sun-rising during the Time such Materials, Hole, or Excavation shall remain, and such Person shall at his own Expence cause such Materials or other

other Things, and such Hole or Excavation, to be sufficiently fenced and inclosed, until such Materials or other Things shall be removed, or the Hole or Excavation filled up or otherwise made secure; and in case such Person shall refuse or neglect so to light, fence, or inclose such Materials or other Things, or such Hole or Excavation, every Person so offending shall for every Offence forfeit a Sum not exceeding Five Pounds.

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

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

Dangerous Places to be repaired or inclosed.

CLXXIV. And be it enacted, That if any Building or Excavation, or any Land or Place, contiguous to any Street within the Limits of this Act, shall, for Want of sufficient Repair, Protection, or Inclosure, be dangerous to the Passengers along such Street, it shall be lawful for the Commissioners to cause the same to be repaired, protected, or inclosed, so as to prevent any Danger therefrom; and the Charges of such Repair, Protection, or Inclosure shall be repaid to the Commissioners by the Owner of the Premises so repaired, protected, or inclosed.

Commissioners may close Streets during Repairs.

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

In default of the Party liable, the Commissioners to execute the Works, and recover the Expence incurred thereby.

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

CLXXVII. And

Occupiers to recover against Owners in certain Cases.

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

Adjustment between Owners and Occupiers.

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

Streets to be cleansed and watered.

CLXXIX. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to cause all or any of the Streets within the Limits of this Act to be cleansed and watered, and the Dirt, Ashes, and Rubbish, except any such as shall be reserved by the Occupiers for their own Use, to be removed from any House or Premises within the Limits of this Act at such Time and in such Manner as they shall appoint.

Occupiers allowed to use their own Ashes, &c.

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

Duties of the Street Scavengers to be performed under Penalties.

CLXXXI. And be it enacted, That the Persons employed by or contracting from Time to Time with the Commissioners for cleansing and watering the Streets within the Limits of this Act, or any of them, or for removing the Dirt, Ashes, and Rubbish from any House or Premises therein, shall be called the Scavengers; and such Scavengers or their Servants shall, on such Days, and at such Hours, and in such Manner as the Commissioners shall from Time to Time appoint, sufficiently water the said Streets, or such of them as they shall respectively contract or be employed to water, and shall collect together all Dirt, Ashes, and Rubbish from all such Streets and Houses and Premises from which they shall contract or be employed to collect Dirt, Ashes, and Rubbish within the Limits of this Act, except such Dirt, Ashes, and Rubbish as shall be kept by the Occupiers of such Houses and Premises for their own Use, under the Provisions herein contained, and shall carry away the Dirt, Ashes, and Rubbish so collected to such Place as shall be appointed by the Commissioners for the depositing of the same; and if any such Scavenger fail to water any Street which he shall contract or be employed to water at the Time or in the Manner appointed by the Commissioners, or to remove any Dirt, Ashes, or Rubbish which he shall contract or be employed to remove, at the Time or in the Manner prescribed by the Commissioners for that Purpose, or shall deposit any of such Dirt, Ashes, or Rubbish in any other Place than such as shall be appointed by the Commissioners for that Purpose, he shall for every such Offence forfeit a Sum not exceeding Five Pounds.

Penalty on Occupiers obstructing Scavengers.

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

Penalty on other Persons than Scavengers removing Dirt.

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

Occupiers to cause Footways to be swept.

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

Commissioners may compound for sweeping Footways;

CLXXXV. And be it enacted, That it shall be lawful for the Commissioners to compound, for such Time as they think fit, with any

any Person liable to sweep or clean any Footway under the Provisions of this Act, for sweeping and cleaning the same in the Manner by this Act directed.

or may themselves cause Footways to be swept;

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

and may order Nuisances to be abated.

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

Penalty for Disobedience of Commissioners Order.

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

Penalty for suffering Dogs to go at large after Notice.

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

Dogs suspected to be mad may be destroyed.

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

Penalty for suffering

CXCI. And be it enacted, That the Owner of any such Dog or Animal who shall permit the same to go at large within the Limits of this

mad Dogs to be at large.

this Act, after having Information or reasonable Ground for believing it to be in a rabid State, or to have been bitten by any Dog or other Animal in a rabid State, shall be liable to a Penalty not exceeding Five Pounds.

Power to impound stray Cattle.

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

Power to sell stray Cattle for Penalty and Expences.

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

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

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

CXCV. And

Power to provide a Pound.

CXCV. And be it enacted, That it shall be lawful for the Commissioners to purchase a Piece of Land within the Limits of this Act, for the Purpose of a Pound for stray Animals, from any Person willing to sell the same, and to erect a Pound thereon, and such Pound when made shall be kept in repair by the Commissioners, and appropriated by them for ever as a Pound for the Use of the Inhabitants within the Limits of this Act.

Penalty for conveying offensive Matter at improper Times.

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

Penalty on Blacksmiths not shutting out the Light of their Forges from Streets.

CXCVII. And be it enacted, That if any Blacksmith, Whitesmith, Anchorsmith, Nailmaker, or other Person using a Forge, and having a Door, Window, or Aperture fronting or opening into or towards any Street within the Limits of this Act, shall not close such Door, or fasten the Shutters or other Fastenings of such Windows, and close such Aperture, every Evening within One Half Hour after Sunset, so as effectually to prevent the Light from shining through the Doorway, Window, or Aperture into or upon such Street, every Person so offending shall for every Offence forfeit a Sum not exceeding Twenty Shillings: Provided that nothing herein contained shall extend to Forges below the Pavement of the Street.

Penalty for setting Chimneys on fire.

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

Penalty for having Chimney on fire

CXCIX. And be it enacted, That if the Chimney of any Person shall catch or be on fire within the Limits of this Act, every Person (being the Party occupying or using such Chimney) shall, so often as the same shall occur, forfeit a Sum not exceeding Ten Shillings: Provided always, that such Forfeiture shall not be incurred if such Person shall prove to the Satisfaction of a Justice that such Fire was in nowise owing to Omission, Neglect, Carelessness, or Fault of himself or Servant.

Penalty of 40*s.* for certain Offences

CC. And be it enacted, That every Person shall be liable to a Penalty of not more than Forty Shillings who in any Street within the

herein mentioned.

the Limits of this Act shall commit any of the following Offences; (that is to say,)

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

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

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

Every Person who shall slaughter any Cattle, or dress any Cattle, or any Part thereof, (except in the Case of any over-driven Cattle, or which may have met with any Accident, and which it may be impossible to get to any Slaughter-house, and which the public Safety or other Circumstances may require to be killed on the Spot):

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

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

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

Every Person who shall cause any public Carriage, Sledge, Truck, or Barrow, with or without Horses, to stand longer than may be necessary for loading or unloading, or for taking up or setting down Passengers, (except Hackney Carriages standing for Hire in any Place appointed for that Purpose by the Commissioners,) and every Person who by means of any Cart, Carriage, Sledge, Truck, or Barrow, or any Horse or other Animal, shall wilfully interrupt any public Crossing, or wilfully cause any Obstruction in any Thoroughfare:

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

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

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

Every Person who shall place or leave any Furniture, Goods, Wares, or Merchandize, or any Cask, Tub, Basket, Pail, or Bucket, or place or use any Standing-place, Stool, Bench, Stall, or Showboard on any Footway, or shall place any Blind, Shade, Covering, or Awning over or along any such Footway, unless such Blind, Shade, Covering, or Awning shall be Eight Feet in Height at least in every Part thereof from the Surface of such Footway, and the Supports of which Awning shall extend to the Curbstone of such Footway:

Every Person who shall place, hang up, or otherwise expose to Sale any Goods, Wares, Merchandize, Matter, or Thing whatsoever, so that the same shall project into or over any Footway, or beyond the Line of any House, Shop, or Building at which the same shall be so exposed, so as to obstruct or incommode the Passage of any Person over or along such Footway:

Every Person who shall sell or cause to be sold by Auction, Outcry, or otherwise, any Goods, Articles, or Thing whatsoever in the public Streets of the said Town:

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

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

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

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

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

Every Person who shall wilfully and indecently expose his Person:

Every Person who shall sell or distribute, or offer for Sale or Distribution, or exhibit to public View, any profane, indecent, or obscene

obscene Book, Paper, Print, Drawing, Painting, or Representation, or sing any profane, indecent, or obscene Song or Ballad, or write or draw any indecent or obscene Word, Figure, or Representation, or use any profane, indecent, or obscene Language, to the Annoyance of the Inhabitants or Passengers:

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

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

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

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

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

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

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

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

Penalty of 40*s.* for certain other Offences herein mentioned.

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

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

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

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

Fixture or Appendage thereunto, or any Tree, Shrub, or Seat in any public Walk, Park, or Garden:

Every Person who shall expose any thing for Sale in any Park or public Garden, unless with the Consent of the Owner of such Park or Garden, or other Person authorized to give such Consent:

Every Person who shall bathe or wash himself in the Sea or on the Sea Shore within the Limits of this Act, without the Aid and Assistance of a proper Machine or Tent in which to dress and undress himself:

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

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

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

Every Person who shall within the Distance of One hundred Yards from any Dwelling House burn any Rags, or any offensive Substance, so that the same shall be a common Nuisance:

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

Power to Commissioners to light the Streets.

CCII. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to cause the several Streets within the Limits of this Act, or such of them as they shall think proper, to be lighted with Gas, Oil, or otherwise, at such Times as they shall think fit, and to provide such Lamps, Lamp Posts, Lamp Irons, Pipes, and other Works as may be necessary for that Purpose.

Commissioners may contract for lighting the Streets.

CCIII. And be it enacted, That it shall be lawful for the Commissioners to contract, for any Period not exceeding Five Years at any One Time, with the Owners of certain Gas Works now existing within the said Town, or with the Owners of any Works hereafter to be made or erected within the said Town, for the Supply of such Gas as the Commissioners may think necessary for lighting such Streets: Provided always, that if the Commissioners and the Owners of the said Gas Works, or any of them, shall not agree as to the Price to be paid for such Supply, then such Price shall be ascertained by Two Persons, one of whom shall be appointed by the Commissioners, and the other by the other Party; or in case they shall not agree about the same, then by such Third Party as shall have been nominated for that Purpose by such Two Persons before they shall have entered upon the Matter of such Reference; and in case such Owners shall refuse to agree with the Commissioners for such Supply of Gas, or shall refuse to appoint a Referee in manner aforesaid, or (such Referees having been appointed) shall refuse to supply such Gas at the Price fixed by such Referees or their Umpire as aforesaid, then it shall be lawful for the Commissioners to manufacture Gas, and to provide Gasometers and all Apparatus and Machinery necessary for the Purpose, and to purchase or rent any Land not exceeding Two Acres which may be necessary for the Establishment of such Manufacture.

Owners of Gas Works may lay Pipes, &c., in Streets.

CCIV. Provided always, and be it enacted, That notwithstanding any thing herein contained it shall be lawful for the Owners for the Time being of the Gas Works now existing within the said Town, so long as the same Works shall be in existence and used as Gas Works, or for any Person under their Control or Direction, to break up the Soil or Pavement of any Street within the Limits of this Act, and to lay and fix therein such Pipes, Lamp Posts, and other Works as they may deem necessary, doing as little Damage thereby as may be, and fully and effectually repairing the same; provided that it shall not be lawful for such Owners to erect or continue any Lamp, Lamp Post, or Lamp Iron against any Dwelling House, except with the Consent of the Owner and Occupier thereof.

Power to break up Streets, and lay down Pipes, &c.

CCV. And for the Purpose of enabling the Commissioners, or any Person or Company with whom they may contract, to light the said Streets or any of them, be it enacted, That it shall be lawful for the Commissioners, or any Company or Person with whom they may contract for lighting the said Streets or any of them, or for any other Persons, under the Control and Direction of the Commissioners, to break up the Soil or Pavement of any Street within the Limits of this Act, and to lay and fix therein such Pipes, Lamp Posts, and other Works as they or he may deem necessary for lighting the same, and also to lay and place against any Houses, Buildings, and Inclosures such Pipes, Lamp Posts, Lamp Irons, and Lamps and other Works, as they may deem necessary for the Purposes aforesaid: Provided always, that the Commissioners shall not lay or continue any Lamp, Lamp Post, Lamp Iron, Pipe, or other Work against or through any private Building, Inclosure, or Land, except with the Consent of the Owner or Occupier thereof.

CCVI. And

Service Pipes to be kept fully charged.

CCVI. And be it enacted, That every Branch or Service Pipe which shall be used for lighting with Gas the said Streets shall be kept fully charged with Gas, and the Stopcocks shall be so turned as not to impede any such Branch or Service Pipe being filled with Gas during the Time the same shall be lighted.

Power to Commissioners to supply Individuals with Gas.

CCVII. And be it enacted, That it shall be lawful for the Commissioners, if they shall manufacture Gas for lighting the Streets within the Limits of this Act, to supply any Inhabitant within the said Limits with Gas, on such Terms and Conditions as shall be agreed upon between the Commissioners and such Inhabitant; and for the Purpose of supplying any such Inhabitant with Gas the Commissioners shall have the same Powers of breaking up the Soil and Pavement of any Street, and laying and fixing any Pipes and other Work therein, as are hereby granted to the Commissioners for the Purpose of lighting any Street within the Limits of this Act.

Penalties on Gas Makers for corrupting Water within the Limits of the Act.

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

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

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

Daily Penalty during the Continuance of the Offence.

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

CCXI. And

Daily Penalty during Escape of Gas after Notice.

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

Position of Gas Pipes with reference to Water Pipes.

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

Manner of laying the Gas Pipes.

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

Penalty for laying Gas Pipes contrary to the Act.

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

Penalty on Gas Makers if Water contaminated.

CCXV. And be it enacted, That whenever any Water within the Limits of this Act shall be contaminated by the Gas of any Person making or supplying Gas within the Limits of this Act, such Person shall forfeit for every such Offence a Sum not exceeding Twenty Pounds, to the Person whose Water shall be so contaminated or affected.

Daily Penalty during the Continuance of the Contamination after Notice.

CCXVI. And be it enacted, That if the Person so making or supplying Gas shall not within Twenty-four Hours next after Notice in Writing of any Water being contaminated or affected served on him by the Person whose Water shall be so contaminated or affected, prevent

prevent the Gas from contaminating or affecting such Water, such Person shall, over and above the before-mentioned Penalty of Twenty Pounds, forfeit for every such Offence to the Person whose Water shall be contaminated or affected a Sum not exceeding Ten Pounds for each Day during which the said Water shall remain contaminated or affected after the Expiration of Twenty-four Hours from the Service of such Notice.

Power to examine Gas Pipes, to ascertain cause of Contamination.

CCXVII. And whereas it may become a Question upon any such Complaint as aforesaid whether the said Water be contaminated or affected by the Gas of any Person making or supplying Gas within the Limits of this Act; be it therefore enacted, That it shall be lawful for the Person to whom the Water supposed to be contaminated or affected by Gas may belong to dig and examine the Pipes, Conduits, and Apparatus of the Person making or supplying Gas, for the Purpose of ascertaining whether the said Water has been contaminated or affected by the Gas of such Person: Provided always, that before proceeding to dig and examine Twelve Hours Notice shall be given to the Person making or supplying such Gas of the Time at which such Digging and Examination are intended to take place.

The Expences to abide the Result of the Examination.

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

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

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

Persons supplying Gas to be liable to Indictment for Nuisance.

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

Fire Engines and Firemen may be provided by the Commissioners.

CCXXI. And be it enacted, That it shall be lawful for the Commissioners to purchase or provide such Engines for extinguishing Fire, and such Water Buckets, Pipes, and other Apparatus for such Engines, and such Fire Escapes and other Implements for Safety or

Use in case of Fire, and to purchase, keep, or hire such Horses for drawing such Engines as they shall think fit, and to build, provide, or hire Places for keeping such Engines and other Apparatus, and to employ a proper Number of Persons to act as Firemen, and to allow them such Salaries, and to make such Rules for their Regulation, as they shall think proper, and to give such Firemen and other Persons such Rewards for their Exertions in Cases of Fire as they shall think fit.

Commissioners may provide Pumps, &c.

CCXXII. And be it enacted, That it shall be lawful for the Commissioners to sink and make, and from Time to Time to support and repair, a Well and Pump in the Market-place herein-after mentioned, for the free Use of the Inhabitants of the said Town, and also to construct and maintain in the said Market-place, or in such other Place within the Limits of this Act as they shall think proper, a Tank or Reservoir, and to keep the same supplied with Water, to be used for the Purpose of extinguishing Fires, and to defray the Expence of sinking, making, constructing, and repairing such Well, Pump, Tank, and Reservoir out of the Money to be raised for the Purpose of this Act.

Power to build and provide a Market.

CCXXIII. And be it enacted, That it shall be lawful for the Commissioners to build and provide in a certain Place in the said Town called the "*Bazaar*," or on any other Plot of Land within the Limits of this Act, and for ever after to maintain, and improve as they shall think fit, a public Market-place for supplying the Inhabitants of the said Town and Neighbourhood with Provisions, Goods, Wares, Merchandizes, and all such other marketable Commodities as the said Commissioners shall from Time to Time see fit to allow to be so brought and sold therein, and also to build and provide on a certain Plot of Waste Ground situate on the High Road between *Weston-super-Mare* and *Uphill* (being Part of the Highway within the Limits of this Act), or on any other Plot of Land within the said Limits, an open and public Market for the Sale of Live Cattle, Horses, Sheep, and Pigs, and also of all Hay, Straw, Turf, Vetches, and other Produce of Land, and from Time to Time to remove, enlarge, vary, and alter the Form and Extent of the said Markets, together with all Stalls, Standings, and other Conveniences and Approaches to the said Markets or either of them, as the said Commissioners may deem necessary.

Slaughter-houses.

CCXXIV. And be it enacted, That it shall be lawful for the Commissioners to set apart any Building for or to erect on any Land to be purchased or rented by them within the Limits of this Act such Slaughter-houses as they shall from Time to Time think sufficient, for the slaughtering of Cattle, Beasts, and Swine for the Supply of the said Town and its Neighbourhood, and for ever afterwards to maintain and improve the same as they shall think fit; provided that nothing in this Act contained shall protect the Commissioners or any Person from an Indictment for any Nuisance, or from any other legal Proceeding in respect of any such Slaughter-house.

Commissioners to be liable for Nuisances.

CCXXV. And

Weighing and Measuring Houses.

CCXXV. And be it enacted, That it shall be lawful for the Commissioners to erect on Land to be purchased by them, or otherwise to provide, a public Weighing House or Place in or near the said Provision Market-place, for weighing or measuring any Meat, Provisions, or other Article which shall be sold by Weight or Measure in the said Market, and to maintain and improve the same as they shall think fit.

Standard Weights and Measures to be kept.

CCXXVI. And be it enacted, That the Commissioners shall keep in every such Weighing House or Place proper Weights, Scales, and Measures, according to the Standard Weights and Measures in the Exchequer at *Westminster*, for weighing or measuring all such Provisions or Articles as aforesaid, and shall appoint a proper Person to attend the same at all Times during which the Market shall be holden.

Places for weighing Carts and Carriages.

CCXXVII. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to purchase, rent, or provide proper Buildings or Places, in such convenient Situations within the said Town as the Commissioners shall think proper, for weighing Waggons, Carts, or Carriages laden with Goods, and to maintain the same, and to provide proper Machines for such Purpose, and to appoint a Person for the weighing of such Carts or Carriages.

Sale elsewhere than in the Markets prohibited.

CCXXVIII. And be it enacted, That after any of the Market Places shall be opened for public Use no Person shall sell or expose to Sale in any Place within the Limits of this Act, except in such Market-place, or in his own Dwelling House or Shop, any Provisions or other Goods or Commodities mentioned in the Schedule (F.) to this Act, and any Person who shall, after the opening of such Market, sell or expose to Sale any of the Articles aforesaid in any Place within the Limits of this Act, except in the Markets of the Commissioners, or his own Dwelling House or Shop, shall for every Offence be liable to a Penalty not exceeding Forty Shillings: Provided always, that no Person shall be prohibited from selling Goods and marketable Commodities carried by Hand, in Hand Baskets or in other Things, from Door to Door, within the Limits of this Act (on any other Day except on Market Days), if he has paid the Market Tolls or Duties mentioned in Schedule (F.) to this Act annexed.

When sufficient Slaughter-houses are provided a Notice to be given.

CCXXIX. And be it enacted, That after sufficient Slaughter-houses for the Accommodation of the said Town shall have been provided by the Commissioners, and the same shall be ready for public Use, the Commissioners shall give Notice that such Slaughter-houses are ready for public Use; and every such Notice shall be published in some Newspaper published and circulating within the said Town, and also by printed Handbills posted on and circulated within the said Town.

Penalty for slaughtering elsewhere after Notice.

CCXXX. And be it enacted, That after the Expiration of Fourteen Days from the Publication and posting of such Notice in manner aforesaid no Person shall slaughter or dress any Cattle, Beast, Sheep, or Swine for Sale in any Place within the said Town other

other than the said Slaughter-houses; and if any Person shall, after such Time as aforesaid, and so long as the said Commissioners shall provide sufficient Slaughter-houses for the Accommodation of the said Town, slaughter or dress for Sale any such Animal as aforesaid in any Place within the Limits of this Act other than One of such Slaughter-houses, he shall be liable to a Penalty not exceeding Five Pounds for every such Offence.

Justices to decide whether there are sufficient Slaughter-houses.

CCXXXI. And be it enacted, That if any Question shall arise as to whether a sufficient Number of Slaughter-houses had been or continued to be provided by the Commissioners, such Question shall be determined by the Justices before whom any such Penalty as last aforesaid shall be sued for.

Tolls to be taken for the Market.

CCXXXII. And be it enacted, That after any such Market Place as aforesaid shall be open for public Use, it shall be lawful for the Commissioners from Time to Time to demand and take from any Person occupying or using any Stall, Shed, or Stand in such Market Places or either of them, or bringing therein any Cattle, Animal, Provisions, Articles, or Things specified in Schedule (F.) to this Act annexed, such Stallages, Rents, and Tolls as the Commissioners or their Lessee shall from Time to Time appoint, not exceeding the several Stallages, Rents, and Tolls specified in the said Schedule.

Tolls for the Slaughter-houses.

CCXXXIII. And be it enacted, That after such Slaughter-houses as aforesaid shall be opened for public Use it shall be lawful for the Commissioners to demand and take from any Person slaughtering Cattle, Sheep, Beast, and Swine within any such Slaughter-house, such Tolls in respect thereof as they may think proper, not exceeding the several Tolls or Sums of Money specified in Schedule (F.) to this Act annexed.

Tolls for weighing and measuring.

CCXXXIV. And be it enacted, That it shall be lawful for the Person for the Time being appointed to attend the Weighing Houses, or Places for weighing or measuring any Articles sold in the Markets or either of them, by Weight or Measure, from Time to Time to demand and take the several Tolls specified in that Behalf in Schedule (F.) to this Act annexed.

Tolls for weighing Carts.

CCXXXV. And be it enacted, That it shall be lawful for the Person for the Time being appointed to attend the Machines for weighing Waggons, Carts, or Carriages, to demand and receive from the Person requiring the same to be weighed such Tolls as the Commissioners may appoint, not exceeding the Tolls specified in respect of the same in Schedule (F.) annexed to this Act; and such Tolls shall be paid before any Waggon, Cart, or Carriage in respect of which the same are payable shall be weighed.

List of Tolls to be set up.

CCXXXVI. And be it enacted, That the Commissioners or their Lessee shall from Time to Time cause to be painted on Boards in large and legible Characters, and affixed and continued in some conspicuous Place in the Market-place for the Sale of such Provisions as aforesaid to be made under the Provisions of this Act, a List of the several

Stallages, Rents, and Tolls which shall from Time to Time be payable in respect of the said Markets or either of them; and no Stallage, Rent, or Toll shall be payable in respect of any Market during such Time as such List shall not continue to be affixed thereon, or for any Matter or Thing not specified in the said List: Provided always, that if such List shall be destroyed, injured, or obliterated, the Stallages, Rents, and Tolls shall continue to be payable during such Time as may be reasonably required for the Restoration or Reparation of such List, in the same Manner as if such List had continued affixed, or in the State required by this Act.

Tolls may be levied by Distress.

CCXXXVII. And be it enacted, That the said several Stallages or Rents and Tolls shall be paid from Time to Time, on Demand, to the Commissioners, or their Lessee or Collector, or other Person authorized by them to take the same; and if any Person liable to the Payment of any Stallage, Rent, or Toll shall not pay the same when demanded, or shall evade the Payment thereof, it shall be lawful for the Commissioners, or their Lessee or Collector, or the Person authorized to take the same, to levy the same by Distress of all or any of the Provisions or other Goods in respect of which such Stallage, Rent, or Toll was payable, or of any other Provisions or Goods belonging to such Person or under his Charge in the Market, and to sell the said Provisions or Goods forthwith, and out of the Proceeds of such Sale to pay the Stallages, Rents, or Tolls so due, rendering the Overplus, on Demand, after deducting the Expences of such Sale, to the Person whose Goods shall have been so distrained.

Disputes to be settled by a Justice.

CCXXXVIII. And be it enacted, That in case any Dispute shall arise concerning any such Stallage, Rent, or Toll, such Dispute shall be determined by a Justice, and such Justice shall summon the Parties to appear before him, and hear and determine the Matter of every such Complaint upon Oath, and make such Order therein, and award such Costs to either Party, as to him shall seem proper; and in default of Payment, on Demand, of the Money which shall be so awarded, and of the Costs, the same shall be forthwith levied by Distress, and such Justice shall issue his Warrant accordingly.

Penalty for obstructing Collector or Market Keeper.

CCXXXIX. And be it enacted, That if any Person shall assault or obstruct any Collector of the said Tolls, Rents, or Stallage, or other Person authorized to receive the same or any of them, or any Person employed to superintend the said Market-places or any of them, or to keep Order therein, whilst in the Exercise of his Duty, every Person offending in any of such Cases shall forfeit for every such Offence a Sum not exceeding Forty Shillings.

Penalty for refusing to weigh Articles sold in the Market.

CCXL. And be it enacted, That every Person selling any Meat or other Articles or Things in any Market-place to be made under this Act, by Weight or Measure, shall weigh or measure the same by the Weights, Measures, or Scales to be provided in pursuance of this Act, upon being required so to do by the Buyer of the same; and if any Seller of any such Meat, Articles, or Things shall refuse or neglect to weigh or measure the same in manner aforesaid, when so required,

required, he shall be liable to any Penalty not exceeding the Sum of Forty Shillings.

Waggons to be weighed at the Commissioners Machines.

CCXLI. And be it enacted, That the Driver of every Waggon, Cart, or other Carriage loaded with any Goods brought into the said Town to be sold therein shall, at the Request of the Buyer or Seller of any such Goods, or the Person on whose Behalf the same shall be consigned, or their respective Agents, take such Waggon, Cart, or Carriage, with or without the Loading thereof, to be weighed at one of the Machines so to be erected and fixed as aforesaid, if any such there shall be; and if any such Waggon, Cart, or Carriage shall for the Purposes aforesaid be required to go to a greater Distance from the regular Course of the Road by which it would be otherwise necessary to pass in conveying the Goods laden in the same than Half a Mile, including the going to and returning from any such Machine, the Owner of such Waggon, Cart, or Carriage shall be paid Two-pence for every Horse which shall be used in drawing the same, and a like Sum for every additional Half Mile that any such Waggon, Cart, or Carriage shall be taken out of the regular Road for the Purpose aforesaid; and all such Charges shall be paid by the Person requiring the same to be weighed as aforesaid, before the Driver of such Waggon, Cart, or Carriage shall be obliged to go out of his Way for the Purpose of having the same weighed.

Penalty for refusing to weigh Waggons, &c.

CCXLII. And be it enacted, That if the Person having the Care of any such Waggon, Cart, or Carriage shall not, upon being so requested as aforesaid, and being paid such Charges as aforesaid, if demanded, take the same to such Weighing Machine as is hereinbefore so directed, or shall refuse or neglect to assist in the weighing of the same, he shall forfeit, to the Person requiring such Waggon, Cart, or Carriage to be weighed, any Sum of Money by way of Penalty not exceeding Twenty Shillings, and the Party entitled to such Penalty shall be deemed a competent Witness for the Proof of such Offence.

Penalty on Owners or Drivers committing Frauds in weighing Waggons, &c.

CCXLIII. And be it enacted, That every Owner or Driver of any such Waggon, Cart, or Carriage weighed at any Weighing Machine to be provided in pursuance of this Act, who shall commit any of the following Offences, shall be liable to a Penalty not exceeding Five Pounds for each Offence; (that is to say,)

Every Owner or Driver who shall, at or before the Time of weighing any such Waggon, Cart, or Carriage, place or knowingly have any Matter or Thing in or about the same other than the proper Loading thereof:

Every such Owner or Driver who shall alter any Ticket denoting the Weight of any such Waggon, Cart, or Carriage, or of the Loading of the same:

Every such Owner or Driver who shall make or use, or be privy to the making or using, any false or fraudulent Ticket respecting the Weight of any such Waggon, Cart, or Carriage, or the Loading thereof:

Every such Owner or Driver who, after the weighing of any such Waggon, Cart, or Carriage, with the Loading of the same, shall

remove any Part of such Loading, and afterwards dispose of or attempt to dispose of the Residue of such Load as being the full Loading denoted by such Ticket:

Every Owner or Driver of any such Waggon, Cart, or Carriage who shall, after the same and the Loading thereof have been so weighed, change the Wheels thereof, or place thereon lighter Wheels, or make any Alteration, or do any other Act to such Waggon, Cart, or Carriage before the same shall be brought back to the Machine to be again weighed without the Loading thereof:

Every such Owner or Driver who, when any such Waggon, Cart, or Carriage shall have been weighed, with the Loading thereof, at any such Machine as aforesaid, shall not bring back the same without Alteration to be again weighed at the same Machine:

Every such Owner or Driver who shall be guilty of any other fraudulent Contrivance touching the Weight of any such Waggon, Cart, or other Carriage, or of the Loading thereof.

Penalty on Purchasers committing Fraud in weighing, &c.

CCXLIV. And be it enacted, That if the Purchaser of any Goods or Merchandize conveyed in any Waggon, Cart, or Carriage to or within the said Town shall, after such Waggon, Cart, or Carriage, with the Loading thereof, shall have been weighed at any Machine within the said Town provided in pursuance of this Act, and before the same shall be brought back again to be re-weighed without the Loading thereof, change the Wheels thereof, and put on heavier Wheels, or make any Alteration in such Waggon, Cart, or Carriage, whereby the same may become heavier, every Person so offending shall forfeit for every such Offence a Sum not exceeding Five Pounds.

Penalties for Frauds committed by the Machine Keeper.

CCXLV. And be it enacted, That the Person for the Time being appointed to keep any such Weighing Machine shall forfeit any Sum not exceeding Five Pounds in any of the following Cases; (that is to say,)

If he shall wilfully neglect, on Application, duly to weigh any Waggon, Cart, or Carriage, with or without Loading, as the Case may be, that shall come to the Machine kept by him to be weighed:

If he shall not fairly weigh every such Waggon, Cart, or Carriage, with or without Loading, as the Case may be:

If he shall not deliver to the Purchaser of any such Loading, or any Person interested therein, on Application, a Ticket or Account containing the true Weight of such Loading:

If he shall give to the Driver of any such Waggon, Cart, or Carriage a false Ticket or Account of the Weight of such Waggon, Cart, or Carriage, or the Loading thereof:

If he shall weigh any Waggon, Cart, or Carriage, knowing that any thing had been added to the Loading thereof so as to increase the Weight of the same, or that the Wheels thereof had been changed between the Time of the same being weighed with its Loading and the Time of its coming back to be again weighed without its Loading, and shall not give immediate Notice thereof to the Person interested therein:

If

If he shall knowingly assist in or connive at any Fraud to be committed or attempted concerning the weighing of any such Waggon, Cart, or Carriage, or the Loading thereof, or shall make or connive at making any false Representation of the Weight of the same respectively.

Penalty on other Parties committing Fraud as to weighing.

CCXLVI. And be it enacted, That if any Person shall knowingly aid or assist in the committing of any Fraud respecting the weighing or Weight of any such Waggon, Cart, or Carriage, or the Loading thereof, which shall be weighed or brought to be weighed at any such Machine, or which shall be alleged to have been weighed at any such Machine, he shall for every such Offence forfeit any Sum not exceeding Five Pounds.

Power to lease the Market, &c. for Three Years;

CCXLVII. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to demise and let the said Market-places, and the said Slaughter-houses, Weighing Houses or Places and Machines, or any of them, or the said Stallages, Rents, or Tolls, or any of them, by public Tender, for any Period not exceeding Three Years, upon such Terms as the Commissioners shall determine.

and also the Standings, &c. in the Market.

CCXLVIII. And be it enacted, That it shall be lawful for the Commissioners to let any of the Stalls, Standing-places, Benches, or other Conveniences in the said Market-places by public Tender to any Person for any Term not exceeding Three Years.

Weekly and monthly Market Days.

CCXLIX. And be it enacted, That the Commissioners shall, after the said Provision Market-place is open for public Use, hold the Market therein on *Tuesday* and *Friday* in every Week; and after the said Market-place for the Sale of Live Stock, *et cetera*, is open for public Use, a Market shall be held therein on the first *Saturday* in every Month.

Power to assign Lease of Standings, &c.

CCL. And be it enacted, That it shall be lawful for the Lessee of any such Stall, Standing-place, or other Convenience, his Executors, Administrators, and Assigns, with Consent of the Commissioners, to assign the same for the Residue of his Term.

Regulation of the Market.

CCLI. And be it enacted, That for the better Regulation of the said Markets it shall be lawful for the Commissioners from Time to Time to make such Bye Laws as they shall think fit, for all or any of the following Purposes; that is to say,

For directing the Manner of occupying and using the said Market-places, Slaughter-houses, and Weighing Machines, and regulating the Conduct of the Persons resorting thereto:

For providing for the lighting and cleansing of the Market-places:

For regulating the Conduct of the Officers and Servants of the Commissioners, and providing for the due Management of the Affairs of the Commissioners:

For regulating the Carriers in the Market, and fixing the Rates for carrying all Articles carried therefrom:

For

For regulating the Use of Weights and Measures in the Market according to the legal Standard, and providing for the Sale of all Provisions and other Things therein by such Weights and Measures, and for preventing the Use of false or defective Weights and Measures:

For preventing unwholesome Provisions being sold or exposed for Sale in the Market:

For preventing Horses and Carriages travelling or going through the Market-places, or remaining there, or other Nuisances or Obstructions therein, or in the Approaches to the same:

And it shall be lawful for the Commissioners, from Time to Time, as they shall think fit, to repeal, alter, or amend any such Bye Laws, provided such Bye Laws be not repugnant to the Laws of *England*, and be reduced to Writing, and be signed by Three at least of the Commissioners, and if affecting other Persons than the Officers and Servants of the Commissioners, be printed and published as herein provided.

Penalty for pulling down Toll Boards, &c.

CCLII. And be it enacted, That any Person who shall destroy, pull down, injure, or deface any Board in any Market Place to be made under this Act, on which any Bye Law or Rule of the Commissioners, Stallage, Rent, or Toll to be taken in pursuance of this Act, shall be painted, shall forfeit a Sum not exceeding Five Pounds for every such Offence.

Penalty for having false Weights, &c.

CCLIII. And be it enacted, That any Person who shall, in any Market Place to be made under the Authority of this Act, use or have in his Possession any illegal or false Weight or Weights, shall forfeit a Sum not exceeding Forty Shillings for every such Offence; and it shall be lawful for any Inspector of Weights and Measures to be appointed by the Commissioners to seize and destroy such illegal Weights and Measures.

Penalty for exposing unwholesome Meat.

CCLIV. And be it enacted, That if any Person shall sell or expose or offer for Sale any unwholesome Meat or Provisions in any Market-place to be made in pursuance of this Act, he shall forfeit any Sum not exceeding Five Pounds for every such Offence; and it shall be lawful for any Inspector of Provisions in such Market, appointed by the Commissioners, to seize and destroy such unwholesome Meat or Provisions.

Penalty and Satisfaction for Injuries or Obstructions to the Market Places.

CCLV. And be it enacted, That any Person who shall spoil, deface, or injure any Part of any such Market-place, or the Buildings, Fences, Stalls, or Standings thereof, or shall in any such Market Place cause any Obstructions or commit any Damage or Injury, shall forfeit for every such Offence any Sum not exceeding Five Pounds, and shall also pay such Sum of Money as the Justices before whom the Conviction for such Penalty shall take place shall think a reasonable Satisfaction for the Injury done by such Person.

Hackney Coaches to be licensed.

CCLVI. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to license such Number of Hackney Coaches

Coaches or Carriages of any Kind or Description to ply for Hire within the Limits of this Act as they shall think fit.

Licence to be in force for One Year.

CCLVII. And be it enacted, That every Licence so to be granted shall be signed by Three or more of the Commissioners, and shall express the Number of the Hackney Coach or Carriage, and shall not include more than One Carriage so licensed, and shall be in force for One Year only from the Day of the Date of such Licence, or until the next general licensing Meeting, in case any such general licensing Day shall be appointed by the Commissioners, as they are hereby authorized to do.

Licences to be registered.

CCLVIII. And be it enacted, That every Licence shall be made out by the Clerk of the Commissioners, and duly entered in a Book to be provided by him for that Purpose, with the Christian and Surname and Place of Residence of the Person whose Coach or Carriage shall be licensed, and the Number of the Licence; and in such Book shall be contained Columns or Places for Entries to be made of every Offence committed by any Owner, Driver, or Person attending such Coach or Carriage.

Fee on Licence.

CCLIX. And be it enacted, That for every such Licence there shall be paid to the Clerk of the Commissioners the Sum of Five Shillings.

Licences may be suspended or revoked for Misconduct.

CCLX. And be it enacted, That any such Licence may, for the Misconduct of the Owner or Driver or Person attending such Hackney Coach or Carriage, be suspended or revoked by the Commissioners as they shall deem right.

Penalty for plying without a Licence.

CCLXI. And be it enacted, That if the Driver of any Hackney Coach or other Carriage shall be found standing or plying for Hire, or using any such Coach or other Carriage, within the Limits of this Act, without a Licence from the Commissioners, the Owner or Driver of such Coach or other Carriage so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Penalty for refusing to pay the Fare.

CCLXII. And be it enacted, That if any Person shall refuse to pay, on Demand, to any Hackney Coachman or Person, the regular Fare due to him for the Hire or Service of any licensed Hackney Coach or Carriage, he shall be liable to a Penalty not exceeding Forty Shillings.

Penalty for damaging Coaches, &c.

CCLXIII. And be it enacted, That if any Person shall wilfully cut, break, or injure any such Coach or Carriage, such Person shall for every such Offence be liable to a Penalty not exceeding Five Pounds, and shall also pay to the Owner of such Hackney Coach or Carriage reasonable Satisfaction for the Damage sustained by the same; and such Satisfaction shall be ascertained by the Justices before whom the Conviction of the Penalty takes place, and shall be recovered by the same Means as the Penalty.

CCLXIV. And

Bye Laws for regulating the Hackney Coaches.

CCLXIV. And be it enacted, That for better regulating the Hackney Coaches or other Carriages to be so licensed as aforesaid it shall be lawful for the Commissioners from Time to Time to make such Bye Laws as they shall think fit, and for all or any of the following Purposes; (that is to say,)

For regulating the Conduct of the Owners and Drivers thereof respectively in their several Employments:

For regulating the Hours within which they may exercise their Calling:

For regulating the Numbers of such Hackney Coaches or other Carriages:

For regulating the Number of Persons to be carried by such Coaches or other Carriages, and what Number of Horses or other Animals are to draw the same:

For fixing and altering the Stands of such Coaches or other Carriages, and the Distance to which such Hackney Coachmen or Persons attending the Carriages shall be obliged to drive, not exceeding Five Miles from the present Parish Church of *Weston-super-Mare*:

For fixing and altering the Stands of any Saddle Horses, Asses, or other Animals let to Hire:

For fixing the Rates or Fares to be paid for such Hackney Coaches:

For punishing the Misconduct of Hackney Coachmen and Persons attending such Carriages, whether in the Way of Imposition, by demanding or receiving more than the regular Fare, or otherwise:

And the Commissioners may, from Time to Time as they shall think fit, repeal any such Bye Laws, and make others in their Stead, provided such Bye Laws be not repugnant to the Laws of *England* or the Provisions of this Act, and be signed by Three of the Commissioners, and be printed and published as herein-after mentioned.

Bye Laws may be enforced by Penalties.

CCLXV. And be it enacted, That it shall be lawful for the Commissioners by the Bye Laws so to be made by them to impose such reasonable Penalties for enforcing the better Observance thereof as they shall think fit, not exceeding Five Pounds for any One Offence: Provided always, that such Bye Laws shall be so framed as to allow the Justices before whom any Penalty imposed thereby may be sought to be recovered to order the Whole or Part only of such Penalty to be recovered.

Bye Laws to be previously confirmed at Quarter Sessions.

CCLXVI. And be it enacted, That no Bye Law to be made in pursuance of this Act (except such as may relate solely to the Commissioners, or to their Officers or Servants,) shall come into operation until the same shall be allowed by the Court of Quarter Sessions of the County of *Somerset*; and it shall be incumbent on the said Court, on the Request of the Commissioners, to examine into the Bye Laws which may be tendered to them for that Purpose, and to allow of or disallow the same, as to them may seem meet: Provided always, that no such Bye Laws shall be confirmed unless Notice of the Intention to apply for a Confirmation of the same shall have

have been given in One or more Newspapers of the County of *Somerset* One Month at least before the hearing of such Application; and any Party aggrieved by any such Bye Law, on giving Notice of the Nature of his Objection to the Commissioners Ten Days before the hearing of such Application, may, by himself, his Attorney or Agent, be heard thereon, but not so as to allow more than One Party to be heard upon the same Matter of Objection.

Bye Laws to be open for Inspeetion One Month previous to Application for Confirmation.

CCLXVII. Provided always, and be it enacted, That for One Month at least prior to any such Application for Confirmation of such Bye Laws a Copy of such proposed Bye Laws shall be kept at the principal Office of the Commissioners; and it shall be lawful for all Persons at all reasonable Times to inspect such Copy, without Fee or Reward, and to be furnished by the Commissioners with a Copy thereof or of any Part thereof, on Payment of Sixpence for every One hundred Words so to be copied.

Publication of Bye Laws.

CCLXVIII. And be it enacted, That a Copy of every such Bye Law shall be painted on Boards, and affixed in One of the Market-places of the Commissioners, and such Boards shall be renewed from Time to Time, and shall be open to Inspection, without Fee or Reward; and in case the said Clerk shall not permit the same to be inspected at all reasonable Times he shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Bye Laws to be binding on all Parties.

CCLXIX. And be it enacted, That such Bye Laws, when so confirmed, published, and affixed, shall be binding upon and be observed by all Persons whomsoever, and shall be sufficient to justify all Persons acting under the same.

Proof of making Publication of Bye Laws.

CCLXX. And be it enacted, That the Production of a written or printed Copy of the Bye Laws, authenticated by the Signature of the Chairman of the Court which shall have approved of the same, shall be Evidence of the Existence and due making of such Bye Laws in all Cases of Prosecution under the same, without adducing Proof of such Signature; and with respect to the Proof of the Publication of any such Bye Laws, it shall be sufficient to prove that a painted Board containing a Copy thereof was affixed and continued in manner by this Act directed, and in case of its afterwards being displaced or damaged, that such Board was replaced or restored as soon as conveniently might be, unless Proof be adduced by the Party complained against that such painted Board did not contain a Copy of such Bye Laws, or was not duly affixed or generally continued as directed by this Act.

Penalty for damaging Boards fixed for Publication of Bye Laws.

CCLXXI. And be it enacted, That if any Person shall pull down or destroy, damage or deface, any Board fixed in any Office in pursuance of this Act, for the Publication of the Bye Laws of the Commissioners, he shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, and every Person doing any such Damage shall also be liable to pay for or make good all Damage done, and the Expences occasioned thereby.

CCLXXII. And

Appointment of Constables.

CCLXXII. And be it enacted, That the Commissioners shall from Time to Time appoint and employ such Number of Constables and other Officers as they shall judge necessary for the proper Protection of the Inhabitants and Property within the Limits of this Act, and shall allow them such Salaries or Wages as they shall think proper; and it shall be lawful for the Commissioners from Time to Time to remove any such Constables and Officers as they shall think fit.

Power to Commissioners to provide Offices, Watch-houses, &c.

CCLXXIII. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to purchase or rent from any Person any Buildings or Land, and to convert such Buildings into or to build on such Land, Offices, Watch-houses, Lock-up Houses, and other Places necessary for the Purposes of this Act, with all proper Conveniences thereto, and to repair the same from Time to Time, and to furnish and fit up the same, and to employ proper Persons to take care thereof.

Constables to be sworn in.

CCLXXIV. And be it enacted, That it shall be lawful for any Justice to swear in as Constables any Persons so appointed and employed; and the Constables and Officers so sworn in shall have, not only within the Limits of this Act, but within One Mile thereof, the like Powers, and shall be subject to the like Penalties and Forfeitures, as any Constables have or are subject to by the Law of *England*.

Power to Justices to dismiss Constables.

CCLXXV. And be it enacted, That it shall be lawful for any Two Justices to dismiss or suspend, for Neglect of Duty, any Constable or Officer appointed under this Act; and no Person so suspended or dismissed shall be re-appointed, except with the Consent of Two Justices; and when any Person shall be so dismissed or suspended all Powers vested in him as a Constable shall cease or be suspended.

Regulations of the Commissioners to be observed, under a Penalty.

CCLXXVI. And be it enacted, That it shall be lawful for the Commissioners to make such Rules and Orders as they shall think fit, for regulating the Conduct of the said Constables and Officers; and if any such Constable or other Officer shall not faithfully observe and perform such Rules and Orders, he shall forfeit for every such Offence any Sum not exceeding Forty Shillings, and if the Commissioners shall think proper, shall also be immediately discharged from his Office or Employment.

Duties of Constables.

CCLXXVII. And be it enacted, That such Constables and Officers shall keep Watch and Ward within the Limits of this Act, or within One Mile thereof, and shall use their utmost Endeavours to prevent any Mischief by Fire, and all Felonies, Misdemeanors, and Breaches of the Peace; and it shall be lawful for them to arrest and detain in some convenient Place of Security within the Limits of this Act, to be provided by the Commissioners for that Purpose, all Felons, and all loose, idle, and disorderly Persons whom they shall find disturbing the public Peace, and whom they shall have good Reason to suspect of having committed or being about to commit any Felony, Misdemeanor, or Breach of the Peace, and all Persons whom they shall find between Sunset and the Hour of Eight in the

Morning, loitering in any Street, and not giving a satisfactory Account of themselves; and the Persons so arrested shall be taken, as soon as conveniently may be, before some Justice, to be examined and dealt with according to Law: Provided always, that no Person so arrested shall be detained in Custody by any Constable or other Officer longer than Twenty-four Hours.

Penalty for Neglect of Duty.

CCLXXVIII. And be it enacted, That every such Constable or other Officer as aforesaid who shall be guilty of any Neglect or Violation of his Duty as a Constable shall be liable to a Penalty of not more than Five Pounds, or, in the Discretion of the Justice before whom he may be convicted, may lawfully be imprisoned, with or without hard Labour, for any Time not exceeding One Month.

Power to Constables to take Recognizances.

CCLXXIX. And be it enacted, That whenever any Person charged with any Offence not amounting to a Felony, and of which he shall be liable to be summarily convicted before a Justice, shall be, without the Warrant of a Justice, in the Custody of any Officer of the Commissioners who shall have been sworn in as a Constable as aforesaid, it shall be lawful for such Officer, if he shall deem it prudent so to do, but in such Cases only in which the Offender cannot be conveniently taken before a Justice, to take the Recognizance of such Person, with or without Sureties, conditioned as herein-after mentioned.

Form of Recognizance.

CCLXXX. And be it enacted, That every Recognizance so taken shall be taken without Fee or Reward, and shall be conditioned for the Appearance of the Person thereby bound before a Justice, at a certain Day not later than Seven Days from the Date of such Recognizance, and the Time and Place of such Appearance shall be specified in the Recognizance.

Recognizance to be registered, and returned to the Justice.

CCLXXXI. And be it enacted, That the Officer taking any such Recognizance shall enter in a Book to be kept for that Purpose the Name, Residence, and Occupation of the Party and his Sureties (if any) entering into such Recognizance, together with the Condition thereof, and the Sum thereby acknowledged, and shall return every such Recognizance to the Justice at the Time and Place when and where the Party is bound to appear; and every such Recognizance shall have the like Force and Effect as if the same had been taken before a Justice.

Rewards to Constables.

CCLXXXII. And be it enacted, That it shall be lawful for the Commissioners to allow to any such Constable or Officer such Gratuities and Rewards for apprehending Felons and other Offenders as to them shall seem proper, and to defray the Expence of prosecuting any Felons or Offenders, and of defending any such Constable or Officer in the Execution of his Duty, and to give such Rewards or Compensation to any such Constable or Officer as may be disabled in the Execution of his Duty, or worn out by Length of Service, as the Commissioners shall think reasonable.

CCLXXXIII. And

Penalty on Persons assaulting Constables.

CCLXXXIII. And be it enacted, That every Person who shall assault or resist any such Constable or Officer in the Execution of his Duty, or who shall aid or incite any Person so to assault or resist, shall for every such Offence be liable to a Penalty not exceeding Five Pounds, or, in the Discretion of the Justice before whom he is convicted, may be imprisoned for any Term not exceeding One Month.

Penalty on Victuallers harbouring Constables during the Time of Duty.

CCLXXXIV. And be it enacted, That if any Victualler or Keeper of any Public House, or Person licensed to sell Beer, Ale, Porter, Cider, or Perry, shall knowingly harbour or entertain or suffer to remain in his Public House or Place wherein he shall carry on his Business, any Watchman or Officer, during any Part of the Time appointed for his being on Duty (unless such Watchman or Officer shall be there for the Purpose of quelling any Disturbance, or restoring Order or Peace in such House), such Victualler, Public House Keeper, or licensed Person, so offending, shall, on Conviction, forfeit for every such Offence a Sum not exceeding Twenty Shillings, together with the Costs of the Conviction.

Penalty on Coffee Shop Keepers harbouring disorderly Persons.

CCLXXXV. And be it enacted, That every Person having or keeping a House, Shop, Room, Cellar, or Vault within the Limits of this Act, wherein ready-made Tea or Coffee, or Refreshments or Provisions of any Kind, shall be drunk, used, or consumed, (whether the same shall be kept or retailed therein, or brought or procured elsewhere,) who shall knowingly permit or suffer common Prostitutes, reputed Thieves, or drunken or idle and disorderly Persons, to assemble at and continue in his House, Shop, Room, Cellar, or Vault, or to play at any Game with Cards or Dice therein, shall for every such Offence be liable to a Penalty not exceeding Ten Pounds.

The Houses of convicted Coffee Shop Keepers to be open to Police at all Times.

CCLXXXVI. And be it enacted, That it shall be lawful for all Constables and Officers of Police appointed under this Act at all Times to enter into any House, Shop, Room, Cellar, or Vault within the Limits of this Act where ready-made Tea or Coffee, or Refreshments or Provisions of any Kind, shall be so drunk, used, or consumed as aforesaid, the Owner or Keeper of which House, Shop, Room, Cellar, or Vault shall within Twelve Months previous to such Entry have been convicted of knowing, permitting, or suffering common Prostitutes, reputed Thieves, or drunken or idle and disorderly Persons, to assemble at the same, and continue therein, or to play therein at any Game with Cards or Dice; and if any Person having or keeping any such House, Shop, Room, Cellar, or Vault, or any Servant or other Person in his Employ or by his Direction, shall in such Case refuse to admit, or shall not, on Application, admit such Constable or Officer into such House, Shop, Room, Cellar, or Vault, or upon such Premises, every Person so offending shall for every Offence forfeit a Sum not exceeding Forty Shillings.

Power to levy Rates.

CCLXXXVII. And in order to raise Money for carrying the several Purposes of this Act into execution, be it enacted, That it shall be lawful for the Commissioners, once in every Year after the passing of this Act, to be computed from the First *Friday* in *July*, or oftener

oftener if they shall think it necessary, to make One or more equal Rate or Rates, Assessment or Assessments, to be signed by Three of the Commissioners, upon the Occupiers of all Houses, Shops, Workshops, Warehouses, Coach-houses, Offices, Cellars, Buildings, Ship Yards, Timber Yards, Brick Fields, Brick Yards, Tan Yards, Docks, Wharfs, Staiths, Gardens, Lands, Tenements, Hereditaments, or other Property whatsoever within the Limits of this Act, for or in respect of which the Person in the Occupation thereof shall for the Time being be rated or assessed to the Relief of the Poor of the Parish of *Weston-super-Mare*.

Proportion at which certain Properties shall be rated.

CCLXXXVIII. Provided always, and be it enacted, That the Owners and Occupiers of Houses, Buildings, and Property other than Land, except the Owners and Occupiers of the Houses, Tenements, and Land called or known by the Name of *Knightstone*, situate within the said Parish of *Weston-super-Mare*, now claimed to belong to the Trustees of the late *Edward Long Fox* Doctor of Medicine, and the Owners and Occupiers of all and every the Lands and Hereditaments claimed to belong to *William Cox* Esquire, and the Trustees of Mrs. *Ann Smyth Pigott*, respectively, which are situate, lying and being to the West of certain Boundary Stones extending in a straight Line from the Wall of *Weston Hill* in the Parish of *Weston-super-Mare* aforesaid to the Commencement of the Southern Wall of the Road or Causeway leading to *Knightstone* aforesaid, and also all Houses, Tenements, Erections, and Buildings whatsoever now or to be at any Time hereafter erected and built on any or either of the said Lands last herein-before mentioned, and which from their respective Situations will not derive, under the Provisions of this Act, the same Benefit as the other Property within the Limits of this Act, shall be rated at and pay a Rate in the Pound Three Times greater than that at which the Owners and Occupiers of such respective Properties so claimed to belong to the said Trustees of the said *Edward Long Fox*, the said *William Cox*, and the said Trustees of the said *Ann Smyth Pigott*, and of Land, shall be rated at and pay for the Purposes of this Act.

Rate not to exceed 2*s.* in the Pound.

The Property herein mentioned may be rated, on Request of Owners, &c.

CCLXXXIX. And be it enacted, That such Rates or Assessments shall not exceed in any One Year the Sum of Two Shillings in the Pound on the annual Value of Houses, Buildings, and Property other than Land, except as is herein-after provided: Provided nevertheless, that on Request in Writing being made to the Commissioners by the Owners and Occupiers for the Time being of such respective Properties so claimed to belong to the said Trustees of the said *Edward Long Fox*, the said *William Cox*, and the Trustees of the said *Ann Smyth Pigott*, or of any Part thereof, it shall be lawful for the Commissioners and they are hereby required to rate the Owners and Occupiers of such respective Properties, or of such Part thereof as shall be included in such Request, at the same Rate in the Pound as the Owners and Occupiers of any Houses, Buildings, and Property within the Limits of this Act are rated; but until they shall be rated as last aforesaid it shall not be lawful for the said Commissioners to lay out or expend any Money raised by virtue of this Act in the lighting, paving, or draining any of such last-mentioned Property.

CCXC. Pro-

Houses more than 150 Yards from a Lamp Post rated as Land only.

CCXC. Provided also, and be it enacted, That the Owner or Occupier of any House situate at a greater Distance than One hundred and fifty Yards from a Lamp Post shall be rated, for the Purposes of this Act, in respect of such House as if he were the Owner or Occupier of Land only.

Notice of Rate to be given.

CCXCI. And be it enacted, That no Rate to be made under the Authority of this Act shall be valid unless Notice of the Intention of making such Rate, and of the Time at which the same is intended to be made, and of the Place where a Statement of the proposed Rate shall be deposited for Inspection, shall be given by the Commissioners by Advertisement Twice in some Newspaper printed or circulated within the Limits of this Act, immediately previous to such Rate being made, or as nearly so as may be.

Rate to be open to Inspection of Rate-payers.

CCXCII. And be it enacted, That immediately after any Rate shall be made the same shall be open to the Inspection of any Person rated in such Rate at all seasonable Times, and any such Persons may take Copies or Extracts from such Rate without paying any thing for the same; and if the Person having the Custody of such Rate shall refuse to or shall not permit any Person so rated as aforesaid to take Copies or Extracts from such Rate, he shall forfeit for every such Offence any Sum not exceeding Five Pounds.

Rates to be made and published in the same Manner as Poor Rates.

CCXCIII. And be it enacted, That every Rate made under this Act shall be made in the same Form and contain the same Particulars as is now or shall for the Time being be by Law required in Rates made for the Relief of the Poor, and shall be allowed by Two Justices, and published in like Manner as Poor Rates are by Law allowed and published.

Annual Rate may be increased by Consent of a General Meeting of Rate-payers.

CCXCIV. And be it enacted, That if it shall at any Time appear that the said Sum of Two Shillings in the Pound is not sufficient for the Purposes aforesaid, it shall be lawful for the Commissioners, with the Consent of the Majority of Rate-payers assembled at the annual Meeting for the Settlement of Accounts, to increase the Rates, so as the same do not in any One Year exceed the Sum of Two Shillings and Sixpence in the Pound on such annual Value as last aforesaid: Provided always, that Notice of the Intention of the Commissioners to make any such Increase shall be given by them, One Month previous to such annual Meeting, by Advertisement in some Newspaper printed or circulated within the Limits of this Act.

Land and Houses to be rated separately.

CCXCV. Provided always, and be it enacted, That it shall be lawful for the Commissioners and they are hereby required, whenever according to the Rate made for the Relief of the Poor one and the same Person shall be rated in one Sum in respect of Land, and also of Houses, Buildings, and other Property, to cause such Land, and also such Houses, Buildings, and other Property, to be separately assessed, and the Amount of Rate hereby authorized to be levied shall be assessed accordingly: Provided always, that every Court-yard or Garden (such Garden not being a Market Garden) shall be included in and made Part of the Assessment to be made on the House,

Buildings, or other Property to which they may be respectively attached, and such Rate shall be signed by Three of the Commissioners and their Clerk, instead of the Churchwardens and Overseers (as is by Law required in case of a Poor Rate).

Rates to be vested in the Commissioners.

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

Value of Property to be according to Poor Rate.

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

Poor Rates to be open to Inspection by Commissioners.

CCXCVIII. And be it enacted, That it shall be lawful for the Commissioners, or for any Person by them authorized, from Time to Time to inspect the several Poor Rates for the Parish of *Weston-super-Mare*, and the Assessments by which the same are made, and to take Copies of or Extracts therefrom respectively; and if any Person having the Custody of such Rates or Assessments shall not suffer the Commissioners, or any Person authorized by them, to inspect the same, or take Copies thereof or Extracts therefrom, he shall forfeit a Sum not exceeding Forty Shillings for every such Offence.

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

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

Valuer to make a Declaration previous to acting.

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

Net annual Value.

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

Rate Books to be Evidence.

CCCII. And be it enacted, That the Books of Rates of the Commissioners, and all Entries made therein in manner by this Act directed,

directed, shall be received as Evidence of the Rates imposed by virtue of this Act.

Rates may be amended.

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

Occupiers may be rated, if they think fit.

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

Appeal to Special Sessions on the Ground of Inequality of Rates, &c.

CCCV. And be it enacted, That if any Person shall think himself aggrieved by any Rate on the Ground of Inequality, Unfairness, or Incorrectness of the Valuation of any rateable Property included therein, he may appeal to the Justices at any Special Sessions which may be holden for the Purpose of determining any Appeals against the Poor Rates; but no such Appeal shall be entertained unless Notice of the Objection in Writing shall have been given to the Party appealed against Seven Days at least before the Day appointed for such Special Sessions.

Determination of Special Sessions to be final unless appealed from.

CCCVI. And be it enacted, That the Justices assembled at any Special Sessions for which any such Notice of Appeal shall have been given, or at any Adjournment thereof, shall hear and determine all such Appeals; and the Determination of such Justices shall be final, unless the same be appealed from in manner herein-after mentioned: Provided always, that it shall not be lawful for the Justices in such Special Sessions assembled to inquire into the Liability of any Property to be rated, but only into the true Value thereof, and the Fairness of the Amount at which the same may be rated, nor shall any Order of such Justices be of any Force pending an Appeal concerning the same Matter to the Court of General or Quarter Sessions, or in opposition to the Order of such Court upon any such Appeal.

Parties may appeal to Quarter Ses-

CCCVII. And be it enacted, That if any Person shall think himself aggrieved by any Rate made under the Authority of this Act, or by any

sions against Rate, &c.

any Matters included in or omitted from the same, or by any Determination of the Justices in Special Sessions assembled, he may appeal to the next General or Quarter Sessions; but no such Appeal against the Rate, or any Matter contained in or omitted from the same, shall be entertained at such General or Quarter Sessions, unless reasonable Notice in Writing of such Appeal, stating the Nature and Ground thereof, be given to the Commissioners, but the same shall be adjourned to the next General Quarter Sessions; nor shall any Appeal against the Determination of the Justices in Special Sessions assembled be entertained unless the Party appealing against such Determination shall, within Fourteen Days after the same shall have been made, give Notice in Writing of such Appeal, stating the Matter or Cause thereof, to the Party in whose Favour such Determination shall have been made, and within Five Days after such Notice shall enter into a Recognizance before some Justice, with sufficient Sureties, conditioned to try the same at the then next General or Quarter Sessions, and to abide the Order of such Court, and to pay such Costs as shall be awarded at such General or Quarter Sessions or any Adjournment thereof.

Court of Quarter Sessions to make such Order as they think reasonable.

CCCVIII. And be it enacted, That at the General or Quarter Sessions for which any such Notice of Appeal shall be given the Court shall proceed to hear and determine the Appeal in a summary Way, except when the Court are hereby directed to adjourn the same, and except when the Court shall think fit to adjourn the Appeal to the following Sessions, which they are hereby authorized to do, and in all such Cases the Court shall hear and determine the Appeal at such last-mentioned Sessions.

On Appeal, Quarter Sessions and Special Sessions to have same Power of amending and quashing Rates, and of awarding Costs, as in Appeals against Poor Rates.

CCCIX. And be it enacted, That the Court of Quarter Sessions and the Justices in Special Sessions assembled respectively shall in any Appeal against any Rate made under the Authority of this Act have the same Powers of amending or quashing such Rates as are by Law vested in them respectively for amending or quashing the Rates for the Relief of the Poor within the several Jurisdictions upon Appeals against such Rates, and shall likewise have respectively, in any Appeal against any Rate made under the Authority of this Act, the same Powers of awarding Costs to be paid by or to any of the Parties to an Appeal, and of recovering such Costs, as are now vested in them respectively for awarding and recovering Costs in an Appeal against any Rate for the Relief of the Poor within their several Jurisdictions.

Liability to Rates not to disqualify Witnesses or Justices.

CCCX. And be it enacted, That no Person, although liable to the Payment of Money towards the Rates authorized to be raised under this Act, shall by reason thereof be deemed to be an incompetent Witness in any Proceeding before a Court of Justice under this Act, or be disabled to act as a Justice in the Execution of the same.

Rates to be recovered by Action or by Distress.

CCCXI. And be it enacted, That if any Person rated under the Authority of this Act shall not pay any of the said Rates due from him for the Space of Fourteen Days after Demand thereof in Writing by the Commissioners or their Collector, it shall be lawful for the Com-

Commissioners to recover the same by Action of Debt in any of Her Majesty's Courts of Record at *Westminster*, or any Justice shall, on the Application of the Commissioners or their Collector, summon any such Person to appear before him, at a Time to be mentioned in the Summons, to show Cause why the Rates due from him should not be paid, and in case no sufficient Cause for the Nonpayment of such Rate shall be shown accordingly, the same shall be levied by Distress, and such Justice shall issue his Warrant accordingly.

Form of Warrant of Distress.

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

Constables to assist in making Distress.

CCCXIII. And be it enacted, That in all Cases where a Distress is hereby authorized to be made every Constable authorized by the Warrant to levy any Sum mentioned therein shall, upon being required by a Collector of the Rates, aid in making a Distress or Sale pursuant to such Warrant; and every Constable who shall refuse to do so shall be liable to a Penalty not exceeding Five Pounds.

Power to Commissioners or Justices to remit Rate.

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

Owners to pay the Rates in certain Cases.

CCCXV. And be it enacted, That the Owners of all rateable Property within the Limits of this Act, the yearly Rent or Value whereof respectively shall not exceed Twenty Pounds, or which shall be let to weekly or monthly Tenants, or in separate Apartments, shall be rated to and pay the Rates by this Act directed to be made, instead of the Occupiers thereof.

Not necessary to name the Owner, where unknown.

CCCXVI. And be it enacted, That whenever the Name of any such Owner shall not be known to the Commissioners, or to the Person making the Rates, it shall be sufficient to rate such Owner in the Rate Book of the Commissioners as the Owner of the Property to be rated by the Designation of "the Owner," without stating his Name.

Receiver of Rents to be deemed the Owner.

CCCXVII. And in order to prevent any Dispute touching the Word "Owner" for the Purposes of rating under the Authority of this Act, be it enacted, That the Person receiving the Rents of any rateable Property within the Limits of this Act from the Occupier thereof, on his own Account or as Agent for any other Person, shall be deemed the "Owner" of the same for the Purposes of such Rating.

Tenants under existing Leases to repay the Owner.

CCCXVIII. Provided always, and be it enacted, That when any Owner shall be rated in respect of any rateable Property which shall be in the Occupation of a Tenant under any Lease or Agreement made prior to the passing of this Act, such Tenant shall repay to the Owner all

all Sums which shall be paid by the Owner on account of any Rates made under this Act during the Continuance of such Lease, unless it shall have been agreed that the Owner shall pay all Rates in respect of such Property.

In default of Owner for Six Months, Occupier to pay.

CCCXIX. And be it enacted, That when the Owner of any rateable Property shall have been rated in respect thereof, and the Rate shall have been unpaid for Six Months, it shall be lawful for the Commissioners or their Collector to recover the Amount of such Rate from the Occupier of such rateable Property by the same Means as the same might have been recovered if such Occupier had been rated thereto: Provided always, that no Occupier shall be required to pay, nor shall his Goods and Chattels be distrained for, any further Sum than the Amount of Rent due from him at the Time when he shall have been required to pay, or of the issuing of the Warrant of Distress, unless he shall refuse to disclose the Amount of the Rent due from him, on Application being made to him for that Purpose.

Owner to repay the Occupier.

CCCXX. And be it enacted, That if the Amount of any Rate which under the Provisions herein-before contained ought to be borne by the Owner of any rateable Property shall be paid by the Occupier of such Property, or levied on his Goods and Chattels, the Owner shall reimburse the Occupier; and it shall be lawful for such Occupier to deduct the Sums paid or levied, together with the Costs of the Distress, if any, paid by him from the Rent due or to become due from him to such Owner.

Remedy against Persons quitting before Payment of Rates.

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

Rates to be apportioned on Holder quitting.

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

CCCXXIII. And

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

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

Application of the Rates.

CCCXXIV. And be it enacted, That the Money which shall arise from the said Rates, and all Money for the Supply of Gas or other Money to be received by the Commissioners under this Act, shall be applied, in the first place, in paying the Expences of obtaining and passing this Act or incident thereto, and then in Payment of the Interest of all Monies borrowed on Mortgage of the said Rates, and of the Annuities granted by virtue of this Act, and afterwards in defraying the Expences of paving, cleansing, watering, draining, lighting, and watching the several Streets within the Limits of this Act, and of improving the same, and carrying the several Purposes of this Act into execution, and in paying off the Principal Sums borrowed on the Credit of the Rates, in such Order as the Commissioners shall direct.

Justice may administer an Oath.

CCCXXV. And be it enacted, That any Justice may administer an Oath to any Person appearing as a Witness before him in any Matter of which he shall have Cognizance by means of this Act.

Damages to be ascertained with the Penalty.

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

Provision for Damages not otherwise provided for.

CCCXXVII. And for the Purpose of providing for the Recovery of any Compensation for any Land, or for any Injury to any Land or other Property, or Person, or for any Expences, Charges, or Damages which shall be payable under this Act, and for the Recovery of which no Method is herein provided, be it enacted, That in all such Cases the Amount of the Compensation, Charges, or Damages by this Act directed or authorized to be paid shall, in case of Nonpayment thereof, or of any Dispute about the same, be ascertained and determined by Two or more Justices, and the same shall be levied by Distress.

For ascertaining Compensation.

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

such Compensation, Expences, Charges, or Damages, and to determine the same.

Recovery of Money from Commissioners.

CCCXXIX. And with respect to any Money under the Provisions of this Act adjudged to be paid by the Commissioners, for which no other Mode of proceeding is hereby prescribed, be it enacted, That if such Money be not paid by the Commissioners to the Party entitled to receive the same within Twenty-one Days after Demand thereof in Writing, stating the Order of the Justices for the Payment of such Money, the Amount shall be recovered by Distress of the Goods of the Commissioners, and if no sufficient Goods of the Commissioners can be found, by Distress of the Goods of the Treasurer of the Commissioners, but no such Distress shall issue against the Goods of such Treasurer, unless Seven Days previous Notice in Writing, stating the Amount so due, and demanding Payment thereof, shall have been given to such Treasurer, or left at his usual Place of Abode.

Reimbursement of Treasurer.

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

Penalties to be summarily recovered before One Justice or more.

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

Penalties to be levied by Distress.

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

CCCXXXIII. And

Imprisonment in default of Distress.

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

Application of Penalties.

CCCXXXIV. And with respect to the Application of any Penalties or Forfeitures recovered by virtue of this Act the Application whereof is not herein otherwise provided for, be it enacted, That the Justices by whom any such Penalty or Forfeiture shall be imposed shall award one Half thereof to the Informer, and the other Half to the Commissioners or their Treasurer, to be applied for such Purposes of this Act as the said Commissioners shall order and direct, except in all such Cases where the Penalty or Forfeiture shall be incurred by the said Commissioners, and then the Whole of such Penalty or Forfeiture shall be paid to the Informer.

Penalties to be sued for within Six Months.

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

Damages to be ascertained with the Penalty.

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

Penalty on Witness making default.

CCCXXXVII. And be it enacted, That it shall be lawful for any Justice to summon any Person to appear before him as a Witness in any Matter in which such Justice shall have Jurisdiction under the Provisions of this Act, at a Time and Place mentioned in such Summons, and to administer to him an Oath to testify the Truth in such Matter; and if any Person who shall be summoned as a Witness before any Justice touching any Offence committed against this Act,

or any Matter in which such Justice shall have Jurisdiction by the Provisions of this Act, shall, without any reasonable Excuse, refuse or neglect to appear at the Time and Place appointed for that Purpose, having been paid or tendered a reasonable Sum for his Expences, or if any Person appearing shall refuse to be examined on Oath or to give Evidence before such Justice, every such Person shall forfeit a Sum not exceeding Five Pounds for every such Offence.

Transient Offenders.

CCCXXXVIII. And with respect to Offenders whose Names and Residences are not known, be it enacted, That any Officer or Agent of the Commissioners, and all Persons called by him to his Assistance, may seize and detain any Person who shall have committed any Offence against the Provisions of this Act, and whose Name and Residence shall be unknown to such Officer or Agent, and may convey him with all convenient Dispatch before some Justice, without any Warrant or other Authority than this Act, and such Justice shall proceed with all convenient Dispatch to the hearing and determining of the Complaint against such Offender.

Form of Conviction.

CCCXXXIX. And be it enacted, That the Justices before whom any Person shall be convicted of any Offence against this Act may cause the Conviction to be drawn up according to the Form in the Schedule (H.) to this Act annexed.

Informalities.

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

Distress how to be levied.

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

Distress not to be unlawful for Want of Form.

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

Parties may appeal to Quarter Sessions, on giving Security.

CCCXLIII. And be it enacted, That if any Person shall think himself aggrieved by any Order, Determination, or Adjudication of any Justice, other than the Determination of any Justices in Special Sessions assembled, in an Appeal against any Rate made under the

Authority of this Act, or of the Commissioners under the Provisions of this Act, he may appeal to the General Quarter Sessions; but no such Appeal shall be entertained unless it be made within Four Months next after the making of such Order, Determination, or Adjudication, nor unless Ten Days Notice in Writing of such Appeal, stating the Nature and Grounds thereof, be given to the Party against whom the Appeal shall be brought, nor unless the Appellant forthwith after Notice enter into Recognizances, with Two sufficient Sureties, before a Justice, conditioned duly to prosecute such Appeal, and to abide the Order of the Court thereon.

Court to make such Order on Appeal as they think reasonable.

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

Costs.

Monies advanced for obtaining this Act to be repaid with Interest.

CCCXLV. And be it enacted, That if any Person shall advance, pay, or lend any Money towards defraying the Expence of obtaining and passing this Act, he shall be repaid the same, together with Interest for the same at a Rate not exceeding Five Pounds *per Centum per Annum*, out of the first Monies to be raised by virtue of this Act.

Saving of Manorial Rights.

CCCXLVI. Provided always, and be it enacted, That nothing in this Act contained shall take away, abridge, prejudice, or affect any Manorial or other Rights, Powers, or Privileges of or belonging to the Lord or Lady of the Manor of *Weston-super-Mare*, but that the same shall be held and enjoyed and exercised by him or her, his or her Heirs, the Lords or Ladies of the said Manor for the Time being, in the same Manner as they have hitherto been, any thing herein-before contained to the contrary notwithstanding.

Interpretation of Act.

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

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

Words importing the Masculine Gender only shall include Females:

The Word "Month" shall mean Calendar Month:

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

The Expression "Superior Courts" shall mean Her Majesty's Superior Courts of Record at *Westminster*:

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

The Word "Justice" shall mean Justice of the Peace acting within the Limits of this Act:

The Words "General or Quarter Sessions" shall mean the General or Quarter Sessions of the Peace for the County of *Somerset*:

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

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

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

Public Act.

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

SCHE-

SCHEDULES referred to by the foregoing Act.

SCHEDULE (A.)

Form of Mortgage Deed.

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

SCHEDULE (B.)

Form of Grant of Annuity.

BY virtue of an Act passed, *&c.*, intituled, *&c.*, we, being of the Commissioners appointed by [*or* by virtue of] the said Act, in consideration of the Sum of paid by *A. B.* to the Treasurer to the said Commissioners, do grant unto the said *A. B.* an Annuity or yearly Sum of to be issuing out of the Rates, Tolls, Rents, and Assessments arising by virtue of the said Act, to be paid to the said during the Term of his natural Life, [*or, as the Case may be*, to the said his Executors, Administrators, or Assigns, during the natural Life of or during the natural Lives of and and the Life of the Survivor,] upon the Day of and the Day of in every Year during his natural Life, [*or, as the Case may be*, during the natural Life of the said or of the said and and the Survivor of them,] the First Payment thereof to be made upon the Day of next ensuing the Date hereof. In witness whereof we have hereunto set our Hands and Seals, the Day of in the Year One thousand eight hundred and .

SCHEDULE (C.)

Form of Transfer of Mortgage or Grant of Annuity.

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

SCHEDULE (D.)

Form of Conveyance.

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

SCHE-

SCHEDULE (E.)

Of Houses, inclosed Grounds, &c., referred to in the foregoing Act.

N° on the Plan referred to in this Act.	Parish.	Description and Situation of Property.	Owner or reputed Owner.	Lessee or reputed Lessee.	Occupier.
1.	Weston-super-Mare.	Dwelling House and Premises, "Albion Baths."	John Palmer -	- -	John Palmer.
2.	Ditto -	Orchard at the Bottom of High Street.	John Hugh Smyth Pigott.	Hugh Hodges	William Hoy.
3.	Ditto -	Dwelling House and Butcher's Shop and Garden (High Street).	Ditto - -	Ditto -	William Smart.
4.	Ditto -	Dwelling House (High Street).	Ditto - -	Ditto -	Hugh Hodges.
5.	Ditto -	Shop (High Street) -	Ditto - -	James Collins	James Collins.
6.	Ditto -	Passage (leading from High Street).	Ditto - -	Ditto -	Ditto.
7.	Ditto -	Dwelling House and Shoemaker's Shop (High Street).	James Collins -	- -	Ditto.
8.	Ditto -	Garden or Plot of Ground in front of Dwelling House (High Street).	William Norvill -	- -	William Norvill.
9.	Ditto -	Garden or Plot of Ground in front of Dwelling House (High Street).	James Norvill -	- -	James Norvill.
10.	Ditto -	Plot of Ground in front of Dwelling House (High Street).	John Gregory -	- -	Mary Ann Cooper.
11.	Ditto -	Ditto - Ditto -	Matthew Day -	- -	Matthew Day.
12.	Ditto -	Pasture Land (High (Street).	Representatives of the late William Cox, deceased.	- -	John Sperrin.
13.	Ditto -	Plot of Ground in front of Independent Chapel (High Street).	John Hopkins -	-	John Hopkins.
14.	Ditto -	Court and Passage in front of Dwelling House (High Street).	Joseph Garland -	- -	John Light.
15.	Ditto -	Court and Plot of Ground in front of Dwelling House (High Street).	William Hurst -	- -	William Hurst.
16.	Ditto -	Druggist's Shop (High Street).	Edmund Ensor -	- -	Edmund Ensor.
17.	Ditto -	Plot of Ground in front of Dwelling House and Garden (High Street).	Ditto - -	- -	Ditto.
18.	Ditto -	Court or Plot of Ground in front of Dwelling House (N°. 1, Sea View).	Robert Andrew -	- -	Robert Andrew.
19.	Ditto -	Ditto (N°. 2, Sea View)	Ditto - -	- -	Ditto.

Nº on the Plan referred to in this Act.	Parish.	Description and Situation of Property.	Owner or reputed Owner.	Lessee or reputed Lessee.	Occupier.
20.	Weston-super-Mare.	Court or Plot of Ground in front of Dwelling House (Nº. 3, Sea View).	William Harwood junior	- -	Rachel Goode.
21.	Ditto -	Ditto (Nº. 4, Sea View)	Ditto - -	- -	Hannah Shoyr.
22.	Ditto -	Ditto (Nº. 5, Sea View)	Ditto - -	- -	Henry Langdon.
23.	Ditto -	Ditto (Nº. 6, Sea View)	Ditto - -	- -	Anna Hemmans.
24.	Ditto -	Ditto (Nº. 7, Sea View)	Elizabeth Roberts	- -	Elizabeth Roberts.
25.	Ditto -	Ditto (Nº. 8, Sea View)	Mary Oliver -	- -	Mary Oliver.
26.	Ditto -	Ditto (Nº. 9, Sea View)	Ditto.		
27.	Ditto -	Druggist's Shop, (Nº. 10, Sea View).	James Gordon -	- -	James Gordon.
28.	Ditto -	Passage (leading from Street).	John Reeve and James Gordon.	- -	John Reeve and James Gordon.
29.	Ditto -	Pastrycook's Shop, Nº. 1, Belle Vue.	John Reeve -	- -	Frederick Cooper.
30.	Ditto -	Court or Plot of Ground in front of Dwelling House, Nº. 2, Belle Vue.	Ditto - -	- -	Ann Cooper.
31.	Ditto -	Court or Plot of Ground in front of Dwelling House, Nº. 3, Belle Vue.	Ditto - -	- -	Void.
32.	Ditto -	Court or Plot of Ground in front of Dwelling House (Waterloo House).	Representatives of the late William Cox, deceased.	- -	Mark Harding.
33.	Ditto -	Dwelling House in High Street.	Ditto - -	- -	George Norvill and Sarah Cox.
34.	Ditto -	Dwelling House and Shop in High Street.	Ditto - -	- -	Robert Scott and Matilda Pimm.
35.	Ditto -	Ditto - -	Jane Jones -	- -	Joel Fisher.
36.	Ditto -	Ditto - -	Ditto - -	- -	Mary Hodges.
37.	Ditto -	Ditto - -	Silvester Jones -	- -	John Muggleworth.
38.	Ditto -	Ditto - -	Ditto - -	- -	George Beall
39.	Ditto -	Public Pathway leading from High Street.	Waywardens of the Parish.		
40.	Ditto -	Stable-yard, Stables, and Coach-houses.	Representatives of the late Dr. Fox.	- -	Dr. Francis Ker Fox.
41.	Ditto -	Stable, Coach-house, Yard, and Passage.	Charles Whitting	- -	James Hurley.
42.	Ditto -	Cottage and Court-yard.	Ditto - -	- -	Ann Haberfield.
43.	Ditto -	Ditto - -	Ditto - -	- -	John Knight.
44.	Ditto -	Garden Ground, Worthy Place.	Jane Jones -	- -	John Weeks.
45.	Ditto -	Ditto - Ditto -	Silvester Jones -	- -	Silvester Jones.
46.	Ditto -	Ditto - Ditto -	John Hugh Smyth Pigott.	- -	F. H. Synge.
47.	Ditto -	Barton, Worthy Place	Ditto - -	- -	Ditto.
48.	Ditto -	Plot of Ground in front of Dwelling House (Nº. 1, Somerset Place).	Charles Whitting	- -	William Seagrim
49.	Ditto -	Court or Plot of Ground in front of Dwelling House (Nº. 2, Somerset Place).	Ditto - -	- -	Eliza Violett.

N° on the Plan referred to in this Act.	Parish.	Description and Situation of Property.	Owner or reputed Owner.	Lessee or reputed Lessee.	Occupier.
50.	Weston-super-Mare.	Court or Plot of Ground in front of Dwelling House (N°. 3, Somerset Place).	James Burnett -	- -	James Burnett.
51.	Ditto -	Court or Plot of Ground in front of Dwelling House (N°. 4, Somerset Place).	Arthur Bishop -	- -	Jane Tanner.
52.	Ditto -	Court or Plot of Ground in front of Dwelling House (N°. 5, Somerset Place).	Richard Parsley -	- -	John Lawrence.
53.	Ditto -	Entrance Way to Market.	Ditto - -	- -	Richard Parsley.
54.	Ditto -	The Market -	Ditto - -	- -	Ditto.
55.	Ditto -	Court or Plot of Ground in front of Dwelling House (N°. 6, Somerset Place).	Ditto - -	- -	George Gill.
56. 57. and 58.	Ditto -	Garden, Court, and Passage in High Street.	John Maunder -	- -	John Maunder.
59.	Ditto -	Dwelling House and Shop in High Street.	John Howe -	- -	Robert Billinge.
60.	Ditto -	Dwelling House and Shop.	Edward Suart -	- -	Samuel Serle.
61.	Ditto -	Hotel Field - -	John Reeve -	- -	John Reeve.
62.	Ditto -	Pasture Land and Roadway.	John Fisher -	- -	John Fisher.
63.	Ditto -	Dwelling House in High Street.	Cornelius Hancock	- -	Evan Shepstone.
64.	Ditto -	Dwelling House and Shop in High Street.	Ditto - -	- -	Richard Cooper.
65.	Ditto -	Garden and Pump in High Street.	Ditto - -	- -	William James.
66.	Ditto -	Dwelling House and Shop in High Street.	Ditto - -	- -	George Lewis and John Hornett.
67.	Ditto -	Passage and Court in front of Dwelling House in High Street.	Ditto - -	- -	Cornelius Hancock.
68.	Ditto -	Dwelling House in High Street.	Ditto - -	- -	Henry Pond.
69.	Ditto -	Dwelling House and Shop in High Street.	Ditto - -	- -	Edward Cross.
70.	Ditto -	Dwelling House and Shop in High Street.	Ditto - -	- -	John Coomes.
71.	Ditto -	Dwelling House and Shop in High Street.	Ditto - -	- -	Jane Jones and Jane Pool.
72.	Ditto -	Dwelling House and Passage in Ditto.	John Gill -	- -	John Keinton.
73.	Ditto -	Dwelling House and Garden in Ditto.	Ditto - -	- -	William Tinklin.
74.	Ditto -	Butcher's Shop in High Street.	Ditto -	- -	William Pursey.
75.	Ditto -	Tailor's Shop in Ditto	Ditto - -	- -	Henry Hansom.

N° on the Plan referred to in this Act.	Parish.	Description and Situation of Property.	Owner or reputed Owner.	Lessee or reputed Lessee.	Occupier.
76.	Weston-super-Mare.	Court or Roadway leading from High Street.	John Harvey -	- -	George Affleck.
77.	Ditto -	Garden Plot in front of Dwelling House (High Street).	Hannah Gould -	- -	John Neathway.
78.	Ditto -	Inclosure in front of Plough Hotel.	William Hoy -	- -	William Hoy.
79.	Ditto -	Dwelling House and Garden (High Street).	Catharine K. Bowen	- -	William Browne.
80.	Ditto -	Court Yard in front of the Swan Inn.	Silvester King -	- -	Silvester King.
81.	Ditto -	Dwelling House and Court in front.	George Nash -	- -	William Muggleworth.
82.	Ditto -	Dwelling House and Court in front.	Ditto - -	- -	George Nash.
83.	Ditto -	Dwelling House, Shop, and Court Yard in front.	Ditto - -	- -	Samuel Hallam.
84.	Ditto -	Dwelling House, Shop, and Court Yard in front.	Ditto - -	- -	Jane Pursey.
85.	Ditto -	Court in front of Dwelling House.	Ditto - -	- -	William Taylor.
86.	Ditto -	Uninclosed Land in front of Dwelling House and Blacksmith's Shop.	George Parker -	- -	George Parker.
87.	Ditto -	Dwelling House -	Thomas Wilcox -	- -	James Dyer.
88.	Ditto -	Ditto - -	Ditto - -	- -	George Stokes.
89.	Ditto -	Ditto - -	Ditto - -	- -	Andrew Huggins.
90.	Ditto -	Ditto (in building) -	Ditto - -	- -	Void.
91.	Ditto -	Ground in front of Cottage.	Richard Jones -	- -	Richard Jones.
92.	Ditto -	Ground in front of Dwelling House.	Henry Ball -	- -	Elizabeth Lawrence.
93.	Ditto -	Ditto - -	Ditto - -	- -	Mary Court.
94.	Ditto -	Uninclosed Land in front of Victoria Inn.	Thomas Locock -	- -	Thomas Locock.
95.	Ditto -	Ground in front of and adjoining Dwelling House.	Richard Parsley -	- -	George Jones.
96.	Ditto -	Hotel in building, Yard, and Premises.	Ditto - -	- -	John Weeks.
97.	Ditto -	Cottage, Garden, and Court.	Mary Taylor -	- -	Mary Taylor.
98.	Ditto -	Dwelling House, Shop, Garden, Yard, and Premises.	Maurice Taylor -	- -	Maurice Taylor.

SCHE-

SCHEDULE (F.)

Tolls payable.

For every covered and uncovered Shed, Stall, Bulk, Block, Trestle, Standing-place, or Station used by any Person for exposing to Sale Flesh Meat, Cheese, Bacon, pickled Pork, Fish, or any other live or dead Victuals, Fruit, Glass, Earthenware, or other Goods, Article, Commodity, or Thing whatsoever, (except as herein otherwise specifically charged,) the following Tolls per Day shall be taken:

Not exceeding Six Feet by Five Feet, Sixpence:
Not exceeding Nine Feet by Five Feet, Nine-pence:
Not exceeding Twelve Feet by Five Feet, One Shilling; and for every Three Feet above, for Stations only, One Penny Halfpenny in addition:
On uncovered Stalls the same Excess of Tolls for an Increase of Width beyond Five Feet as in the Case of covered Stalls.

Carts.

For every Cart used by any Person for exposing or in which shall be exposed to Sale any Article, Commodity, or Thing, the following Tolls per Day:

If drawn by One Horse, Nine-pence; by Two Horses, One Shilling.

Waggons used for the like Purpose, One Shilling and Nine-pence per Day:

If drawn by One Ass, Sixpence; by Two Asses, Nine-pence.

Butter.

For every Basket, Parcel, or Quantity of Butter not exceeding Twelve Pounds Weight, One Penny per Day.
For each additional Six Pounds Weight, One Penny per Day.

Poultry and Pigs.

For Poultry, including Fowls, Chickens, and Ducks, Wild Fowls, Pigeons, and Rabbits; videlicet,

Not exceeding Three Couple, One Penny per Day:
For each additional Three Couple, One Penny per Day.

For every Turkey, Goose, Hog, or Pig, One Penny per Day.

Eggs.

For every Basket, Parcel, or Quantity of Eggs under One Dozen, One Halfpenny.
For each additional Dozen, One Halfpenny.

The

The Cattle Market.

For the Exposure to Sale of Horses, or other Beasts, Cattle, or Pigs, as follows; (that is to say,)
For every Horse, Mare, or Gelding, Four-pence:
For every Colt or Filly, Two-pence:
For every Mule or Ass, One Penny:
For every Bull, Ox, Cow, Heifer, or Steer, Two-pence:
For every Stallion exposed or shown on a Market Day, One Shilling:
For every Calf, One Penny:
For every Score of Sheep or Lambs, Ten-pence:
For every Score of Pigs, Ten-pence:
For every Score of Sucking Pigs, Two-pence:
And so in proportion for any greater or smaller Number; and One or more, not exceeding Five, to be paid for as a Quarter of a Score.

Weighing and Measuring.

For weighing every Piece of Meat or Thing weighing not more than Twenty Pounds Avoirdupois, One Halfpenny.
For weighing every Piece of Meat or Thing weighing more than Twenty Pounds and not exceeding One hundred Pounds, One Penny:
And so in proportion for any greater or smaller Quantity than One hundred Pounds Weight over and above One hundred Pounds Weight.
For measuring every Quantity of Goods and Things sold by Measure, not exceeding One Bushel, One Halfpenny.
For measuring every Quantity more than a Bushel and not exceeding Two Bushels, One Penny:
And for every Bushel beyond Two Bushels, One Halfpenny.

Slaughter-house.

For every Bull, Ox, Cow, Bullock, Steer, or Heifer, One Shilling.
For every Calf, Sixpence.
For every Sheep or Lamb, Three-pence.
For every Hog or Pig, Four-pence.
For any other Beast, One Shilling.

Weighing Machines.

For weighing any Cart, Waggon, or other Carriage not exceeding One Ton, Three-pence:
And so in proportion for any greater or smaller Weight than One Ton.

General Tolls.

For every Basket, Hamper, Parcel, or Quantity of any other Goods, Commodity, Article, or Thing exposed or offered for Sale there, not before specifically charged or enumerated or falling within any of the preceding Heads; (that is to say,)
Not containing more than One Bushel, One Penny:
Every additional Half Bushel, One Halfpenny.

SCHEDULE (G.)

Form of Warrant of Distress.

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

WHEREAS the under-mentioned Persons, now or late Owners or Occupiers of Premises within the have been duly rated in or are liable to the Payment of a Rate made on the Day of under the Authority of this Act, and there are now due from them respectively the several Sums of Money against their Names herein-after respectively set down, which they have not paid, as appeareth upon Oath to me, one of Her Majesty's Justices of the Peace for the ; and the said several Persons having been duly summoned to appear before me to answer the Premises, and not having shown any sufficient Cause why such several Sums of Money should not be paid: These are therefore, in Her Majesty's Name, to require you, or any of you, forthwith to levy the said several Sums due as herein-before mentioned by Distress and Sale of the respective Goods and Chattels of the Persons aforesaid, rendering to them respectively the Overplus (if any), the reasonable Charges of such Summons, Warrant, Distress, and Sale being first deducted; and if no sufficient Distress can be had and taken, then that you certify the same to me, to the end that such further Proceedings may be had as the Law doth authorize and direct. And I do hereby strictly charge and command all and singular the Constables respectively to be aiding and assisting in all Things relating to the Premises.

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

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

SCHEDULE (H.)

Form of Conviction.

} BE it remembered, That on the Day of
to wit. } in the Year of our Lord
A.B. is convicted before me, *C.D.*, One of Her Majesty's Justices of the Peace for the County of [*here describe the Offence generally, and the Time and Place when and where committed*], contrary to an Act passed in the Year of the

Reign of Queen Victoria, intituled "An Act" [*here insert the Title of this Act*].

Given under my Hand and Seal, the Day and Year first above written. *C. D.*

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