ANNO QUARTO

GEORGII IV. REGIS.

Cap. lxix.

An Act for better supplying the City of *Worcester* and the Liberties thereof with Water; and for more effectually paving, lighting, watching, and otherwise improving the said City.

[30th *May* 1823.]

WHEREAS an Act was passed in the Tenth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for better supplying the City of* Worcester *and the Liberties thereof with Water; and for the better paving and lighting the said City, and for removing and preventing all Obstructions and Annoyances therein:* And whereas another Act was passed in the Eleventh Year of His said Majesty's Reign, intituled *An Act to explain a Clause in an Act of the last Session of Parliament, for better supplying the City of* Worcester *and the Liberties thereof with Water; and for better paving and lighting the said City, and for removing and preventing all Obstructions and Annoyances therein:* And whereas another Act was passed in the Twentieth Year of His said late Majesty's Reign, intituled *An Act for amending and rendering more effectual Two Acts passed in the Tenth and Eleventh Years of His present Majesty's Reign, for the better supplying the City of* Worcester *and the Liberties thereof with Water; and for better paving and lighting the said City, and for removing and preventing all Obstructions and Annoyances therein:* And whereas since the passing of the said Acts many new Streets, Lanes, and Passages have been opened to the Public,

10 G. 3. c. 22.

11 G. 3. c. 13.

20 G. 3. c. 21.

Public, which are not properly supplied with Water, paved, lighted, watched, or cleansed; and it would greatly facilitate the intended Improvements in the said City, if the said Acts were to be repealed, and further, better, and more effectual Powers granted instead thereof under one Act of Parliament; but as the Purposes before mentioned cannot be effected without the Authority of Parliament, may it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

Recited Acts repealed.

That from and after the Twenty-fifth Day of *March* One thousand eight hundred and twenty-four, the said Three several recited Acts, and all the Powers and Authorities, Matters and Things therein contained, shall be and the same are hereby repealed.

Appointment of Commissioners.

II. And be it further enacted, That from and after the said Twenty-fifth Day of *March* One thousand eight hundred and twenty-four, all His Majesty's Justices of the Peace acting in and for the City of *Worcester* for the Time being, whether residing within the said City or within Three Miles thereof, and every Person or Persons that now occupies or hereafter shall occupy a Messuage or Tenement, Warehouse, or other Premises within the said City, of the annual Rent or Value of Twenty Pounds, and shall also be in his own Right or in Right of his Wife, in the actual Possession and Enjoyment or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Sixty Pounds above Reprizes, or possessed of a Personal Estate alone of the clear Value of One thousand Pounds, shall be and are hereby constituted and appointed Commissioners for putting this Act into Execution; but no Person shall be capable of acting as such Commissioner during the Time he shall hold any Place of Profit, or be under any Contract, or have any Share or Interest in any Contract, relating to the Execution of the Powers of this Act: Provided always, that the Qualification by Occupancy of Premises within the said City shall not extend to the Justices of the Peace, nor shall they be required to take the Oath of Qualification by this Act directed to be taken by Commissioners before they act in Execution thereof.

Commissioners to be sworn.

Commissioners Oath.

III. Provided always, and be it further enacted, That no Person shall be capable of acting as a Commissioner until he shall have taken and subscribed the following Oath, (or being a Quaker a solemn Affirmation); *videlicet*,

'I do swear [*or*, being one of the People called *Quakers*, do solemnly declare and affirm]; That I am truly and *bonâ fide* in the Occupation of a Messuage or Tenement, Warehouse, or other Premises within the City of *Worcester*, of the annual Rent or Value of Twenty Pounds; and that I am in my own Right, or in the Right of my Wife, in the actual Possession and Enjoyment or Receipt of the Rents and Profits of Lands, Tenements, and Hereditaments of the clear yearly Value of Sixty Pounds above Reprizes, or possessed of a Personal Estate alone of the clear Value of One thousand Pounds; and that I will faithfully, impartially, and honestly,

'honestly, according to the best of my Skill and Judgment, execute 'the Trusts reposed in me, and hear and determine all such Matters 'and Things as shall be brought before me as a Commissioner by 'virtue of an Act of Parliament made and passed in the Fourth Year 'of the Reign of King *George* the Fourth, intituled [*here set forth 'the Title of this Act.*] So help me GOD.'

[*Or, being a Quaker, omit the Words* 'So help me God.']

Which Oath or Affirmation any One of the said Commissioners are hereby empowered to administer.

Penalty on acting if not qualified.

IV. And be it further enacted, That if any Person not being so qualified, or not having taken or subscribed such Oath, or being a Quaker, not having made and subscribed such Affirmation as aforesaid, shall act as a Commissioner in the Execution of the said recited Acts or this Act, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster* by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than One Imparlance shall be allowed; and every such Person so sued shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty, without any other Proof on the Part of the Plaintiff, than that such Person had acted as a Commissioner in the Execution of this Act: Provided nevertheless, that all Proceedings of any Person acting as a Commissioner in the Execution of this Act (although not duly qualified as aforesaid), previously to his being convicted of the said Offence, shall, notwithstanding such Conviction, be as good, valid, and effectual, as if such Person had been qualified according to the Directions of this Act.

First Meeting of Commissioners.

V. And be it further enacted, That the said Commissioners, or any Seven or more of them, shall meet and assemble together at the *Guildhall* in the said City of *Worcester*, upon the Twenty-fifth Day of *March* One thousand eight hundred and twenty-four, between the Hours of Ten of the Clock in the Forenoon and Two o'Clock in the Afternoon, and proceed in the Execution of this Act, and adjourn themselves from Time to Time, and afterwards meet there, or at any other Place within the said City, as they or any Seven or more of them shall think most convenient; and that Two Commissioners shall be sufficient for the Purpose of Adjournment only; and if at any Meeting a sufficient Number of Commissioners shall not appear to adjourn to any other Day, then and as often as the Case shall happen, the Clerk to the said Commissioners, or any Three or more of them, (though not assembled at a Meeting to be held in pursuance of this Act) shall by Notice in one or both of the *Worcester* Newspapers, circulated in the said City, appoint the Commissioners to meet on the Day Fortnight from the Day such last Meeting was to have been held; and all Matters and Things which shall be done and transacted at any Meeting which shall be held in pursuance of such Notice, shall be as valid and effectual as if the same had been done at any other Meeting held by virtue of this Act; and that all the Powers and Authorities by this Act given to, and all the Provisions,

Matters,

Matters, and Things directed or authorized to be done by the said Commissioners, shall and may be executed and done by the Majority of them, assembled at some Meeting to be held in pursuance of this Act, (the whole Number present being not less than Seven) and all Acts, Orders, Proceedings, and Determinations of the Commissioners acting in the Execution of this Act, made at such Meeting or Meetings, consisting of Seven Commissioners, (except herein otherwise directed) wherein the major Part of the Commissioners present at such Meeting or Meetings shall concur, shall be as valid and effectual as if all the Commissioners present at such Meeting or Meetings had concurred therein; and at all such Meetings a Chairman shall or may be appointed; and in all Cases where there shall be an Equality of Votes upon any Question (including the Vote of the Chairman) such Chairman shall have the decisive or casting Vote.

Proceedings of Commissioners to be entered in a Book.

VI. And be it further enacted, That all Acts, Orders, and Proceedings of the said Commissioners from Time to Time shall be entered in a Book or Books to be kept for that Purpose, and shall be signed by the Chairman; and all such Entries so signed, shall be allowed to be read in Evidence in all Causes, Suits, and Actions relating to any thing done in pursuance of this Act.

Appointment of Treasurer, Clerk, and other Officers.

VII. And be it further enacted, That the said Commissioners, at any Meeting or Meetings, shall and may from Time to Time, whenever they shall think necessary, by Writing under their Hands, appoint and employ a Treasurer or Treasurers, Clerk, Assessor or Assessors, Collector or Collectors, Receiver or Receivers of the Rates, Assessments, and Monies herein mentioned, and One or more Surveyor or Surveyors, Pavior, Lamplighter, and such other Officer and Officers, Person and Persons, for the Execution of this Act, as the said Commissioners shall think proper; and from Time to Time remove them, or any of them, and in like Manner appoint others in the Room of those removed; and out of the Monies to be raised by virtue of this Act, pay such Salaries, Wages, or Allowances to the said Officers and other Persons, as the said Commissioners, or any Seven or more of them, shall think reasonable; and the said Commissioners shall, and they are hereby required to take such sufficient Security from every such Treasurer, Clerk, Assessor, Collector, Surveyor, Pavior, Lamplighter, and other Officer, for the due Execution of his Office, as they shall think proper; and all such Officers so to be appointed shall, under their Hands, (at such Time and Times, and in such Manner as the said Commissioners shall direct), deliver to the said Commissioners, or to such Person or Persons as they shall appoint, true and perfect Accounts in Writing of all Matters and Things committed to their Charge, and of all Monies which shall have been received by such Officers and Persons respectively by virtue of this Act, and how much thereof hath been disbursed and paid, and for what Purposes, together with the Vouchers for such Payments, and shall pay all such Monies as shall remain due from them respectively to the said Commissioners, or to such Person or Persons as they shall appoint; and if any such Officer or Person shall refuse or wilfully neglect to make and render any such Accounts, or to produce or deliver up the Vouchers relating to the same, or to make

make Payment as aforesaid, or shall refuse or neglect to deliver to the said Commissioners, or to such Person or Persons as they shall appoint, within Ten Days next after (being thereunto required by the said Commissioners by Notice in Writing, signed by their Clerk, to be given or left at the last or usual Place of Abode of such Officer or Person), all Books, Papers, and Writings in his Custody or Power, relating to the Execution of this Act, and to give Satisfaction respecting the same; then in every such Case, upon Complaint made by the said Commissioners or any Seven or more of them, or by any Person or Persons whom they shall appoint for that Purpose, of any Neglect or Refusal as aforesaid, to any Justice of the Peace for the County, City, Town Corporate, or Place wherein such Officer or Person so neglecting or refusing shall reside or be, such Justice may, and he is hereby authorized and required, by a Warrant under his Hand and Seal, to cause the Officer or Person so refusing or neglecting to be brought before him, and upon his appearing, or having been summoned and not appearing, without some reasonable Excuse to be allowed by such Justice, or not being to be found, to hear and determine the Matter in a summary Way; and if upon Confession of the Party, or the Testimony of any credible Witness or Witnesses, upon Oath, (which Oath such Justice is hereby empowered to administer), it shall appear to such Justice that any of the Money which shall have been collected and raised by virtue of this Act, shall be due from such Officer or Person, such Justice may, and he is hereby authorized and required, upon Non-payment thereof, by Warrant under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Person; and if no Goods or Chattels of such Officer or Person can be found sufficient to answer and satisfy the said Money, and the Charges of distraining and selling such Goods and Chattels, or if it shall appear to such Justice that such Officer or Person shall have refused or wilfully neglected to render or give such Account, or to produce the Vouchers relating thereto, or that any Books, Papers, or Writings relative to the Execution of this Act shall be in the Custody or Power of such Officer or Person, and he shall have refused or wilfully neglected to deliver or give Satisfaction respecting the same as aforesaid, then and in any of the Cases aforesaid, such Justice shall commit such Offender to the Common Gaol or House of Correction for the County, City, Town Corporate, or Place where such Offender shall be or reside, there to remain without Bail or Mainprize until he shall have made a true and perfect Account and Payment as aforesaid, or until he shall have compounded with such Commissioners for such Money, and shall have paid such Composition, which the said Commissioners are hereby empowered to make and receive, and until he shall have delivered up such Books, Papers, and Writings as aforesaid, or shall have given Satisfaction in respect thereof to the said Commissioners: Provided always, that no Person who shall be committed by virtue of this Act, on account of his not having sufficient Goods or Chattels, shall be detained in Prison for any longer Term than Six Calendar Months: Provided also, that if any Money shall remain due from such Officer or Person, Officers or Persons, the Commitment of him or them to Prison shall not be deemed a Discharge for the same, nor exonerate his or their Surety

or Sureties, but such Officer or Person, Officers or Persons, and his and their Surety or Sureties shall remain liable to the Payment thereof in the same Manner as if such Officer or Person had not been committed to Prison.

Clerk not to act as Treasurer, and vice versâ.

VIII. Provided always, and be it further enacted, That it shall not be lawful for the said Commissioners to appoint the Person who may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, or the Clerk or any Person in the Service or Employ of any such Clerk, to be the Treasurer for the Purposes of this Act, or to appoint the Person who may be appointed Treasurer, or the Partner of any such Treasurer, to be the Clerk to the said Commissioners; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk, or the Clerk, or any Person in the Service or Employ of any such Clerk, shall act as Treasurer, or being the Partner of any such Treasurer, shall act as Clerk in the Execution of this Act, or if any Treasurer shall hold any Place or Office of Profit or Trust under the said Trustees, other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Plaint, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than one Imparlance shall be allowed.

Accounts to be kept.

IX. And be it further enacted, That the said Commissioners shall, and they are hereby required to order, direct, and provide a Book or Books to be kept by their Clerk for the Time being, wherein shall be entered true and regular Accounts of all Sums of Money received or borrowed, paid, laid out, or expended in the Execution of this Act, and the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed, laid out, and paid, which Book or Books shall at all seasonable Times be open to the Inspection of the said Commissioners or any Creditor on the Rates hereby authorized, without Fee or Reward; and the said Commissioners and Creditors, or any of them, shall and may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof, without paying any thing for the same; and in case the said Clerk shall refuse to permit, or shall not permit any of the said Commissioners or Creditors to inspect the same Book or Books, or take such Copies or Extracts as aforesaid, such Clerk shall forfeit and pay for every such Offence any Sum of Money not exceeding Five Pounds.

Rates under former Acts may be collected, Penalties recovered and Contracts enforced.

X. And be it further enacted, That each and every Rate and Assessment made and assessed, and now due and payable, or to become due and payable, or ordered to be collected and levied under and by virtue of the said recited Acts (hereby repealed), or any of them, shall continue to be due and payable, and shall and may be collected and levied by such Ways and Means, and under such Restrictions and Regulations, as any Rates or Assessments to be made in pursuance of this Act may be collected and levied, and shall be

recovered and applied by the said Commissioners to and for the Purposes of this Act; and also that all Debts and Penalties incurred and due under and by virtue of the said recited Acts, or any of them, from any Person or Persons whomsoever, shall and may be demanded and recovered from such Person or Persons, and applied by the said Commissioners for the Purposes of the said recited Acts and this Act; and that all Contracts or Agreements heretofore entered into with any Person or Persons whomsoever under the Authority and in the Execution of the said recited Acts, and valid and effectual before the passing of this Act, shall continue and be valid and effectual, and shall and may be enforced by the said Commissioners in the same Manner as if such Contracts or Agreements had been entered into with the Commissioners acting under the Authority of this Act.

Former Conveyances and Mortgages confirmed.

XI. Provided always, and be it further enacted, That all Assignments, Leases, Grants, and other Conveyances made or granted to or by any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, or any other Person whomsoever acting by virtue of or under the Authority of the said recited Acts hereby repealed, or any of them, shall be as good, valid, and effectual to all Intents and Purposes whatsoever, as if the Rates thereby granted had not been repealed; and all Bonds, Mortgages, Notes, Assignments, or Annuities given or granted as a Security for any Monies lent or advanced on the Credit of the said recited Acts or any of them, in pursuance of the Powers therein contained, shall be charged, and they are hereby respectively charged upon the Rates or Assessments herein directed to be made for the Purposes of the said recited Acts and this Act; and the Person or Persons from Time to Time entitled to the same respectively shall have, receive, and enjoy all Interest due and to grow due on such Mortgages, Bonds, Securities, and Assignments respectively (until the same shall be paid off and discharged as herein-after provided), and all Interest due and to grow due on the said respective Annuities out of the Rates and Assessments herein directed to be made during the Term of the natural Lives of the Persons for whose Lives such Annuities respectively were granted.

In case of defective Securities, others to be given.

XII. Provided also, and be it enacted, That if any Mortgages or other Securities given or granted under the Authorities of the said recited Acts hereby repealed, shall be found defective, it shall be lawful for the said Commissioners to make and execute others in lieu thereof, and on Delivery thereof to the Parties interested, such defective Mortgage or other Security shall be delivered up and cancelled.

Commissioners empowered to purchase and take down Houses, &c. next All Saints Church.

XIII. And whereas the Parish Church of *All Saints* is inclosed by a Range of old and dilapidated Houses and Buildings, and the Inhabitants of the said Parish are desirous that the same should be purchased and pulled down for widening and improving the Public Streets and the Avenues leading to the said Church; be it therefore enacted, That it shall and may be lawful to and for the said Commissioners, and they are hereby authorized and required at any Time or Times hereafter, upon the Request of the Churchwardens and Overseers

Overseers and Inhabitants of the said Parish of *All Saints* in Vestry assembled, or the major Part of them, to contract and agree for and to purchase the several Houses, Buildings, Hereditaments, and Premises to the same respectively belonging (mentioned and described in the Schedule to this Act annexed), and thereupon to take and pull down or cut through the said several Houses, Buildings, and Premises, for the widening and improving the said Streets, and rendering more commodious the Avenues leading to the said Church; and to sell and dispose of the same or the Materials thereof, and the Scites thereof, or such Parts thereof as the said Commissioners shall think necessary to lay into the Streets, Lanes, Avenues, or Places adjoining or leading to the said Church.

Enabling Bodies Politic and incapacitated Persons to sell.

XIV. And be it further enacted, That it shall and may be lawful to and for all Bodies Politic, Corporate, or Collegiate, and all Corporations, whether Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees of or for Lunatics or Idiots, and Trustees whatsoever, not only for and on behalf of themselves and their Heirs and Successors, but also for and on behalf of their Cestuique Trusts, whether Infants or Issue unborn, Lunatics, Idiots, or Femes Covert, and also to and for all Femes Covert who are or shall be seised in their own Right, and to and for all Persons, whether Tenants for Life or Tenants in Tail, General or Special, or for Years determinable on any Life or Lives, and to and for all and every Person and Persons whomsoever who are or shall be seised, possessed of, or interested in any Houses, Walls, Buildings, Lands, or Hereditaments, or any Part thereof, which the said Commissioners are by the said recited Acts or this Act enabled to purchase for any of the Purposes thereof, to treat, contract, and agree with the said Commissioners for the Sale thereof, or any Part thereof, and to sell and convey all or any Part thereof, and all Estate, Right, Title, and Interest whatsoever of, in, and to the same, to the said Commissioners and their Successors, for any of the Purposes of this Act; and that all Contracts, Agreements, Bargains, Sales, Conveyances, or Assurances in the Law whatsoever, be good, valid, and effectual to all Intents and Purposes, not only to convey all Estate, Right, Title, Interest, Use, Property, Claim, and Demand whatsoever of the said several and respective Cestuique Trusts, and all claiming or to claim by, from, or under them, any Law, Statute, Usage, or any other Matter or Thing whatsoever, to the contrary thereof notwithstanding; and all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, Trustees, and all other Persons whomsoever, are and shall be hereby indemnified for what they shall do by virtue and in pursuance of this Act.

The Damages and Recompence to be settled by a Jury.

XV. And be it further enacted, That if any Body Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, Tenant for Life or in Fee Tail, General or Special, Husbands, Guardians, Trustees, Feoffees, Committees, Executors, Administrators, or any other Person or Persons interested in any such Lands or Hereditaments as may be wanted for the Purposes of this Act, upon Notice to him, her,

her, or them given or left in Writing at the Dwelling House or Dwelling Houses, Place or Places of Abode of such Person or Persons, or of the principal Officer or Officers of any such Body Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, or at the House of the Tenant in Possession of the same Lands and Hereditaments, shall, for the Space of Two Calendar Months next after such Notice shall have been given or left as aforesaid, neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence shall be prevented from treating, then and in every such Case the said Commissioners shall cause such Damage, Value, or Recompence to be inquired into and ascertained by a Jury of Twelve indifferent Men of the City of *Worcester*; and in order thereto the said Commissioners are hereby empowered and required from Time to Time, as Occasion shall require, to summon and call before such Jury, and examine upon Oath, all and every Person and Persons whom they shall think necessary and proper to be examined concerning the Premises (which Oath any One or more of the said Commissioners is and are hereby empowered to administer), and such Commissioners shall, by ordering a View or otherwise, use all lawful Ways and Means, as well for their own as for the said Jury's Information in the Premises; and after the said Jury shall have inquired of and assessed such Damage and Recompence, they the said Commissioners shall order, adjudge, and determine the Sum or Sums of Money so assessed by the said Jury to be paid to the said Owners or other proper Person or Persons interested in the said Lands and Hereditaments, according to the Verdict or Inquisition of such Jury; which said Verdict or Inquisition, and the Judgment, Order, and Determination thereof, shall be final, binding, and conclusive to all Intents and Purposes, upon all Persons and Parties whomsoever, claiming or to claim any Estate in Possession, Reversion, or otherwise, their Heirs and Successors, as well absent as present, Infants, Femes Covert, Lunatics, Idiots, and Persons under any other Disability whatsoever, Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, as well as all and every other Person or Persons whomsoever; and for summoning and returning such Juries, the said Commissioners are hereby empowered to issue their Warrant or Warrants to the said Sheriff, commanding him to impannel, summon, and return an indifferent Jury of Twenty-four Persons qualified to serve upon Juries, to appear before such Commissioners at such Time and Place as in such Warrant or Warrants shall be appointed; and such Sheriff, or his Deputy or Deputies, is and are hereby required to impannel, summon, and return such Number of Persons accordingly, and out of the Persons so impannelled, summoned, and returned, or out of such of them as shall appear upon such Summons, the said Commissioners shall and they are hereby empowered and required to swear or cause to be sworn Twelve Men, who shall be a Jury for the Purposes aforesaid; and in Default of a sufficient Number of Jurymen, the said Sheriff, or his Deputy or Deputies, shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured to attend that Service, to the Number of Twelve; and all Persons concerned shall have their lawful Challenges against any of the said Jurymen when they come to be sworn;

Commissioners to issue Warrants to the Sheriff to impannel a Jury.

Fines on Sheriffs making Default, &c.

and the said Commissioners acting in the Premises shall have Power from Time to Time to impose any reasonable Fine or Fines upon such Sheriff, his Deputy or Deputies, Bailiff or Bailiffs, Agent or Agents, making Default in the Premises, and on any of the Persons who shall be summoned and returned on such Jury, and who shall not appear, without sufficient Excuse for not appearing, or appearing shall refuse to be sworn on the said Jury, or being sworn shall refuse to give or shall not give their Verdict, or in any other Manner wilfully neglect to do their Duty therein, contrary to the true Intent and Meaning of this Act, and on any of the Persons who, being required to give Evidence before the said Jury, shall refuse or neglect to appear (after having been paid or tendered a reasonable Sum for his, her, or their Costs and Charges), without sufficient Excuse for not appearing, or appearing shall refuse to be sworn and examined or to give Evidence, so that no one Fine be more than Twenty Pounds on any one Person for one Offence.

How Expences of the Jury shall be paid.

XVI. And be it further enacted, That in case any Jury shall give in and deliver a Verdict or Assessment for more Money as a Recompence for the Right, Interest, or Property of any Person or Persons in any House or Houses, Buildings, Scites, or Hereditaments, or for any Loss or Damage to be by them sustained than what shall have been agreed and offered by the said Commissioners, or their Treasurer, Clerk, Surveyor, or other known Agent, before the summoning and returning of the Jury, as a Recompence and Satisfaction for any such Right, Interest, and Property, or Loss or Damage as aforesaid, that then and in such Case the Costs and Expences of summoning and maintaining the Jury and Witnesses shall be borne and paid by the Treasurer to the said Commissioners, out of the Money in his Hands to arise by virtue of this Act; but if such Jury shall give and deliver a Verdict or Assessment for no more or less Money than shall have been agreed to and offered by the said Commissioners, or their Treasurer, Clerk, Surveyor, or known Agent as aforesaid, before the summoning and returning the said Jury, as a Recompence or Satisfaction for any such Right, Interest, or Property, or Loss or Damage as aforesaid, that then the full Costs and Expences of summoning and maintaining the said Jury and Witnesses, and other Expences attending the hearing and determining of such Difference, shall be borne and paid by the Person or Persons with whom the said Commissioners shall have such Controversy or Dispute, which said Costs and Expences having been ascertained and settled by some Justice of the Peace of the said City of *Worcester* not interested in the Matter in question, (who is hereby required to examine and settle the same at the Time and Place to be by him appointed, after summoning the Parties interested therein to attend him for that Purpose), shall and may be deducted out of the Money so assessed and adjudged, as so much Money advanced to and for the Use of such Person or Persons, and the Payment or Tender of the Remainder of such Money shall be deemed and taken, to all Intents and Purposes, to be a Payment or Tender of the whole Sum or Sums so assessed and adjudged, or otherwise such Costs and Expences, in case the same be not paid upon Demand, after being so ascertained

as aforesaid, may be recovered by the Clerk to the said Commissioners, by such Ways and Means as are herein provided for Recovery of Penalties and Forfeitures: Provided always, that in all Cases where any Person or Persons shall, by reason of Absence, have been prevented from treating, the whole of such Costs and Expences shall be borne and paid by the Treasurer to the said Commissioners out of the Money to arise by virtue of this Act.

Premises to vest in Commissioners on Payment of Purchase Money.

XVII. And be it further enacted, That every Sum of Money to be agreed for, or awarded or assessed as aforesaid, shall be paid out of the Monies to be received by the said Commissioners from the Rates by this Act authorized in that Behalf, and upon Payment thereof to the Party or Persons respectively entitled to such Monies, or their Agents, or depositing the same in the Bank of *England* (as the Case may be), in manner by this Act directed and required, all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand, in Law and Equity, of the Person or Persons respectively to whose Credit or Use the same shall have been paid into and out of such Houses, Walls, Buildings, and Hereditaments, shall vest in the said Commissioners, in Trust, for effecting the Purposes of this Act by them, and they shall be deemed in Law to be in the actual Seisin and Possession thereof, to all Intents and Purposes whatsoever, as fully and effectually as if every Person having any Estate in the Premises had actually conveyed the same by Lease and Release, Bargain and Sale inrolled, Feoffment with Livery of Seisin, Fine, Common Recovery, Surrender, or any other Conveyance or Assurance whatsoever, and such Payments shall not only bar all Right, Title, Interest, Claim, and Demand of the Person or Persons to whose Use or Credit such Payments shall have been made as aforesaid, but also extend to and be deemed and construed to bar the Dower and Freebench of the Wife and Wives of such Person and Persons, and all Estates Tail, and other Estates in Possession, Reversion, Remainder, or Expectancy, and the Issue of such Person and Persons claiming under them, as effectually as Fines or Common Recoveries would do if levied or suffered by the proper Parties in due Form of Law.

Form of Conveyance.

XVIII. And be it further enacted, That all Conveyances and Assurances of any Lands, Tenements, Hereditaments, or Premises to be made to the said Commissioners, shall be made in the Form or to the Effect following; (that is to say),

'I [*or* we, *as the Case may be*] of , in consideration of the Sum of to me [*or* us, *or otherwise, as the Case may be*], paid by the Commissioners appointed under or by virtue of an Act passed in the Fourth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act* [*here insert the Title of this Act*], do hereby grant and release [*or* assign, *as the Case may be*] to the said Commissioners and their Successors, all [*here describe the Premises to be conveyed*], and all my [*or* our] Right, Title, and Interest in and to the same, and every Part thereof, to hold to the said Commissioners and their

'Successors

'Successors for ever [*or as the Case may be*] during all the Remainder of my [*or* our] Term, Estate, and Interest in the said Premises. 'In witness whereof I [*or* we] have hereunto set my Hand and 'Seal [*or* our Hands and Seals] this Day of 'in the Year of our Lord .'

Commissioners empowered to sell Ground not wanted for the Purposes of this Act.

XIX. And whereas by reason of the Purchases which the said Commissioners are empowered to make by virtue of this Act, they may happen to be seised of some House or Houses or other Building, or some Piece or Pieces of Land or Ground, over and above what shall be necessary for effecting the Purposes of the said recited Acts and of this Act; be it therefore further enacted, That it shall and may be lawful for the said Commissioners to sell and dispose of such House or Houses, or other Buildings, Piece or Pieces of Land and Ground, either together or in Parcels, as they shall find most convenient and advantageous, to such Person or Persons as shall be willing to contract for and purchase the same.

Persons whose Lands adjoin to have the Preference.

XX. Provided always, and be it further enacted, That the said Commissioners, before they shall sell and dispose of any such surplus Houses or other Buildings, Piece or Pieces of Land or Ground, purchased by virtue of this Act or the said recited Acts, to any such Person or Persons as aforesaid, they shall first offer to resell the same to the Person or Persons from whom they shall have purchased or taken the same; and in case such Person or Persons respectively shall not then and thereupon agree, or shall refuse to purchase or re-purchase the same respectively, an Affidavit to be made and sworn before a Master or Masters Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the said City of *Worcester*, by some Person or Persons no ways interested in the said Houses or other Buildings, Piece or Pieces of Land or Ground, stating that such Offer was made by or on the Behalf of the said Commissioners, and that such Offer was not then and thereupon agreed to, or was refused by the Person or Persons to whom the same was so offered, shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made and was not agreed to, or was refused by the Person or Persons to whom such Offer was made, as the Case may be; and in case such Person or Persons shall be desirous of purchasing or re-purchasing the same, and he, she, or they, and the said Commissioners, shall differ and not agree with respect to the Price thereof, then and in such case the Price or Prices thereof shall be ascertained by a Jury in manner herein-before directed with respect to disputed Value of Premises to be purchased by the said Commissioners in pursuance of this Act, and the Expences of hearing and determining such Difference shall be borne and paid in like Manner as herein-before directed with respect to such Purchase made by the said Commissioners *mutatis mutandis*; and the Money to arise by the Sale or Sales which may be made by the said Commissioners of such surplus Houses or other Buildings, or Land or Ground as aforesaid, shall be applied to the Purposes of the said recited Acts and of this Act; but the Purchaser

or

or Purchasers thereof shall not be answerable or accountable for any Misapplication or Nonapplication of such Money.

Purchase Monies and Compensation to Corporate Bodies, to be laid out to the same Uses.

XXI. And be it further enacted, That all Sum and Sums of Money which are to be paid to any Bodies Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees acting as Guardians, Committees, or other Trustees for or on behalf of any Lunatics, Idiots, Femes Covert, or other Cestuique Trusts, or to any Person or Persons whose Lands, Tenements, or Hereditaments are limited in strict or other Settlement, or to any Person under any Disability or Incapacity whatsoever, for the Purchase of, or the Damages to be done or occasioned to any such Lands, Tenements, or Hereditaments by virtue or in consequence of the Powers in the said recited Acts or this Act contained, shall, in case the same shall 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 High Court of Chancery, to be placed to his Account, *ex-parte* the Commissioners under this Act, to the Intent that such Money shall be applied under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way, by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Redemption of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Charge or Incumbrance, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting any Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such Uses, Trusts, and Purposes, and in the same manner as the Lands, Tenements, and Hereditaments which shall be so purchased, taken, and used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing, undetermined, and capable of taking effect; and in the meantime and until such Purchase shall be made, the said Money shall, by Order of the said Court of Chancery, upon Application thereto, be invested by the said Accountant General in his Name, in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid by the Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments so hereby directed to be purchased in case such Purchase and Settlement were made.

Application where Purchase Mo-

XXII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or

ney is less than 200*l.* and above 20*l.*

or Hereditaments purchased, taken, or used for the Purposes of the said recited Acts or this Act, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, or on account of any Damage to be done or occasioned to any such Lands, Tenements, or Hereditaments as herein-before mentioned, shall be less than the Sum of Two hundred Pounds, and shall amount to or exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, used, or injured, in respect whereof the same shall be paid, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, Trustee or Trustees, Receiver or Receivers, or other Person or Persons acting as such as aforesaid, to be signified in Writing under their respective Hands, to be paid into the Bank of *England*, in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed, or otherwise the same shall be paid at the like Option to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by the Commissioners under this Act, (such Nomination and Approbation to be signified under the Hands of the nominating and approving Parties) in order that such principal Money and the Dividends arising thereon may be applied in the Manner herein-before directed, so far as the Case may be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court of Chancery.

Application when Money is less than 20*l.*

XXIII. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as last above-mentioned, shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of such Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments, in respect whereof the same shall be paid, in such Manner as the said Commissioners shall think fit, or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, Trustee or Trustees, or other Person or Persons acting as such, to and for the Use and Benefit of such Person or Persons so entitled respectively; and the Receipt or Receipts of the Person or Persons to whom the said Commissioners shall direct the same to be paid, shall be sufficient Discharges for the same.

Directing how Monies to be paid in case of failure of Title, &c.

XXIV. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Hereditaments to be purchased, taken, or used by virtue of the said recited Acts or this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Commissioners, or in case the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered, then and in such case it shall and may be lawful to and for the said Commissioners to order the said Sum or Sums of Money so awarded as aforesaid to be paid into the Bank of *England*, in the Name and with the Privity of the

Accountant General of the High Court of Chancery, to be placed to his Account, to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments (describing them), subject to the Order, Controul, and Disposition of the said Court of Chancery; which said Court, on the Application of any Person or Persons making claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary way of Proceeding or otherwise as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, or to order Distribution thereof or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making claim thereunto, and to make such Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is or are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay such Sum or Sums of Money into the Bank of *England* as aforesaid.

Persons in Possession to be deemed entitled.

XXV. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person or Persons to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, in pursuance of the said recited Acts or this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest therein, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments, in respect whereof such Money shall have been so paid at the Time of passing this Act, and all Persons claiming under such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Chancery; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, or that such Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

The Court of Chancery may order Commissioners to pay reasonable Expences of Purchases.

XXVI. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to such or to any Lands, Tenements, or Hereditaments, to be purchased under the Authority of the said recited Acts or this Act, the Purchase Money for the same shall be required to be paid into the Court of Chancery, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, or to be settled to the like Uses in pursuance of this Act, it shall and may be lawful to and for the said Court of Chancery to order the Expences of all Purchases from Time to

Time

Time to be made in pursuance of this Act, or so much of such Expences as the said Court shall deem reasonable, to be paid by the said Commissioners out of the Monies to be received by virtue of the said recited Acts or this Act, who shall from Time to Time pay such Sum or Sums of Money for such Purposes as the said Court shall direct.

The Waterworks and Reservoirs vested in Commissioners.

XXVII. And be it further enacted, That the Waterworks, Steam Engine Apparatus, Reservoir, Tenements, Buildings, and Premises, Pipes, and all other Materials and Things of or belonging to the Commissioners by virtue of the said recited Acts (hereby repealed) shall upon the Commencement of this Act, vest in and become the Property of the Commissioners hereby appointed; and they the said Commissioners shall have full Power and Authority to treat and agree with the Owners and Occupiers of, and all other Persons, Bodies Politic or Corporate, interested in any Houses, Buildings, Gardens, Land, or Premises within the said City or elsewhere, which by the said Commissioners at a General Meeting shall be thought necessary at any Time hereafter to be purchased, in order to erect and make any new or additional Works, Engines, Reservoirs, Waterhouses, and Conduits in any new or other Scites or Situations whatsoever, for receiving, keeping, and conveying Water from the River *Severn* into the several Parts of the said City, and to purchase and become seised and possessed of the same; and at all Times hereafter to break up the Soil, and lay Main Pipes, or other Pipes through the several Streets, Ways, Lanes, and Passages of the said City, and to relay, repair, and amend the same as often as there shall be occasion; and to make Conduits in such Parts of the said City for supplying the Poor with Water, as the said Commissioners shall think most fit and convenient for that Purpose, so that the Navigation of the said River be not injured thereby; and in case any Highway or waste Ground shall lie between such new Works and any of the Streets of the said City, it shall be lawful for the said Commissioners, or their Servants, Workmen, or Agents, from Time to Time, as often as there shall be occasion, to enter upon and dig and break up the Soil of any such public Highway or waste Ground, and lay Pipes in and through the same for conveying Water from such Works to any Part of the said City, so that the said Commissioners, or their Servants, Agents, and Workmen shall from Time to Time repair and amend all such Streets, Pavements, and Highways as shall be broken up or damaged by laying, placing, replacing, and amending the said Water Pipes, or by the bursting or falling to decay of any Pipe or Pipes laid for the Purpose aforesaid, in as short a Time as reasonably may be.

Owners of Houses to lay Branch Pipes.

XXVIII. And be it further enacted, That it shall and may be lawful to and for the Landlord or Owner of any Messuages, Tenements, Buildings, and Hereditaments within the said City, for which the Tenants or Occupiers thereof are liable to be rated or assessed for Water by virtue of this Act, and he and they is and are hereby required, at his, her, or their Costs and Charges, to lay, place, and repair Branch Pipes of such Diameters as the said Commissioners shall direct and appoint from some or one of the Main or Service Pipe or Pipes laid

or

or to be laid in any of the Streets, Lanes, Ways, or Passages of the said City into a convenient or commodious Place in the House, Habitation, Shed, or other Building or Area of such Tenant or Occupier, and from Time to Time to replace and keep the same in repair, as often as occasion shall require, and to break up the Pavements of the Streets, Lanes, Ways, and Passages of the said City for that Purpose, every such Landlord or Owner amending and making good such Pavements, which he, she, or they shall at any Time break up as soon as conveniently may be; and in case any such Landlord or Owner shall neglect or refuse to lay, place, replace, or repair any such Branch Pipe or Pipes within the Time aforesaid, it shall and may be lawful to and for the Tenant or Tenants, Occupier or Occupiers of any such Houses, Habitations, or other Buildings, to lay, place, replace, or repair such Branch Pipe or Pipes in manner herein-before directed; and such Tenant or Tenants, Occupier or Occupiers, shall and may retain the Expence thereof out of his or her next Rent or Rents, and their respective Landlords are hereby required to allow the same: Provided always, that nothing herein contained shall be deemed or taken to extend or to affect any Person or Persons, Bodies Politic or Corporate, by whom any renewable Leases or other Leases is, are, or shall be granted for any Term or Number of Years exceeding the Term of Twenty-one Years, where the full improved Rent is not reserved and payable; nor to defeat any Contract or Agreement between Landlord and Tenant.

Act to extend to all present and future Streets, and the Pavement and Materials to be vested in Commissioners.

XXIX. And be it further enacted, That this Act and the Provisions herein contained shall extend to all Streets, Avenues, Lanes, Ways, and other public Passages and Places heretofore made and now existing, or hereafter to be made within the City of *Worcester* and the Liberties thereof, and that all the present and future Pavements in the several Streets, Avenues, Lanes, Ways, and other public Passages and Places aforesaid, and the Stones, Sand, Gravel, and other Materials of which the Footways and Carriageways do or shall consist, and all the Dirt, Dung, Ashes, and Filth to be swept, gathered, and collected within those Places or any of them, and all Main Water Pipes, Stops, and Cocks laid in or under such Streets, Avenues, Lanes, Ways, Passages, and Places, and all Lamps, Lamp Irons, Lamp Posts and other Materials thereto belonging, and all other Matters and Things which now are or hereafter may be laid, used, erected, or employed by the said Commissioners by virtue of this Act, and all Materials, Tools, Implements, and other Things which may be purchased or provided for the Purposes thereof, shall belong to and be the Property of, and are hereby vested in the said Commissioners; and the said Commissioners shall be known by the Name of "The Commissioners for the Improvements of the City of *Worcester*;" and the said Commissioners shall and may cause to be brought any Action or Actions, or direct the preferring of any Bill or Bills of Indictment, as the Case may require, against any Person or Persons who shall steal, take, or carry away, detain, spoil, injure, or destroy the several Articles and Things hereby vested in the said Commissioners as aforesaid, or any of them, or any Part or Parts thereof; and in all such Actions and Bills of Indictment respectively, it shall be deemed and taken to be

sufficient to state generally, that the Article or Articles, Thing or Things for or on account of which such Action or Actions shall be brought, or Bill or Bills of Indictment preferred, is or are the Property of the Commissioners for the Improvement of the City of *Worcester*, without particularly stating or specifying the Name or Names of all or any of the said Commissioners; and the said Commissioners shall have Power and Authority from Time to Time to sell and dispose of, for the Purposes of this Act, all or any of the said Articles or Things, or any Part or Parts of the same respectively, to such Person or Persons, and in such manner as the said Commissioners shall think proper.

Occupiers to pave before their Houses, and cleanse Drains, &c.

XXX. And be it further enacted, That the Occupiers of all Houses, Buildings, Gardens, and Hereditaments which do or shall adjoin to any Street, Lane, or Place within the said City, shall at his and their Costs and Charges respectively from Time to Time, within Ten Days next after Notice in Writing given for that Purpose by the Surveyor to be appointed by virtue of this Act, cause the Ground before such Houses, Buildings, Gardens, or Hereditaments, as far as the Gutters or Channels of the said Streets, Lanes, or Places, to be raised or lowered, and well and sufficiently pitched and paved, and all Sewers, Drains, Watercourses, and Ditches to be opened, cleansed, repaired, and scoured, which belong to the aforesaid Houses, Buildings, Gardens, and Hereditaments, and which of right ought to be done by the Occupiers or Owners thereof respectively, and the same and the several other Works to be done as herein-after mentioned, shall be done in such Manner and in such Form, as the said Commissioners shall from Time to Time order, direct, and appoint; and also the Occupiers of all Gardens or Lands into or through which any Common Sewers, Drains, Watercourses, or Ditches extend within the said City or Liberties thereof, shall from Time to Time, within Ten Days next after Notice for that Purpose given by the said Surveyor, cause such Common Sewers, Drains, Watercourses, or Ditches to be cleansed and scoured, and all Flood Gates or Stanks made or to be made therein, to be taken up and removed at the Costs and Charges of such Occupiers respectively; and all Occupiers of the aforesaid Houses, Buildings, Gardens, Lands, and Hereditaments, are hereby authorized to deduct the Expences attending the several and respective Works aforesaid, out of his, her, or their Rent or Rents, and the Owners or Landlords of all such Houses, Buildings, Tenements, Gardens, Lands, and Hereditaments, are hereby required to allow the same accordingly; and in case any such Occupier as aforesaid shall refuse or neglect to perform all or any of the Works aforesaid within the Time and in Manner by this Act directed, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

If Occupiers neglect to pave, &c. Commissioners may cause the Works to be

XXXI. Provided always, and be it further enacted, That in all Cases where any Occupier of any Houses, Buildings, Gardens, and Hereditaments adjoining any Street, Lane, or Place within the said City, shall neglect or refuse to cause the Ground before such Houses, Buildings, Gardens, or Hereditaments to be raised or lowered, and well and sufficiently pitched and paved, and the Gutters and

Channels to be turned and altered, and to perform the several Works by this Act required to be done by such Occupier within the Time and in the Manner aforesaid, then and in every such Case it shall be lawful for the said Commissioners, and their Surveyor, Workmen, and Servants respectively, to cause the Ground before all such Houses, Buildings, Gardens, and Hereditaments in any of the said Streets, Lanes, or Places to be raised or lowered, and well and sufficiently pitched and paved, and all the Gutters or Channels to be turned and altered, and all Sewers, Drains, Watercourses, and Ditches to be opened, cleansed, repaired, and scoured; and to cause all such Common Sewers, Drains, Watercourses, or Ditches to be cleansed and scoured, and all the Flood Gates or Stanks to be taken up and removed, and to do and perform the several Works aforesaid in such Manner and Form as they shall see fit, and to recover the Charges and Expences thereof from such Occupier so neglecting as aforesaid; and if such Occupier shall neglect to pay all such Charges and Expences for the Space of Fourteen Days after Demand thereof by the Surveyor or other Officer of the said Commissioners, by Writing or Parol, then and in such Case it shall be lawful for any Justice of the Peace for the said City, upon Complaint made to him by such Surveyor or other Officer, by Warrant under his Hand and Seal, to cause all such Charges and Expences to be levied by Distress and Sale of the Goods and Chattels of such Occupier so neglecting or refusing as aforesaid, together with the Costs and Charges attending such Distress and Sale, rendering the Overplus, if any, to the Occupier whose Goods and Chattels shall be so distrained and sold; and if such Charges and Expences shall not be levied by the Removal of any Occupier, or for want of sufficient Distress, the succeeding Occupier of the House, Building, Garden, or Hereditaments, in respect whereof such Charges and Expences shall have been incurred, shall and is hereby in like Manner made liable to the Payment thereof.

done, and recover the Charges.

XXXII. And be it further enacted, That the said Commissioners shall and they are hereby required to purchase and provide such Number and Sorts of Lamps, Lamp Irons, Posts, and other necessary Materials and Utensils, to be set up in the several Parishes and Extra-parochial or other Places within the said City as to them shall appear proper, all which Lamps and other Things shall be and are hereby vested in the said Commissioners, and they are hereby authorized and required to apportion and regulate the Number of Lamps, so to be set up and continued in each of such Parishes and Extra-parochial or other Places as aforesaid.

Lamps to be provided for lighting the Parishes and Extra-parochial Places in the City.

XXXIII. And be it further enacted, That if any Person or Persons shall carelessly, negligently, or accidentally break, throw down, or otherwise destroy or damage any such Lamp or Lamps, or any Post, Iron, Cover, or Furniture thereof respectively, and shall not, upon Demand, make Satisfaction for the Damage done, then and in every such Case it shall be lawful for any Justice of the Peace for the City or County wherein such Offence shall be committed, and he is hereby required, upon Complaint made thereof by any Person, to summon before him the Party or Parties complained of for doing such

Penalty on negligently breaking Lamps.

such Damage; and upon his, her, or their appearing, or making Default to appear (Oath being made that the Party complained against had been served with such Summons, or that the same had been left at his, her, or their usual Dwelling or last Place of Abode, if known), such Justice shall proceed to examine the Cause of such Complaint, and upon Proof thereof, either upon Confession of the Party or the Oath of any credible Witness, shall award and order such Satisfaction to be made by the Party or Parties complained against for the Damage so done to the said Commissioners, or the Owner or Owners of such Lamp or Lamps, as to such Justice shall appear just and reasonable; and in case the Sum so awarded shall not be paid forthwith, it shall and may be lawful to and for such Justice, and he is hereby required to cause the same to be levied and recovered in such and the same Manner as any Fine or Penalty can or may be levied and recovered by virtue of this Act.

Penalty for wilfully breaking Lamps.

XXXIV. And be it further enacted, That if any Person or Persons shall wilfully break, take away, throw down, or otherwise destroy or damage any Lamp or Lamps already erected, or which may be erected by the said Commissioners, or by any Person or Persons at his, her, or their own Expence, for the Purpose of lighting any of the Streets or other Public Places within the said City and Liberties, or by any Person or Persons whatsoever, at his, her, or their own Expence, or any Post, Iron, or Cover, or Furniture thereof, or shall wilfully extinguish the Light or Lights of or in any such Lamps, it shall and may be lawful to and for any Justice of the Peace for the City or County wherein such Offence shall be committed, and he is hereby required, upon Complaint to him made by One or more credible Witness or Witnesses of any such Offence having been committed, to issue a Warrant for apprehending the Party or Parties accused, or it shall and may be lawful to and for any Person or Persons to apprehend or assist in apprehending the Offender or Offenders, and by Authority of this Act, without any other Warrant, to deliver him, her, or them into the Custody of a Peace Officer, in order to be secured and conveyed before some Justice of the Peace for the said City or County of *Worcester*, as the Case may be; and on the Party or Parties accused being brought before such Justice, he the said Justice shall and he is hereby required to proceed to examine upon Oath any Witness or Witnesses who shall appear or be produced to give Evidence touching such Offence (which Oath any such Justice is hereby authorized to administer); and if the Party or Parties accused shall be convicted of such Offence, either on his, her, or their own Confession, or upon such Evidence as aforesaid, then and in every such Case he, she, or they shall, for every such Offence respectively, forfeit and pay any Sum not exceeding Five Pounds, and shall besides make a full Satisfaction, to be ascertained by such Justice, to the said Commissioners or to the Party injured, for the Damage so done; and in case such Offender or Offenders shall not, upon Conviction, pay the Penalty by him or them incurred, and also such Satisfaction as aforesaid, such Justice is hereby authorized and empowered and required to commit such Offender or Offenders to the Common Gaol or House of Correction for the said City

City of *Worcester* or County of *Worcester*, as the Case may be, there to be kept to hard Labour for any Time not exceeding Six Calendar Months, unless such Penalty and Satisfaction shall be sooner paid; and if the Offender have any Goods whereby such Satisfaction can be levied, the said Justice shall and may grant his Warrant for levying the same in like Manner as Penalties by this Act are authorized to be levied.

Commissioners may widen Streets, and purchase Houses, &c. for that Purpose.

XXXV. And be it further enacted, That for the Improvement of the said City, and for Public Advantage, it shall be lawful for the said Commissioners, or Two-thirds of them present at a General Meeting to be specially summoned for that Purpose, of which Twenty-one Days Notice shall be given in the *Worcester* Newspapers, or one of them, to alter, widen, turn, and extend any of the Streets, Lanes, Ways, Passages, or Places, and to lengthen, continue, and open the same from the Sides or Ends of any Streets, Lanes, Ways, Passages, Roads, or Places within the said City; and in case any Houses, Walls, Buildings, Lands, Tenements, or Hereditaments, or any Part thereof, shall, in the Opinion of the said Commissioners, project into, obstruct, or prevent them from so doing, and the Possession or Occupation and Purchase of such Houses, Walls, Buildings, Lands, Tenements, or Hereditaments shall be or will be found necessary for any of the Purposes aforesaid, it shall and may be lawful to and for the said Commissioners, or Two-thirds of them present at a Meeting to be specially summoned as aforesaid (such Two-thirds to consist of not less than Nine Commissioners), to treat, contract, and agree, or to employ any Person or Persons to treat, contract, and agree with the Owner or Owners of any such Houses, Walls, Buildings, Lands, and Hereditaments, of what Nature, Kind, Tenure, or Quality soever, for the Purposes aforesaid, or any of them, who shall be willing to dispose thereof, and to pay for the same such Sum or Sums of Money as shall be agreed upon by the said Commissioners as aforesaid, out of the Money to be raised or accrue by virtue of this Act, and to pull down, use, sell, or dispose of the same, or the Materials thereof, in such Way, Manner, and Form as they shall think most expedient, and the Sites thereof, or such Parts thereof as the said Commissioners shall think necessary, to lay into the said Streets, Lanes, Ways, Passages, Roads, or Places.

Power to employ Watchmen.

XXXVI. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and empowered from Time to Time, when and as they shall think it expedient, to employ such and so many Watchmen and Night Constables as they shall judge expedient and necessary to be employed for the Security and good Order of the said City, and such Watchmen and Night Constables from Time to Time to remove and displace, and to appoint others in their Stead, and also to order and direct how many of the said Watchmen and Night Constables shall attend nightly, and how they shall be armed, and at what Stations they shall be placed, and for what Number of Hours they shall watch, and how often they shall go their Rounds, and also to fix and determine what Wages or other Allowances shall be paid to them for their Services; and the said

said Commissioners are hereby empowered to make such further Orders and Regulations from Time to Time, for the better Government and Direction of the said Watchmen and Night Constables as the Nature of their Services shall require.

Watchmen empowered to act as Constables.

XXXVII. And be it further enacted, That the said Watchmen and Night Constables shall exert themselves in the Prevention of Fires, and also of Murders, Burglaries, Robberies, and other Outrages, Disorders, and Breaches of the Peace, and they are hereby required and empowered to apprehend all Night Walkers, Felons, Malefactors, Vagrants, and Disturbers of the Peace, and all disorderly and suspected Persons, who shall be found misbehaving or wandering within the said City, and to lodge them in the Watch House or other Prison or Place of Security, to be there detained until they can conveniently be carried before some Justice of the Peace for the said City, to be examined and dealt with according to Law; and all such Watchmen and Night Constables shall be sworn in as Constables before any Justice of the Peace for the said City, and act as such while in the Execution of the Powers and Authorities of this Act, and they are hereby respectively invested with such and the same Powers, Authorities, Privileges, and Protections as Constables are invested with and entitled to by Law.

Penalties on Watchmen for Neglect of Duty.

XXXVIII. And be it further enacted, That if such Watchmen, or any of them, shall not perform and keep the lawful Orders, Rules, and Regulations of the said Commissioners, or shall in any Manner neglect their Duty or misbehave themselves, every Person so offending shall forfeit and pay for every such Neglect or Offence any Sum not exceeding Forty Shillings, nor less than Five Shillings, and, if the said Commissioners think proper, be immediately discharged from his Office; and if any Victualler or Keeper of any Public House, Wine Vaults, or Liquor Shop shall knowingly harbour, entertain, or suffer to remain in his or her Public House or Premises, any Watchman so to be appointed, during any Part of the Time appointed for his being on Duty, every such Victualler, or Keeper, or other Person so offending, shall for every Offence forfeit and pay any Sum not exceeding Five Pounds, nor less than Twenty Shillings.

Streets and Houses to be named and numbered.

XXXIX. And be it further enacted, That the said Commissioners shall cause to be painted, engraved, or described in Stone or Wood, or otherwise, and to be fixed in a conspicuous Part of One or more House or Houses, Building or Buildings at or near each End, Corner, or Entrance of each of the present and future Squares, Streets, Lanes, Courts, Yards, Alleys, Passages, and Places, the Name by which each respective Street, Lane, Court, Yard, Alley, Passage, and Place is, are, or shall be properly called or known; and shall also cause every House, Shop, or Warehouse in each of the said Squares, Streets, and Places to be marked and numbered in such Manner as they shall judge most proper for distinguishing the same; and if any Person or Persons shall wilfully destroy, pull down, injure, obliterate, or deface any such Names, Descriptions, Marks, or Numbers, or any Part or Parts thereof, or place up or affix any other Name to any

Square, Street, Lane, Court, Yard, Alley, Passage, and Place than such by which it has been or ought to be called or distinguished, without the Consent of the said Commissioners at some Meeting, or shall cause or procure the same to be done, every Person so offending shall, for every such Offence, forfeit and pay any Sum not exceeding Forty Shillings, nor less than Ten Shillings, at the Discretion of the Justice before whom the Party shall be convicted.

Offensive Substances to be removed between certain Hours.

XL. And be it further enacted, That if any Person or Persons shall hereafter empty, or cause to be emptied, any Slaughterhouse, Privy, or Necessary House within the said City, or carry or cause to be carried any of the Soil or other offensive Substances thereof through any of the Streets, Lanes, Roads, Highways, or other Public Passages or Places within the said City, at any Time of the Year between *Lady Day* and *Michaelmas*, except between the Hours of Ten of the Clock in the Evening and Seven of the Clock in the Morning, or at any Time of the Year between *Michaelmas* and *Lady Day*, except between the Hours of Ten of the Clock in the Evening and Eight of the Clock in the Morning; or if any Person or Persons shall lay, cast, or empty, or cause to be laid, cast, or emptied, any of the Soil from any Slaughter House, Privy, or Necessary House, or any Night Soil or other Filth, in or near any of the said Streets, Lanes, Roads, Highways, or other Public Places, or into any Drains or Public Sewers; or shall erect or continue any Privy or Necessary House, so as to annoy the Passengers passing along the same, every Person offending in any of the Cases aforesaid shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds.

Penalty on leaving Waggons, Carriages, &c. in the Streets.

XLI. And be it further enacted, That if at any Time hereafter any Waggon, Cart, Dray, or other Carriage shall be left standing or remaining in or upon any Street, Way, Lane, or Public Passage or Place within the said City, with or without Horses or other Cattle, (except for the sole and express Purpose of loading and unloading only, and then only during the Time necessarily consumed in loading and unloading the same), or if any such Waggon, Cart, Dray, or other Carriage shall not, during the Time of loading or unloading thereof be drawn near to the Side of such Street, Way, Lane, Public Passage, or Place, or if any Stage Coach, Diligence, Post Chaise, or other Carriage employed for Hire, shall be left standing or remaining upon any of the said Streets, Ways, Lanes, Public Passages, or Places, with or without Horses, for any longer Time than shall be necessary for the taking up or setting down Passengers, or for loading or unloading their Baggage, or during the Time of exchanging Horses on the Journey, or exceeding a Quarter of an Hour; or if any Timber, Bricks, Stones, Slates, Tiles, Lime, Mortar, Hay, Straw, Wood, Faggots, Coals, Boards, Packing Cases, or any Corn, Grain, or Fruit, or any Goods, Wares, Merchandizes, Materials, or other Things whatsoever, shall be laid, placed, or left in or upon the Footway or Carriageway of any such Street, Way, Lane, Public Passage, or Place, longer than during the Time of housing or removing the same Things respectively, the Owner or Owners or other Person or

Persons

Persons having the Care or Custody of every such Waggon, Wain, Cart, Dray, Sledge, Coach, Diligence, Post Chaise, or other Carriage, or of any such Timber, Bricks, Stones, Slates, Tiles, Lime, Mortar, Hay, Straw, Wood, Faggots, Coals, Board, Packing Case, Corn, Grain, Fruit, Goods, Wares, Merchandizes, Materials, or other Things, shall for every Offence forfeit and pay any Sum not exceeding Twenty Shillings, nor less than Ten Shillings; and it shall be lawful for the Surveyor of the said Commissioners, or any of their Officers, or any other Person present, without any other Warrant or Authority than this Act, to seize or cause to be seized any such Waggon, Cart, Dray, Stage Coach, Diligence, Post Chaise, or other Carriage so left standing or remaining as aforesaid, and the Horse or Horses (if any) thereto affixed, or the Timber, Bricks, Stone, Slate, Tiles, Lime, Mortar, Hay, Straw, Wood, Faggots, Coals, Board, Packing Case, Corn, Grain, Fruit, Goods, Wares, Merchandizes, Materials, or other Things so laid or placed as aforesaid, and remove and detain the same in some Place to be appointed by the said Commissioners until the Owner or Owners thereof, or his, her, or their known Agent or Servant shall claim the same and pay the said Penalty, with the Charges of removing and keeping the same; and if the same be not paid within Three Days next after such Seizure, it shall be lawful for any Justice of the Peace of the said City to order the Things so seized, or any Part thereof, to be sold, and the Forfeiture and Costs to be paid out of the Money arising therefrom, rendering the Overplus (if any), and returning such things (if any) as may not be sold, upon Demand, to such Person or Persons as aforesaid: Provided always, that Hoards or Inclosures may be made for inclosing Building Materials and Rubbish, for repairing or building any House or other Building, so long as may be necessary to complete such Repairs or Buildings, so as proper Footways be railed off for the Passage of the Public.

Spouts and Gutters to be made for conveying Water by the Sides of Houses.

XLII. And be it further enacted, That the Owner or Owners, Proprietor or Proprietors, or Occupier or Occupiers for the Time being of each House or Building fronting any Street, and the Footpath the Fronts whereof is or shall be flagged or paved, shall, within Twenty Days next after Service of any Order or Direction for the Purpose, signed by Seven or more of the Commissioners, on him, her, or them personally, or left at his, her, or their last or usual Place of Abode, put up and place, and for ever afterwards keep in Repair and Condition, a Spout of the whole Length of such Front, with a Pipe or Trunk to be fixed to the Front or Side of such House or Building from the Roof down to the Ground, to carry off or conduct the Water from the Roof of such House or Building, in such Manner that such Water shall pass underneath the Flagging or Foot Pavement into the Premises or into the common Channel, and so as not to fall upon or incommode the Persons passing along such Footway or Pavement, and all Sewers, Gutters, Drains, or Sinks conveying any Water, Sock, Filth, or other Material or Thing from any Houses, Buildings, Yards, or Premises within the said City, shall, within Two Calendar Months after Service of such Order as aforesaid, be covered, and the Water or other Material or Thing shall be conveyed into some

some under-ground Sewer, or into some Cistern, Reservoir, or Channel, at the Costs and Charges of the respective Owners or Proprietors thereof, and in case the same shall not be done within the Time aforesaid, or within the Space of Twenty Days next after Notice to be given by the said Commissioners, or their Clerk or Surveyor for the Time being, the Occupier of every such House, Warehouse, Shop, or other Building shall forfeit and pay the Sum of Ten Shillings for each and every Day any such Spout or Gutter, Sewer, or Drain shall remain, and the Water or other Material or Thing not conveyed down as aforesaid after the Time herein-before limited; and it shall and may be lawful to and for any Tenant or Tenants of any such Houses, Warehouses, Shops, or other Buildings as aforesaid, and they are hereby required (in case of Neglect or Refusal by the respective Owners or Proprietors thereof), to alter such Spouts and Gutters in Manner herein-before directed, and such Tenant or Tenants so altering such Spouts or Gutters, Sewer or Drain, shall and may retain and deduct the Expence out of his, her, or their next Rent or Rents, and their respective Landlords are hereby required to allow the same; and if any Person or Persons shall hereafter erect or cause to be erected or made any Spout or Gutter, Drain or Sewer, for conveying Water or other Material or Thing from any old or new Houses, Warehouses, Shops, or other Buildings and Premises in any manner contrary to the Directions and true meaning of this Act as aforesaid, every such Person shall forfeit and pay any Sum not exceeding Forty Shillings, and also the further Sum of Two Shillings and Sixpence for every Day such Spout or Gutter shall remain: Provided always, that nothing herein contained shall affect any Person or Persons, Bodies Politic or Coporate, that grant renewable Leases for any Term or Number of Years exceeding Twenty-one Years, where the full improved Rent is not reserved and payable, nor defeat any Agreement between Landlord and Tenant.

For preventing various Nuisances and Obstructions.

XLIII. And be it further enacted, That from and after the passing of this Act, if any Person driving any Coach, Chaise, Waggon, Cart, or other Carriage in any of the said Streets or other Public Passages and Places, and meeting another Coach, Chaise, Waggon, Cart, or other Carriage, shall not keep his Carriage on the Left or Near Side of the said Streets and other Public Passages and Places; or if any Person or Persons shall drive any Coach, Chaise, Waggon, Cart, or other Carriage in such manner as to prevent any other Person or Persons from passing him or them; or if any Person or Persons shall, upon any of the Footways or Pavements within the said City, run, draw, drive, or carry thereon any Wheelsledge, Wheelbarrow, Handbarrow, Bier, or Carriage whatsoever, or roll any Cask or Tub other than for the necessary loading or unloading thereof, unto, upon, from, or out of any Carriage or Cart; or wilfully ride, lead, or drive any Horse, or other Beast or Cattle whatsoever on any of the said Foot Ways or Foot Pavements; or wilfully permit or suffer any Horse, or other Beast or Cattle which such Person may be riding, driving, or leading, to go thereon; or shall tie or fasten any Horse or other Cattle to any House, Wall, Fence, Post, Tree, or other Thing whatsoever across any of the said Foot Ways or Foot Pave-

ments; or set any Cask, Tub, Pail, Bucket, Stool, Bench, Shew Board, Chopping Block, Basket, or Stall on or in the said Foot Way or Foot Pavement; or erect, set up, put, or place any Blind, Shade, Coverlid, or Awning, or any other Matter or Thing so as in any way to cause an Obstruction or Impediment in the Foot Way or on the Foot Pavement; or shall in any Road, Street, Lane, Court, Yard, Alley, Public Passage, or Place within the said City, hoop, fire, cleanse, wash, or scald any Cask or Tub, or roll any Cask or Tub, or hew, saw, or cut any Stone, Wood, or Timber, or bore any Timber, or make or repair, or wash or clean any Coach, Chaise, Waggon, Sledge, or other Carriage, or the Wheel, Body, Springs, or other Part of any Coach, Chaise, Waggon, Sledge, or other Carriage, except such as may want immediate Repair from any sudden Accident on the Spot, and which cannot conveniently be removed for that Purpose, and also except for the necessary Time of any Stage Coach, Hackney Coach, or other Carriage let for Hire, taking up and setting down any Fares, or waiting for Passengers when actually hired; or wet, slack, or mix any Lime, or wet, mix, or make any Mortar, or shoe, bleed, or farry any Horse or other Beast (unless in case of sudden Accident); or clean, dress, drive, or turn loose any Horse or other Beast or Cattle, or shew or expose any Stallion or Stone Horse (except only in such Place as the said Commissioners shall direct), or shew or expose, or exercise or expose to Sale any Horse or other Beast, or kill, slaughter, or scald, singe, dress, or cut up any Animal, either wholly or in part; or cause or permit any Blood to run from any House, Butcher's Shop, or Shambles into the Streets or any of them; or shall sell, or assist in selling, by Auction or Public Sale, any Cattle, Goods, Wares, Merchandize, or any Thing or Things whatsoever, in any of the said Roads, Streets, Lanes, Courts, Yards, Mewses, Alleys, Public Passages, or Places, without the Leave of the said Commissioners for that Purpose had and obtained; or hang up, place, or expose to Sale, or cause or permit to be hanged up, placed, or exposed to Sale, any Goods, Wares, Merchandizes whatsoever, or any Fruit, Vegetables, or Garden Stuff, Butcher's Meat, Offal, or other Matter or Thing, in or upon, or so as to project over or upon the Footway or Carriageway of any such Roads, Streets, Lanes, Courts, Yards, Mewses, Alleys, Public Passages, or Places, or beyond the Line, or on the Outside of the Window or Windows, or in the Area or Areas of the House, Shop, or Place at which the same shall be so hanged up, placed, or exposed to Sale, and so as to obstruct or incommode the Passage of any Person or Carriage; or leave open after Sun-set or before Sun-rise the Door or Window of any Area, Cellar, or under-ground Room, or Apartment, or Opening, leading to any Building or Premises, without having placed or left a sufficient Light therein to warn and prevent Persons passing in the Roads, Streets, Lanes, Courts, Yards, Mewses, Alleys, and Public Places within the said Limits from falling into such Cellars or other under-ground Rooms, Apartments, or Openings; or throw at any Cock or Fowl in the Manner called Cock-throwing, or set up any Cock or Fowl to be thrown at in such Manner; or play at Football or any other Game to the Annoyance of any Passenger or Passengers; or shall wilfully break, aid, or abet, or assist in wilfully breaking any Glass, or Window

Panes, or Windows in or belonging to any Dwelling House or Building; or make or assist in making any Bonfire, or wantonly discharge, or wantonly fire any Gun, Pistol, or Blunderbuss, or other Firearms, or let off, set fire to, or throw any Cracker, Squib, Rocket, or other Firework; or shall occasion any kind of Obstruction or Annoyance in or upon any such Street, Lane, Public Passage, or Place, or shall obstruct or incommode, hinder or prevent the free Passage of any Footway or Causeway, or prejudice or annoy in any Manner whatsoever any Person or Persons travelling, passing, or going thereon within the said City; then and in every such Case every Person so offending shall for every Offence forfeit and pay any Sum not exceeding Five Pounds; and it shall and may be lawful to and for any Constable or other Peace Officer, or any One of the said Commissioners, or any Officer or other Person acting by or under their Authority by virtue of this Act, and without any Warrant whatsoever, to seize and apprehend any such Offender or Offenders as aforesaid, and forthwith to convey him, her, or them before some Justice or Justices of the Peace for the said City, in order to his, her, or their Conviction of such Offence.

Owners and Occupiers of Houses to remove Projections.

XLIV. And be it further enacted, That every Owner or Occupier of any House, Warehouse, or other Building, in any of the Streets, Lanes, or Places within the said City, shall take down, alter, and remove all Posts, Steps, Bulks, Windows, Show Boards, Show Glasses, or other Projections, which do or shall encroach on the Footways in any such Streets, Lanes, or Places; and also take away, alter, and remove, all Doors opening into or leading from the said Footways into any Cellar or Vault, and all Signs, Sign Posts, Sign Irons, Poles, Penthouses, Board, or other Annoyances whatsoever, which shall be fixed to or against any House, Warehouse, or other Building, or which shall hang from any House, Warehouse, or other Building, within the Space of Ten Days next after Notice in Writing given by the Surveyor to the said Commissioners for taking down, altering, or removing such Annoyances as aforesaid; and to cause all such Signs and Sign Boards to be fixed or placed close to the Wall of the House or other Building to which they respectively belong, at the Costs and Charges of such Owners or Occupiers; and in case any such Owners or Occupiers shall refuse or neglect so to do, it shall and may be lawful for the said Commissioners to take down, remove, alter, and regulate, in such Manner as they shall from Time to Time judge proper and necessary, all such Projections or Encroachments as aforesaid; and the Costs and Charges thereof shall be borne and paid by the Owners or Occupiers of such Houses, Warehouses, or other Buildings respectively; and in case of Nonpayment thereof, on Demand by the Surveyor or other Officer of the said Commissioners, the same shall be levied and recovered in like manner as other Penalties are by this Act directed to be levied and recovered.

Commissioners may contract for cleansing and watering the Streets.

XLV. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, and they are hereby required to nominate and appoint any Person or Persons, and to purchase or hire any Cart or Carts, or other Carriage or Carriages, and also any Horse or

or Horses for the Purpose of cleansing and watering the several Streets, Lanes, Public Passages, and Places within the said City, and for carrying away the Dust, Dirt, and Soil thereof; or it shall and may be lawful to and for the said Commissioners to contract with any Person or Persons for cleansing and watering the same, upon such Terms and Conditions as they shall think proper.

Footways, &c. to be swept.

XLVI. And be it further enacted, That the Occupier of every House, Tenement, Warehouse, Shop, Shed, Coach House, Stable, Chapel, Meeting House, Wall, or other public or private Building within the said City shall, on the *Wednesday* and *Saturday* in every Week, and oftener if required by the said Commissioners or any Seven or more of them, sweep and cleanse the Footways along the Fronts of their respective Houses, Tenements, Warehouses, Shops, Sheds, Coach Houses, Stables, Chapels, Meeting Houses, Walls, or other public or private Building, and cause the same to be scraped, swept, and cleansed; and in default thereof, for every such Offence forfeit and pay any Sum not exceeding Ten Shillings nor less than Five Shillings.

Waggons, &c. used in the City, to have Six Inch Wheels.

XLVII. And be it further enacted, That from and after the First Day of *January* One thousand eight hundred and twenty-five, the Wheels of all Waggons, Wains, Carts, Trolleys, and other Wheel Carriages, which shall be kept or used for carrying Coals, Bricks, Tiles, Timber, Stone, Lime, Goods, Wares, Merchandizes, or other Things for Hire within the said City, (except small Carriages, the loading whereof and the Weight of such Carriage shall not exceed One Ton), shall be made with Fellies Six Inches broad at least, and of a flat even Surface in every Part of such Fellies, and the Nails of the Tire properly countersunk, on pain that the Owners or Drivers of all such Carriages respectively used as aforesaid, not having such Fellies, shall, for every Day on which the same shall be used in the said City, forfeit and pay any Sum not exceeding Ten Shillings.

Commissioners may erect Machines, and demand Tolls for Overweight.

XLVIII. And be it further enacted, That it shall and may be lawful for the said Commissioners, and they are hereby required from Time to Time, at such Place and Places as they shall think proper, to erect, provide, support, and maintain within the said City and Liberties, such a Number of Cranes, Machines, or Engines as they shall think proper for the weighing of all such Waggons, Wains, Carts, and other Carriages as shall ply for Hire within the said City, and likewise for weighing any Goods, Wares, and Merchandizes, or Things which any Person or Persons shall desire to have weighed, and to appoint such Person or Persons as the said Commissioners shall think proper to the Care thereof, and shall put up a Table of Tolls at every such Crane, Machine, or Engine; and such Person or Persons so to be appointed shall receive, take, and demand such Tolls for Overweight as are made payable for Overweight of Waggons, Wains, Carts, or Carriages, in and by the said Act of the Third Year of His present Majesty, intituled *An Act to amend the general Laws now in being for regulating Turnpike Roads in that Part of* Great Britain *called* England; (that is to say), for every Hundred Weight of One hundred and twelve Pounds to the Hundred, which any Waggon, Cart, or other Carriage, together

3 G. 4. c. 126.

together with the Loading thereof, shall weigh at any such Weighing Machine as aforesaid, over and above the Weights to them respectively allowed to pass on Turnpike Roads by the said Act of the Third Year of His present Majesty, the several Sums of Money following; that is to say,

For the First and Second Hundred of such Overweight, the Sum of Three-pence *per* Hundred:
For every Hundred of such Overweight above Two Hundred, and not exceeding Five Hundred, the Sum of Sixpence:
For every Hundred of such Overweight above Five Hundred, and not exceeding Ten Hundred, the Sum of Two Shillings and Sixpence:
And for every Hundred of such Overweight exceeding Ten Hundred, the Sum of Five Shillings:

And shall also receive of and from such Person and Persons as shall by desire have weighed any Goods, Wares, Merchandizes, or Things, such Sum and Sums of Money and no more, as shall be fixed by the said Commissioners, not exceeding Three-pence *per* Ton, and so in Proportion for any greater or less Weight, for each Time of weighing, which said Tolls shall be applied by the said Commissioners for the Purposes of this Act; and if any Person so appointed shall permit any Waggon, Cart, or other Carriage to pass with greater Weight than are allowed by the said last-mentioned Act, and without receiving the Tolls by this Act authorized to be taken, he shall for every such Offence forfeit any Sum not exceeding Forty Shillings, nor less than Twenty Shillings; and if the Owner or Driver thereof shall refuse to allow the same to be weighed, or shall offer any Impediment or Resistance to the Weighing the same, every such Owner or Driver so offending shall forfeit and pay any Sum not exceeding Forty Shillings, nor less than Twenty Shillings; and if any Person or Persons shall wilfully break, injure, or spoil any such Crane, Machine, or Engine, or any Part or Parts thereof, or any thing belonging thereto, every Person or Persons so offending shall for every such Offence forfeit and pay such Sum of Money not exceeding Twenty Pounds as the Justices before whom such Person or Persons shall be thereof convicted shall in that behalf adjudge and order.

Exempting Waggons, &c. employed in His Majesty's Service, and Carriages laden with Stones, &c.

XLIX. And be it further enacted, That no Person owning or driving, or causing to be driven, any Waggon, Wain, Cart, or other Carriage provided for the Service of His Majesty's Forces, or conveying any Ordnance, Barrack, Commissariat, or other Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, or any Carriage whatsoever, carrying any one Tree or Piece of Timber, or any one Stock, or any Block of Marble, or any single Package, or other Thing, that of necessity is required to be hauled at one Time, shall be subject to any of the said Tolls for Overweight, or any Penalty or Forfeiture by reason thereof, nor shall any such Waggon, Wain, Cart, or other Carriage be stopped or detained by reason of any Weight thereon.

Surveyor to cause Waggons, &c. to be weighed.

L. And be it further enacted, That it shall be lawful for the Surveyor or any other of the Officers to be appointed by the said Commissioners

missioners from Time to Time to weigh or cause to be weighed all or any Waggons, Wains, Carts, Drays, Sledges, Trolleys, and other Carriages plying for Hire within the said City, together with the Loading thereof, as shall at any Time be found or seen to pass through or along any of the Streets, Lanes, Squares, or Public Places of the said City with heavy Weights, at any Crane, Machine, or Engine already made or erected, or hereafter to be made or erected therein; and if any Owner or Driver shall not permit the said Surveyor or Officer to weigh or cause to be weighed any such Waggon, Wain, Cart, Dray, Sledge, Trolley, or other Carriage, with the loading thereof as aforesaid, or shall obstruct or hinder the weighing, seizing, or impounding hereby authorized, every such Owner or Driver shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings nor less than Ten Shillings, at the Discretion of the Justice before whom he shall be convicted.

Commissioners may make Bye Laws to regulate Drivers of Carriages and Porters.

LI. And be it further enacted, That it shall be lawful for the said Commissioners at any of their Meetings, from Time to Time to constitute, ordain, and provide such Bye Laws, Rules, and Orders as they shall think fit, for regulating the Conduct and Behaviour of the Owners and Drivers of all Hackney Coaches, Fly Carriages, and Sedan Chairs, and of all Waggons, Wains, Carts, Sledges, Drays, Trolleys, and other Carriages as shall ply for Hire within the said City, and also of all Persons who shall ply for Hire as Porters in the Hop Market, or in any other Market within the said City; and for trying, adjudging, and punishing the Misconduct and Misbehaviour of such Owners, Drivers, Carriers, and Porters respectively, and for ascertaining the Wages or Hire to be taken by such Owners, Drivers, Carriers, and Porters respectively, and to compel such Owners, Drivers, Carriers, and Porters respectively to register the Names and Places of Abode of all such Owners, Drivers, Carriers, and Porters respectively with the Surveyor of the said Commissioners, or otherwise in the said City, as to the said Commissioners shall seem meet, and the same Bye Laws, Rules, and Orders from Time to Time to repeal, alter, and amend, and shall ascertain and set down what Penalties or Forfeitures shall be incurred by Persons evading the same or any of them; so that no such Bye Laws, Rules, and Orders be contrary to the Laws and Statutes of that Part of the United Kingdom called *England*, or to any thing in this Act contained, and so as no such Penalty or Forfeiture shall exceed Forty Shillings for one Offence, or the Imprisonment of the Offender exceed One Month.

Bye Laws to be put up in conspicuous Places.

LII. Provided always, and be it further enacted, That Copies of the several Rules, Orders, Regulations, and Bye Laws by this Act authorized to be made, shall be fairly written out or printed, and painted on Boards, and signed by the Clerk or Clerks to the said Commissioners, and shall be placed or affixed in such conspicuous Parts or Places in the Council Chamber and elsewhere in the said City, as the said Commissioners shall direct, and be renewed from Time to Time as often as the same shall be pulled down, obliterated, or defaced; and if any Person shall wilfully or maliciously pull down, obliterate, or deface any such Board, or the printing or painting

thereon, every such Person shall, for every such Offence, forfeit and pay any Sum not exceeding Forty Shillings: Provided also, that all such Rules, Orders, Regulations, and Bye Laws shall be subject to Appeal in manner herein-after mentioned.

Rates for Water and for lighting and watching to be borne by Tenants.

LIII. And be it further enacted, That from and after the Commencement of this Act, the Charges and Expences of carrying the same into Execution, for supplying the City of *Worcester* and the Liberties thereof with Water, shall be borne and defrayed by the Tenants or Occupiers of all Messuages, Tenements, Buildings, and Hereditaments within the said City and Liberties, some Part of which Messuages, Tenements, Buildings, and Hereditaments shall be situated within Thirty Yards of a Main Water Pipe, and wherein the *Severn* Water shall be conveyed (except Houses under the yearly Rent or Value of Four Pounds), by an equal Pound Rate, not exceeding Two Shillings in the Pound in any Year; and that the Charges and Expences of carrying this Act into Execution for lighting, watching, and regulating all the present and future Streets, Lanes, and other Passages and Places within the said City and Liberties, shall be borne and defrayed by the Tenants or Occupiers of all Messuages, Tenements, Buildings, and Hereditaments whatsoever, within the said City and Liberties (except Houses under the yearly Rent or Value of Four Pounds) by an equal Pound Rate, not exceeding Sixpence in the Pound in any Year; and the said Commissioners are hereby empowered and required yearly or oftener, as there shall be Occasion, to fix and ascertain, and as soon after as may be, to issue an Order under their Hands to the Assessors, to be appointed by virtue of this Act, directing how much in the Pound shall be raised by the Rates hereby authorized for the several Purposes aforesaid; and that the said Commissioners shall divide the said City into such suitable and convenient Parts as they shall think proper for the Assessment and Collection of the said Rates, which said Rates respectively shall be and be deemed Tenants Taxes, and shall be charged upon the Tenants and Occupiers of the said several Messuages, Tenements, Buildings, and Hereditaments within the said City, and such Tenants and Occupiers are hereby made liable to pay the said Rates according to the true annual Rate or Value of their Premises respectively.

Rates for purchasing and pulling down Houses to widen the Streets, to be borne by Landlords and Tenants in certain Proportions.

LIV. And be it further enacted, That the Expences of purchasing and pulling down any Houses, Walls, Buildings, Lands, Tenements, or Hereditaments by this Act authorized to be purchased and pulled down for widening and improving any of the Streets, Lanes, Ways, and Passages, Roads, or Places within the said City, shall be borne and defrayed by the Landlords and Tenants of the several Messuages, Tenements, Buildings, and Hereditaments within the several Parishes and Places in the said City, in the following Proportions; that is to say, Two Parts in Three by the Landlords, and One Part in Three by the Tenants thereof respectively; and the said Commissioners shall, and are hereby empowered and required, from Time to Time as they shall see Occasion, to make One or more Rate or Rates, Assessment or Assessments, upon all Messuages, Tenements, Buildings, and Hereditaments within the said several Parishes and Places in the said

said City (except Houses under the yearly Rent or Value of Four Pounds), for raising the Sum and Sums of Money hereby authorized to be raised for the Purposes aforesaid, by an equal Pound Rate, not exceeding Sixpence in the Pound in any Year; and the Money so to be rated and assessed shall be charged upon and paid by the said Tenants or Occupiers respectively to the Collectors to be appointed by the said Commissioners, and shall be by such Collectors paid over to the Treasurer of said Commissioners, and applied for the Purposes aforesaid; and all such Tenants and Occupiers respectively shall and may deduct and retain out of their Rents, so much as they shall pay for and on Behalf of their respective Landlords, and such Landlords are hereby required to allow such Deductions accordingly: Provided always, that if, in the Judgment of the said Commissioners, any distinct Parish or Extra-parochial Place shall be materially benefited by such Improvements, it shall be lawful for the said Commissioners to increase the Assessment upon the Landlords and Tenants of such Parish or Place, in such Proportions as they the said Commissioners shall determine to be fair and equitable, not exceeding One Half of the whole Sum necessary to be raised, so that the whole Rate for such Parish or Extra-parochial Place do not exceed Sixpence in the Pound in any one Year.

All Saints Parish to bear Four Fifths of the Sum for purchasing Houses and opening Avenues to the Church.

LV. And be it further enacted, That Four Parts in Five of the whole Sum necessary for purchasing and pulling down the said Houses and Buildings in *All Saints*, and widening the Avenues to the Church, shall be borne and defrayed by the Landlords and Tenants of the several Messuages, Tenements, Buildings, and Hereditaments within the said Parish of *All Saints*, in the Proportions following; (that is to say), Two Parts in Three by the Landlords, and One Part in Three by the Tenants thereof respectively, and that the remaining One Part in Five shall be borne and defrayed by the Landlords and Tenants of the several Messuages, Tenements, Buildings, and Hereditaments within the several other Parishes and Places in the said City, in the like Proportions; and the said Commissioners shall and are hereby empowered and required to make One or more Rate or Rates, Assessment or Assessments upon all Messuages, Tenements, Buildings, and Hereditaments within the said Parish of *All Saints*, and the several other Parishes and Places within the said City respectively, (excepting Houses under the yearly Rent or Value of Four Pounds) for raising the said Sum hereby authorized to be raised, by an equal Pound Rate not exceeding Sixpence in the Pound in any Year; and the Money so to be rated and assessed shall be charged upon and paid by the said Tenants or Occupiers respectively to the Collectors to be appointed by the said Commissioners, and shall be by such Collectors paid over to the Treasurer of the said Commissioners, and applied for the Purposes aforesaid; and all such Tenants and Occupiers respectively shall and may deduct and retain out of their Rents so much as they shall pay for and on Behalf of their respective Landlords, and such Landlords are hereby required to allow such Deductions accordingly.

LVI. And

Rates to be signed and allowed by the Commissioners.

LVI. And be it further enacted, That all Rates and Assessments which shall be made in pursuance of this Act as aforesaid, shall be allowed and signed by the said Commissioners, or any Seven or more of them, and they shall and may have Power to amend any such Rates or Assessments, by inserting, or causing to be inserted, the Name or Names of any Person or Persons who ought to have been rated, and shall appear to have been omitted therein, or by taking out the Name or Names of any Person or Persons whose Name or Names shall have been inserted in any such Rate or Assessment, and who ought not to be rated, or by varying, altering, raising, or reducing the several and respective Sum and Sums of Money which shall be charged, rated, or assessed in such Rate or Assessment upon any Person or Persons whomsoever; and the Assessors to be appointed as aforesaid shall appear and bring with them, at any Time and Place, when thereto required by the said Commissioners, or any Seven or more of them, or by their Clerk for the Time being, a true Copy of such Assessments, fairly written and subscribed by them, and shall deliver the same unto the Commissioners, and shall upon any reasonable Notice from Time to Time attend upon the said Commissioners at any of their Meetings in pursuance of this Act; and at any Court or Courts of Quarter Sessions, or at any Adjournment thereof, or otherwise, as there shall be Occasion, then and there to explain, amend, and justify such their Assessments; and after the said Rates and Assessments are so made and confirmed, the said Commissioners, or any Seven or more of them, shall and may, and they are hereby authorized and required to cause the same to be collected and received, as soon as may be, of and from the Person and Persons respectively on whom the same shall be rated, charged, and assessed.

Commissioners may reduce and mitigate Rates.

LVII. Provided always, and be it further enacted, That if any Person or Persons, Body or Bodies Politic or Corporate, shall think himself, herself, or themselves aggrieved by any Rate or Rates, Assessment or Assessments to be made in pursuance of this Act, he, she, or they, in Person or by Agent, may apply to the said Commissioners at any of their said Meetings, and it shall be lawful for the said Commissioners, on such Application, to mitigate or reduce such Rates or Assessments respectively, and to give such Relief in the Premises as to them shall seem just and reasonable.

Commissioners may compound with Landlords of Houses let at small Rents.

LVIII. And be it further enacted, That when the yearly Rent or Value of any House, Tenement, or Hereditament within the said City shall not exceed Twenty Pounds, or shall be let to any Weekly or Monthly Tenants, or in separate Apartments, furnished or unfurnished, and the Rents thereof shall become payable and be collected at any shorter Period than Quarterly, then and in every such Case (but subject to the Proviso herein-after contained), it shall be lawful for the said Commissioners to compound, if they shall think proper, with the Landlord or Landlords, Owner or Owners, Lessee or Lessees, Proprietor or Proprietors of all and every or any such House, Tenement, or Hereditament, for the Payment of the Rate or Rates, Assessment or Assessments, to be made by virtue of this Act, at such a reduced yearly Rental as the said Commissioners shall think reasonable,

sonable, so that no such House, Tenement, or Hereditament be rated at less than Two-thirds, or more than Four-fifths of the Rack Rent at which the same respectively shall then be let, or of the annual Value of the said Premises respectively; and the Landlord or Landlords, Owner or Owners, Lessee or Lessees, Proprietor or Proprietors of all such Houses, Tenements, or Hereditaments as shall not exceed the yearly Rent of Twenty Pounds, or as shall be let to any Weekly or Monthly Tenants, or in separate Apartments, furnished or unfurnished as aforesaid, and from whence the several Rents whereof shall become due and be collected at any shorter Period than Quarterly, is and are hereby required to enter into such Composition with the said Commissioners; and in case such Landlord or Landlords, Owner or Owners, Lessee or Lessees, Proprietor or Proprietors, shall refuse to enter into such Composition, he, she, or they shall from thenceforth be rated to, and from Time to Time shall pay or cause to be paid the Rates or Assessments charged upon their respective Premises by virtue of this Act unto the Collector or Collectors for the Time being, who is and are hereby authorized and empowered to receive and collect the same; and upon Nonpayment thereof, or of the Amount of such Composition, to levy the same by Distress and Sale of the Goods and Chattels of the Landlord or Landlords, Owner or Owners, Lessee or Lessees, Proprietor or Proprietors of the respective Premises aforesaid, wheresoever they may be found, or of the Person or Persons inhabiting the same respectively, in such Manner as by this Act is provided for the Recovery of the Rates in other Cases: Provided always, that no such Landlord, Owner, Lessee, or Proprietor shall be charged with or liable to pay for any increased Rent reserved or made payable to him for or on account of such Landlord, Owner, Lessee, or Proprietor having agreed to pay the Rates heretofore chargeable upon the several Occupiers of such Premises; and provided also, that the Goods and Chattels of all and every Person or Persons renting or occupying any such House, Tenement, or Hereditament, or any Part or Parts thereof, the Rate or Rates, Assessment or Assessments, whereof the Landlord or Landlords, Owner or Owners, Lessee or Lessees, Proprietor or Proprietors, is and are hereby made liable and subject to as aforesaid, shall be liable at all Times to be distrained and sold for Payment of such of the said Rates or Assessments, and of all Arrears thereof, as became due upon the said Premises during the Time of his, her, or their occupying only; but no such Occupier or Occupiers shall at any Time be required to pay, or be subject or liable to pay any greater Sum for or towards the Discharge of the said Rates or Assessments or any of them, and Arrears thereof, than the Amount of the Rent actually due or payable by such Occupier or Occupiers to the Landlord or Landlords, Owner or Owners, Lessee or Lessees, Proprietor or Proprietors, of the Premises so occupied by him, her, or them: Provided also, that each and every Occupier who shall pay any such Rate or Rates, Assessment or Assessments, or any Arrears thereof, or upon whom the same shall be levied, shall and may from Time to Time deduct the same from the Rent due and payable from him, her, or them to the respective Landlords, Owners, Lessees, or Proprietors of the Premises, unless there shall

be some Agreement to the contrary between the Landlord and Tenant; and the Receipt for such Payment shall be a sufficient Discharge to such Occupier or Occupiers, and to his, her, or their Landlord or Landlords, for so much Money as he, she, or they shall pay, in the Manner directed by this Act: Provided also, that when the yearly Rent or Value of any House which shall be let out furnished, either altogether or in separate Apartments, shall exceed Twenty Pounds *per Annum*, it shall not be lawful for the said Commissioners, upon such Composition being made as aforesaid, to take less than the full Amount of the Rate or Rates which shall be assessed in respect of such House, but nevertheless such Composition shall be made in manner aforesaid, for Payment of the whole of such Rate, with and by the Landlord, Owner, Lessee, or Proprietor of the said Premises.

Persons receiving Rents to be deemed Owners.

LIX. And, in order to prevent Disputes touching the Designation of Owner or Landlord, Lessee or Proprietor, of Messuages, Tenements, or Hereditaments within the said City, be it further enacted, That the Person or Persons legally authorized and empowered to receive and collect, or receiving and collecting, or claiming to be entitled to receive and collect, the Rents of any Messuages, Tenements, or Hereditaments from the Tenants or actual Occupiers thereof, or of any of them, shall be deemed and taken, for the several Purposes of this Act, and every of them, to be the Owner or Owners, Landlord or Landlords, Proprietor or Proprietors of such Messuages, Tenements, or Hereditaments; and in all Cases in which either Owners or Landlords, Lessees or Proprietors, are made liable by this Act, such Person or Persons respectively so authorized and empowered to receive and collect, or receiving and collecting, or claiming to be entitled to receive and collect the Rents of any such Messuages, Tenements, or Hereditaments from the Tenants or actual Occupiers thereof, or any of them, shall be liable as Owner or Owners, Landlord or Landlords, Lessee or Lessees, Proprietor or Proprietors thereof, unless the real Owner or Owners, Landlord or Landlords, Lessee or Lessees, Proprietor or Proprietors, shall be declared by himself, herself, or themselves, or unless the real Owner or Owners, Landlord or Landlords, Proprietor or Proprietors, shall be distinctly and certainly known to be such to the Satisfaction of the said Commissioners.

Compositions to remain until altered by Commissioners.

LX. And be it enacted, That from and after any Composition at a reduced Rate shall be made with the said Commissioners as hereinbefore mentioned, the House or Houses, Tenement or Tenements, and Hereditaments therein comprised, shall be rated and assessed according to the same reduced Rental in every future Rate or Assessment to be made by the said Commissioners, until the said Commissioners shall think proper otherwise to rate and assess the said Premises, and without any Notice to be given to the Landlord or Owner, Lessee or Lessees, Proprietor or Proprietors of the same.

Apportioning Rates between Occu-

LXI. And be it further enacted, That where any Person or Persons shall occupy any House, Warehouse, Buildings, Tenements, Here-

piers quitting and coming in.

Hereditaments, or Premises rated or assessed, or liable to be rated or assessed by virtue of this Act, out of or from which any other Person rated or assessed shall be removed, or which at the Time of making such Rate or Assessment was empty or unoccupied, then and in every such Case every Person so removing from, and every Person coming into or occupying the same, shall be liable to pay to such Rates and Assessments in proportion to the Time that such Person respectively occupied the same, in the same Manner and under the like Penalties of Distress, as if the Person removed had continued therein, or the Person coming into or occupying such House, Buildings, Hereditaments, or Premises, had originally occupied the same, and had been originally rated and assessed in the said Rate or Assessment; which Proportion, in case of Dispute, shall be settled and ascertained by the said Commissioners.

Recovery of Rates.

LXII. And be it further enacted, That in case at any Time or Times hereafter any Landlord or Landlords, Owner or Owners, Proprietor or Proprietors, or Occupier or Occupiers of any House, Building, or Hereditament situate in any Street or Place within the said City, for or in respect whereof he, she, or they shall be rated or assessed, or liable to pay any Rate or Assessment made or to be made by the said Commissioners to and for the Purposes of this Act, shall refuse or neglect to pay the Money rated and assessed upon him, her, or them respectively, or which he, she, or they may be liable to pay by virtue of this Act, and all Arrears, it shall be lawful for any One of His Majesty's Justices of the Peace for the City of *Worcester*, and he is hereby authorized and directed, by Writing under his Hand, on Complaint made by the Commissioners, or any Officer or other Person appointed by them, (the Collector of the said Rates or Assessments having first made Oath before such Justice that he hath duly demanded of the Person or Persons liable to pay the said Rates or Assessments the Monies rated and assessed upon him, her, or them), and that they have refused or neglected to pay the same, to summon all and every such Person or Persons so refusing or neglecting as aforesaid, to appear at a Time and Place to be mentioned in such Summons before such Justice, or before any Justice or Justices of the Peace for the said City, who shall be then and there present; and it shall be lawful for any Person appointed to collect and receive such Rates or Assessments, or for any of the Constables within the said City, or for any other Person, to serve all and every such Summons or Summonses upon all and every Person and Persons so refusing or neglecting to pay as aforesaid, either by delivering the same to the Person or Persons thereby intended to be summoned, or by leaving the same at his, her, or their last or usual Place or Places of Abode, or at or on the Premises for or in respect whereof the Rate or Rates, Assessment or Assessments mentioned in such Summons shall remain due and owing; and if any Person or Persons so summoned shall refuse or neglect to attend at the Time and Place mentioned in such Summons, or if he, she, or they shall attend, and shall not shew good and sufficient Cause to such Justice or Justices as may be then and there present, that he, she, or they is or are not chargeable with such Rate or Rates, Assessment or Assessments, then and

and in every such Case, such Person or Persons shall pay the Rate or Rates in respect of which such Summons was issued, and all the Costs and Charges of such Summons; and in all Cases where such Rate or Rates, Assessment or Assessments, or any of them, shall not be paid upon the Return of such Summons, it shall be lawful for the Justice who shall have signed and issued such Summons or Summonses, or who shall have directed such Summons or Summonses to be signed and issued as aforesaid, or for any other Justice of the Peace for the said City, and he is hereby authorized and required upon Oath made before him of the due Service of such Summons or Summonses by the Person who shall have served the same, and Proof on Oath that such Rate or Rates, Assessment or Assessments, is or are actually due and owing, and unpaid, to grant a Warrant under his Hand and Seal, authorizing or directing any such Person appointed to collect such Rate or Rates, Assessment or Assessments as aforesaid, or any Constable within the said City, or other Person, to levy such Rate or Rates, Assessment or Assessments, and all Arrears thereof, and the said Costs and Charges of the Summons (if the same shall not have been paid before) and the Costs and Charges of every such Warrant, and also the Costs, Charges, and Expences of executing the same, by Distress of the Goods and Chattels of the Person or Persons so neglecting or refusing; and if within Five Days next after any Distress shall be made pursuant to the Directions of this Act, the said Rate or Rates, Assessment or Assessments, with all Arrears due thereon, together with all the said Charges for the said Summons and Warrant, and the Charges and Expences of executing the same Warrant and of making such Distress, shall not be paid, then the said Person appointed to collect as aforesaid, or the Constable or other Person authorized by the said Warrant, shall cause the said Goods and Chattels to be appraised by One or more Appraiser or Appraisers, and to be sold either on the Premises where the same shall be distrained or elsewhere, or such Part or Parts thereof as in his or their Judgment shall be sufficient to pay the said Rate or Rates, Assessment or Assessments, together with all Arrears due thereon, and the said Costs, Charges, and Expences of the said Summons, Warrant, Distress, Removal, and keeping Possession of such Goods and Chattels so distrained, and the reasonable Costs, Charges, and Expences of appraising and selling the same, and shall return the Overplus (if any) to the Owner or Owners of such Goods and Chattels respectively, upon Demand thereof made by him, her, or them; and in case no such Goods and Chattels can be found to be distrained by virtue of any such Warrant, or in case any such Goods and Chattels shall be locked up or secured, or shall be removed, so that such Person appointed to collect the said Rates or Assessments as aforesaid, or such Constable or other Person cannot distrain the same, or in case after such Distress and Appraisement, or Sale, as herein-before directed, the Proceeds thereof shall not be sufficient to pay such Rates or Assessments, with the Arrears due thereon, and all the said Costs, Charges, and Expences as aforesaid, then and in any of such Cases, upon Information thereof given to any Justice of the Peace for the said City, it shall be lawful to and for any such Justice of the Peace, and he is hereby authorized and

required to issue a Warrant under his Hand and Seal, for the Apprehension of any such Person or Persons making default in the Payment of such Rates or Assessments, and the Arrears thereof, or of any Part thereof, and of such Costs, Charges, and Expences, or any of them, and to commit such Person or Persons to the Common Gaol or House of Correction for the said City, there to remain without Bail or Mainprize for any Time not exceeding the Space of Two Calendar Months, unless such Rates or Assessments, and all Arrears thereof, and all Costs, Charges, and Expences, or so much thereof as shall remain unsatisfied by any such Distress or Distresses or otherwise, shall be sooner paid.

LXIII. And be it further enacted, That every Warrant of Distress for the Nonpayment of any such Rates or Assessments, or Compositions, to be made under this Act, shall be in the Words or to the Effect following:

Warrant of Distress.

'City of Worcester, to wit.' TO the Collector of the Rates for supplying the City of *Worcester* with Water, and for paving, lighting, and watching the said City by virtue of an Act of Parliament passed in the Fourth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act* [*here set forth the Title of this Act*], and to all Constables and other Peace Officers of the said City:

'WHEREAS the under (or hereafter) mentioned Persons, now or late Inhabitants, Proprietors, Tenants, or Occupiers of Houses, Shops, Warehouses, or other Buildings, Tenements, or Hereditaments within the said City, were and are truly rated and assessed, or liable to the Rate and Rates duly made for the Purposes of this Act: And whereas the said Persons have refused or neglected to pay the several Sums of Money at and against their Names hereunder (or hereafter) respectively set down for Money due from them for or towards the Purposes in this Act mentioned, and the said several Sum and Sums are still remaining due in arrear and unpaid, as appeareth upon Oath to One of His Majesty's Justices of the Peace for the said City; and the said several Persons having been summoned to appear before to answer the Premises, as also appeareth to the said Justice upon Oath; and the said several Persons so summoned, or any of them, not having shewn any sufficient Cause why such Sum or Sums of Money should not be paid, these are therefore in His Majesty's Name to will and require you or any of you forthwith to levy the said several Sums due from the said Persons, and hereunder (or hereafter) joined to or set against their Names respectively, by Distress and Sale of their respective Goods and Chattels, such Goods and Chattels, being kept for the Space of Five Days before the same are sold, rendering to them respectively the Overplus (if any), the reasonable Charges of such Distress, Sale, and Keeping being first deducted; and if no sufficient Distress can be had or taken, that then you certify the same, to the end that such further Proceedings may be had therein as to the Law doth appertain; and I do hereby strictly charge and command all and singular the Constables and other

'His

'His Majesty's Peace Officers for the said City 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

	Sums due.
'*A.B.* - - - -	
'*C.D.* - - - - -	
'*E.F.* the Landlord for divided Premises -	
'*G.H.* the Landlord for Houses in Street, 'compounded for - - - -	
'*E.T.* the Landlord (or Receiver, &c. as the Case 'may be) - - - -	
'*K.L.* the Tenant - - -	

Commissioners empowered to borrow Money on Mortgage of the Rates.

LXIV. And for the more speedy and effectual raising of Money for the Purposes of this Act, be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby empowered, from Time to Time to borrow and take up at Interest any Sum or Sums of Money upon the Credit of the Rates or Assessments hereby granted, and by Writing under their Hands and Seals to mortgage or assign over the said Rates or Assessments, or any of them, or any Part or Parts thereof, to the Person or Persons who shall advance or lend such Money, or his, her, or their Trustee or Trustees, as a Security for the Money so to be borrowed, together with Interest for the same; and every such Mortgage or Assignment may be according to the Form following; (that is to say),

Form of the Mortgage.

'BY virtue of an Act passed in the Fourth Year of the Reign of 'His Majesty King *George* the Fourth, intituled *An Act*, &c. '[*here set forth the Title of this Act*], we, 'being of the Commissioners appointed by virtue of the 'said Act, in consideration of the Sum of Pounds 'paid to us by *A.B.* [*insert the Name and Place of Abode and Addition of the Lender*] for the Purposes of the said Act, do grant and 'assign unto the said *A.B.* his Executors, Administrators, and 'Assigns, such Proportion of the Rates or Assessments arising by 'virtue of the said Act as the said Sum of doth 'bear to the whole Sum which is or shall be borrowed upon the 'Credit of the said Rates or Assessments, to be had and holden 'from this Day until the said Sum of Pounds, with 'Interest henceforth for the same, at the Rate of Pounds '*per Centum per Annum*, to be paid Half-yearly, shall be fully repaid 'and satisfied. In witness whereof, we have hereunto set our Hands 'and Seals this Day of in the Year of 'our Lord .'

And every such Mortgage or Assignment shall be good, valid, and effectual in the Law.

Commissioners may raise Money on Annuities.

LXV. Provided always, and be it further enacted, That in case the said Commissioners shall think it advisable to raise all or any Part of the Money necessary for the Purposes aforesaid by the granting of Annuities for the Life or Lives of any Person or Persons, then

then it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, by any Writing or Writings under their Hands and Seals, to grant any Annuity or Annuities to any Person or Persons who shall contribute, advance, and pay into the Hands of the Treasurer to the said Commissioners any Sum or Sums of Money for the absolute Purchase of any such Annuity or Annuities, to be paid and payable during the natural Life of any such Contributor, or the natural Life of every such Person or Persons as shall be nominated by or on behalf of such Contributor at the Time of the Payment of his, her, or their Contribution or Purchase Money; and the Grant of every such Annuity may be made in the Form or to the Effect following; (that is to say),

Form of Grant of Annuity.

'BY virtue of an Act, passed in the Fourth Year of the Reign of
'His Majesty King *George* the Fourth, intituled *An Act, &c.*
'[*here set forth the Title of this Act*], we, being
'of the Commissioners appointed by virtue of the said Act, in con-
'sideration of the Sum of paid to us by
'*A.B.* [*insert the Name and Place of Abode and Addition of the*
'*Lender*] for the Purposes of the said Act, do hereby grant unto
'the said *A.B.* his Executors, Administrators, and Assigns, One
'Annuity or clear yearly Sum of Pounds out of the
'Rates or Assessments arising by virtue of the said Act, which
'Annuity or yearly Sum of shall be paid to the
'said *A.B.* his Executors, Administrators, and Assigns, at
' Quarterly, upon the Day of , the
'Day of , the Day of , and the
' Day of in every Year during the natural Life of
' ; 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,
'this Day of in the Year of our Lord .'

Annuities charged upon Rates.

And every such Grant shall be a good, valid, and effectual Security in Law for the Payment of such Annuity; which said several Annuities so to be granted shall be made payable and be paid Quarterly during the natural Lives of such Contributors respectively, or the natural Life or Lives of such other Person or Persons as shall be nominated by such respective Contributors; and a proportionate Part of each Annuity shall be paid from the last Quarter Day of Payment to the Day of the Death of the Annuitant, or his or her Cestuique Vie; and the said Commissioners shall pay the said Annuities, freed and discharged from every Tax and Deduction whatsoever.

Scale for granting Annuities on single Lives.

LXVI. And, for preventing any improvident Grants of Annuities under this Act, be it further enacted, That no Annuities shall be granted by virtue of this Act for any single Life at any higher Rate than the following; (that is to say), where the Age of the Annuitant or Person for whose Life the Annuity shall be granted shall not exceed Thirty-five Years, the Annuity to be granted shall not exceed the Rate of Eight Pounds Three Shillings for each One hundred Pounds of the Consideration Money paid for the Purpose thereof; where

where the Age of such Person shall not exceed Forty Years, the Annuity to be granted shall not exceed the Rate of Eight Pounds Ten Shillings for each One hundred Pounds of the Consideration Money; where the Age of such Person shall not exceed Forty-five Years, the Annuity shall not exceed the Rate of Nine Pounds for each One hundred Pounds of the Consideration Money; where the Age of such Person shall not exceed Fifty Years, the Annuity shall not exceed the Rate of Nine Pounds Twelve Shillings for each One hundred Pounds of the Consideration Money; where the Age of such Person shall not exceed Fifty-five Years, the Annuity shall not exceed the Rate of Ten Pounds Eight Shillings for each One hundred Pounds of the Consideration Money; where the Age of such Person shall not exceed Sixty Years, the Annuity shall not exceed the Rate of Eleven Pounds Eight Shillings for each One hundred Pounds of the Consideration Money; where the Age of such Person shall not exceed Sixty-five Years, the Annuity shall not exceed the Rate of Twelve Pounds Seventeen Shillings for each One hundred Pounds of the Consideration Money; where the Age of such Person shall not exceed Seventy Years, the Annuity shall not exceed the Rate of Fifteen Pounds One Shilling for each One hundred Pounds of the Consideration Money; and where the Age of such Person shall not exceed Seventy-five Years, the Annuity shall not exceed the Rate of Eighteen Pounds Ten Shillings for each One hundred Pounds of the Consideration Money: And that no Annuities shall be granted during the longest of Two Lives at any higher Rate than the following; that is to say, where the Ages of the Annuitants or Persons for whose Lives the Annuity shall be granted shall neither of them exceed Thirty-five Years, the Annuity to be granted shall not exceed the Rate of Six Pounds Ten Shillings for each One hundred Pounds of the Consideration Money paid for the Purposes thereof; where the Age of one Person shall not exceed Thirty-five and the Age of the other Person shall not exceed Forty Years, the Annuity to be granted shall not exceed Six Pounds Thirteen Shillings for each One hundred Pounds of the Consideration Money; where the Age of one Person shall not exceed Thirty-five and the Age of the other Person shall not exceed Forty-five Years, the Annuity shall not exceed Six Pounds Sixteen Shillings for each One hundred Pounds of the Consideration Money; where the Age of one Person shall not exceed Thirty-five and the Age of the other Person shall not exceed Fifty Years, the Annuity shall not exceed Six Pounds Nineteen Shillings for each One hundred Pounds of the Consideration Money; where the Age of one Person shall not exceed Thirty-five and the Age of the other Person shall not exceed Fifty-five Years, the Annuity shall not exceed Seven Pounds Two Shillings for each One hundred Pounds of the Consideration Money; where the Age of one Person shall not exceed Thirty-five and the Age of the other Person shall not exceed Sixty Years, the Annuity shall not exceed Seven Pounds Six Shillings for each One hundred Pounds of the Consideration Money; where the Age of one Person shall not exceed Thirty-five and the Age of the other shall not exceed Sixty-five Years, the Annuity to be granted shall not exceed Seven Pounds Nine

On Two Lives, according to the Ages of the Annuitants.

Nine Shillings for each One hundred Pounds of the Consideration Money; where the Age of one Person shall not exceed Thirty-five and the Age of the other Person shall not exceed Seventy Years, the Annuity shall not exceed Seven Pounds Twelve Shillings for each One hundred Pounds of the Consideration Money; where the Age of neither of the Two Persons shall exceed Forty Years, the Annuity shall not exceed Six Pounds Sixteen Shillings for each One hundred Pounds of the Consideration Money; where the Age of one Person shall not exceed Forty and where the Age of the other Person shall not exceed Forty-five Years, the Annuity shall not exceed Seven Pounds for each One hundred Pounds of the Consideration Money; where the Age of one Person shall not exceed Forty and where the Age of the other Person shall not exceed Fifty Years, the Annuity shall not exceed Seven Pounds Three Shillings for each One hundred Pounds of the Consideration Money; where the Age of one Person shall not exceed Forty and the Age of the other Person shall not exceed Fifty-five Years, the Annuity shall not exceed Seven Pounds Seven Shillings for each One hundred Pounds of the Consideration Money; where the Age of one Person shall not exceed Forty and the Age of the other Person shall not exceed Sixty Years, the Annuity shall not exceed Seven Pounds Twelve Shillings for each One hundred Pounds of the Consideration Money; where the Age of one Person shall not exceed Forty and the Age of the other Person shall not exceed Sixty-five Years, the Annuity shall not exceed Seven Pounds Sixteen Shillings for each One hundred Pounds of the Consideration Money; where the Age of one Person shall not exceed Forty and the Age of the other Person shall not exceed Seventy Years, the Annuity shall not exceed Seven Pounds Nineteen Shillings for each One hundred Pounds of the Consideration Money; where the Age of neither of the Two Persons exceeds Forty-five Years, the Annuity shall not exceed Seven Pounds Four Shillings for each One hundred Pounds of the Consideration Money; where the Age of one Person shall not exceed Forty-five and the Age of the other Person shall not exceed Fifty Years, the Annuity shall not exceed Seven Pounds Eight Shillings for each One hundred Pounds of the Consideration Money; where the Age of one Person shall not exceed Forty-five and the Age of the other Person shall not exceed Fifty-five Years, the Annuity shall not exceed Seven Pounds Thirteen Shillings for each One hundred Pounds of the Consideration Money; where the Age of one Person shall not exceed Forty-five and the Age of the other Person shall not exceed Sixty Years, the Annuity shall not exceed Seven Pounds Eighteen Shillings for each One hundred Pounds of the Consideration Money; where the Age of one Person shall not exceed Forty-five and the Age of the other Person shall not exceed Sixty-five Years, the Annuity shall not exceed Eight Pounds Three Shillings for each One hundred Pounds of the Consideration Money; where the Age of one Person shall not exceed Forty-five and the Age of the other Person shall not exceed Seventy Years, the Annuity shall not exceed Eight Pounds Seven Shillings for each One hundred Pounds of the Consideration Money; where the Age of neither of the Two Persons exceeds Fifty Years, the An-

nuity shall not exceed Seven Pounds Thirteen Shillings for each One hundred Pounds of the Consideration Money; where the Age of one Person shall not exceed Fifty and the Age of the other shall not exceed Fifty-five Years, the Annuity shall not exceed Seven Pounds Nineteen Shillings for each One hundred Pounds of the Consideration Money; where the Age of the one Person shall exceed Fifty and the Age of the other Person shall not exceed Sixty Years, the Annuity shall not exceed Eight Pounds Five Shillings for each One hundred Pounds of the Consideration Money; where the Age of one Person shall not exceed Fifty and the Age of the other Person shall not exceed Sixty-five Years, the Annuity shall not exceed Eight Pounds Eleven Shillings for each One hundred Pounds of the Consideration Money; where the Age of one Person shall not exceed Fifty and the Age of the other Person shall not exceed Seventy Years, the Annuity shall not exceed Nine Pounds for each One hundred Pounds of the Consideration Money; where the Age of neither of the Two Persons shall exceed Fifty-five Years, the Annuity shall not exceed Eight Pounds Six Shillings for each One hundred Pounds of the Consideration Money; where the Age of one Person shall not exceed Fifty-five and the Age of the other Person shall not exceed Sixty Years, the Annuity shall not exceed Eight Pounds Fourteen Shillings for each One hundred Pounds of the Consideration Money; where the Age of one Person shall not exceed Fifty-five and the Age of the other Person shall not exceed Sixty-five Years, the Annuity shall not exceed Nine Pounds Two Shillings for each One hundred Pounds of the Consideration Money; where the Age of one Person shall not exceed Fifty-five and the Age of the other Person shall not exceed Seventy Years, the Annuity shall not exceed Nine Pounds Ten Shillings for each One hundred Pounds of the Consideration Money; where the Age of neither of the Two Persons exceed Sixty Years, the Annuity shall not exceed Nine Pounds Three Shillings for each One hundred Pounds of the Consideration Money; where the Age of one Person shall not exceed Sixty and the Age of the other Person shall not exceed Sixty-five Years, the Annuity shall not exceed Nine Pounds Fourteen Shillings for each One hundred Pounds of the Consideration Money; where the Age of one Person shall not exceed Sixty and the Age of the other Person shall not exceed Seventy Years, the Annuity shall not exceed Ten Pounds Five Shillings for each One hundred Pounds of the Consideration Money; where the Ages of neither of the Two Persons exceeds Sixty-five Years, the Annuity shall not exceed Ten Pounds Eight Shillings for each One hundred Pounds of the Consideration Money; where the Age of one Person shall not exceed Sixty-five and the Age of the other Person shall not exceed Seventy Years, the Annuity shall not exceed Eleven Pounds Four Shillings for each One hundred Pounds of the Consideration Money; and where the Age of neither of the Two Persons exceeds Seventy Years, the Annuity shall not exceed Twelve Pounds Six Shillings for each One hundred Pounds of the Consideration Money.

Securities may be assigned.

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

borrowed or to be borrowed, or for the Annuities granted or to be granted at any Time or Times personally, or by his or their Attorney to assign or transfer his, her, or their Right, Title, or Benefit to the said Principal and Interest Money, or Annuities granted thereby, to any Person or Persons whomsoever, to be attested by One or more credible Witness or Witnesses, in the following Words or Words to the like Effect; *videlicet*,

Form of Assignment.

'I do hereby, in Consideration of the Sum of assign the within Security [*or* above recited Security, *in case there shall not be room for an Indorsement*], and all my Right and Title in and to the Principal Money and Interest now due or to become due, [*or* Annuity, and all the Arrears now due] or to become due thereon, unto *C. D.* his Executors, Administrators, and Assigns. Dated this Day of

'Witness *E. F.* *A. B.*'

Transfer to be registered.

Which Transfer shall, within Fourteen Days from the Date thereof, be produced and notified to the Clerk of the said Commissioners for the Time being, who shall enter the same in a Book to be kept for that Purpose, and after such Entry, and not till then, every such Assignment shall entitle any such Assignee or Assignees, his, her, or their Executors, Administrators, and Assigns, to the Benefit thereof; and such Clerk shall be entitled to receive the Sum of Ten Shillings and no more, for the Entry of every Security included in such Assignment, and it shall not be in the Power of any Person or Persons, who shall have made such Assignment, to make void, release, or discharge the same.

Application of Money.

LXVIII. And be it further enacted, That the Money to arise and be received from the Rates or Assessments, which by virtue of the said recited Acts (hereby repealed) or of this Act, or which may be borrowed on the Credit thereof respectively, (unless in Cases otherwise expressly directed) shall be paid, applied, and disposed in the first Place in paying the Costs, Charges, and Expences of and incident to the obtaining and passing of this Act, and then in carrying the Purposes thereof into Execution; and shall be subject and liable to the Payment of all Money now due, or which may hereafter be borrowed, and become due on the Credit hereof, and of all Interest for the same respectively, and be from Time to Time applied in reducing and paying off the said Incumbrances, and in Satisfaction of such Expences as the said Commissioners or their Officers shall necessarily incur in prosecuting or defending any Prosecutions or Suits in relation thereto, in such Manner as the said Commissioners, or any Seven or more of them, shall order or direct.

Compensation for Materials, Damages, &c. may be levied on the Goods vested in Commissioners.

LXIX. Provided always, and be it further enacted, That when and as often as any Sum or Sums of Money shall be directed or ordered to be paid by any Justice or Justices of the Peace, in pursuance of the Directions of this Act, as or by way of Compensation or Satisfaction for any Materials, Costs, Damages, Spoil, or Injury of any Nature or Kind whatsoever, done or committed by the said Commissioners, or any Person or Persons acting by or under their Authority, or under the

the Authority of this Act, and such Sum or Sums of Money shall not be paid by the said Commissioners to the Party or Parties entitled to receive the same, within Five Days after Demand in Writing shall have been made, stating the Order of such Justice or Justices from the Clerk to the said Commissioners or their Treasurer, in pursuance of the Direction or Order made by such Justice, then and in such Case the Amount of such Compensation or Satisfaction shall and may be levied and recovered by Distress and Sale of the Goods and Chattels vested in the said Commissioners by virtue of this Act, or the Goods and Chattels of their Treasurer for the Time being, under a Warrant to be issued for that Purpose by such Justice or Justices of the Peace, which Warrant any such Justice or Justices is and are hereby authorized and required to grant under his Hand and Seal, or their Hands and Seals, on Application made to him or them for that Purpose, by the Party or Parties entitled to receive such Sum or Sums of Money as or by way of Compensation or Satisfaction for any such Materials, Costs, Damages, Spoil, or Injury as aforesaid; and in case any Overplus shall remain after Payment of such Sum or Sums of Money, and the Costs and Expences of hearing and determining the Matter in Dispute, and also the Costs and Expences of such Distress and Sale, then and in such Case, such Overplus shall be returned upon Demand to the said Commissioners, or to their Treasurer for the Time being, as the Case may be.

Penalty on obstructing Commissioners or their Officers.

LXX. And be it further enacted, That if any Person or Persons shall, at any Time or Times hereafter in any manner whatsoever, wilfully obstruct, hinder, or molest any of the said Commissioners, or their Treasurer, Clerk, Surveyor, or other Officer or Person employed to put this Act in Execution, in the Execution thereof, then and in such Case, each and every Person or Persons so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, nor less than Ten Shillings, to be recovered and applied as other Penalties are hereby directed to be recovered and applied.

For securing transient Offenders.

LXXI. And whereas Offences may be committed against this Act by Persons unknown to the Commissioners, Surveyors, or other Officers appointed to put this Act into Execution; be it therefore further enacted, That it shall be lawful for any of the said Commissioners, Surveyors, or other Officers respectively, and such other Person or Persons as he or they shall call to his, her, or their Assistance, without any Warrant or other Authority than this Act, to seize and detain such unknown Person or Persons who shall commit any such Offence or Offences, and take him, her, or them, as soon as practicable, before any Justice of the Peace of the County or Place where the Offence shall have been committed, and such Justice is hereby empowered and directed to proceed with all convenient Speed to the hearing and determining of the said Complaint.

Form of Conviction.

LXXII. And be it further enacted, That every Justice of the Peace before whom any Person shall be convicted of any Offence against this Act, shall and may cause the Conviction to be drawn up according or to the Effect following; that is to say,

'City of Worcester, to wit.' BE it remembered, That on the Day of in the Year of our Lord One thousand eight hundred and , is convicted before me, One of His Majesty's Justices of the Peace for the City of *Worcester*, [*here specify the Offence or Omission, and the Time and Place when and where the same was committed, as the Case may be*]. Given under my Hand and Seal the Day and Year first above written.'

Recovery and Application of Penalties.

LXXIII. And be it further enacted, That all Penalties, Forfeitures, and Fines by this Act inflicted or authorized to be imposed (the Manner of levying, recovering, and applying whereof is not herein otherwise directed), shall upon Proof of the Offences respectively before any Justice of the Peace for the said City, either by the Confession of the Party offending, or by the Oath of any credible Witness or Witnesses (which Oath such Justice is in every such Case hereby fully authorized to administer), be levied, together with the Costs attending the Information and Conviction, by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand and Seal of such Justice (which Warrant such Justice is hereby empowered and required to grant), and the Overplus (if any), after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale are deducted, shall be returned, upon Demand, unto the Owner or Owners of such Goods and Chattels; and in case such Penalties, Forfeitures, and Fines shall not be forthwith paid upon Conviction, then it shall be lawful for such Justice to order the Offender or Offenders so convicted to be detained and kept in safe Custody until Return can be conveniently made to such Warrant of Distress, unless the Offender or Offenders shall give sufficient Security to the Satisfaction of such Justice, for his or their Appearance before such Justice on such Day or Days as shall be appointed for the Return of such Warrant of Distress, such Day or Days not being more than Seven Days from the Time of taking any such Security, and which Security the said Justice is hereby empowered to take by way of Recognizance or otherwise; but if, upon the Return of such Warrant, it shall appear that no sufficient Distress can be had thereupon, then it shall be lawful for any such Justice of the Peace as aforesaid, and he is hereby authorized and required, by Warrant or Warrants, under his Hand and Seal, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction of the said City, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, unless such Penalties, Forfeitures, and Fines respectively, and all reasonable Charges attending the same, shall be sooner paid and satisfied; and the Monies arising by such Penalties, Forfeitures, and Fines respectively, when paid or levied, if not otherwise directed to be applied by this Act, shall be from Time to Time paid and applied as follows; one Moiety thereof to the Treasurer of the said Commissioners for their Use, and the other Moiety thereof to such Public Charity of and in the said City of *Worcester*, as the said Justice shall think proper.

Rates and Proceedings

LXXIV. And be it further enacted, That no Rate or Assessment, or any Proceeding to be had touching any Order made or other Matter

or Thing to be had or transacted in or relating to any Complaint or Appeal, or any Order or Determination thereon in pursuance of this Act, shall be quashed or vacated for want of Form only, or removed or removable into any of His Majesty's Courts of Record at *Westminster* by Certiorari, or by any other Writ or Process whatsoever, any Law, Usage, or Custom to the contrary notwithstanding. not to be quashed for want of Form.

LXXV. And be it further enacted, That when any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same a Trespasser or Trespassers, on account of any Defect or Want of Form in any Proceeding relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers on account of any Irregularity, but the Person or Persons aggrieved by such Irregularity may recover Satisfaction for the special Damage in an Action on the Case. Persons distraining not to be deemed Trespassers for want of Form.

LXXVI. And be it further enacted, That in all Actions, Prosecutions, Informations, Causes, and Proceedings whatsoever relating to or concerning the Execution of this Act, no Inhabitant residing within the said City shall be deemed incompetent to give Evidence by reason of his being such Inhabitant, or of his being charged with or liable to pay any Rate or Assessment by virtue of this Act. Inhabitants not incompetent to give Evidence.

LXXVII. And be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for any thing done under this Act, until Fourteen Days Notice thereof shall be given in Writing to the Respondent or Respondents, or to the Clerk for the Time being of the said Commissioners, as the Case may require, or after sufficient Satisfaction or Tender thereof hath been made to the Party or Parties aggrieved, or after Six Calendar Months next after the Cause of Complaint arose, or after the Fact was committed, for which such Action or Suit shall be brought, and all such Actions or Suits shall be laid and tried in the County wherein the Cause of Action shall have accrued and not elsewhere; and the Defendant or Defendants in any such Action or Suit may plead the General Issue, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if it shall appear to have been so done, or that such Action or Suit was brought before Fourteen Days Notice thereof given as aforesaid, or that sufficient Satisfaction was made or tendered as aforesaid, or if any such Action or Suit shall not be commenced within the Term for that Purpose herein-before limited, or shall be laid in any other County or Place than as aforesaid, then and in any or either of the said Cases the Jury shall find for the Defendant or Defendants; and if a Verdict shall be found for such Defendant or Defendants, or if the Plaintiff or Plaintiffs in any such Action or Suit shall become nonsuited, or shall suffer a Discontinuance of any such Action or Suit, or if upon Demurrer, Judgment shall be given for the Defendant or Defendants, then Limitation of Actions. General Issue.

Treble Costs.

then and in either of the Cases aforesaid, such Defendant or Defendants shall have Treble Costs, and shall have such and the like Remedy for recovering the same as any Defendant or Defendants hath or have in other Cases by Law.

Act not to extend beyond the Limits of the City.

LXXVIII. Provided always, and be it further enacted, That nothing in this Act contained shall extend the Jurisdiction or Authority of the Mayor and Justices of the City of *Worcester*, or of the said Commissioners, or any of their Officers, beyond the Limits of the City of *Worcester*.

Act not to extend to the College Precincts.

LXXIX. Provided always, and be it further enacted, That nothing in this Act contained shall extend to the Precincts of the Cathedral Church of *Worcester*.

Inhabitants, Corporations, and Turnpike Trustees to continue liable to usual repairs.

LXXX. And be it further enacted, That nothing in this Act contained shall exempt or be construed to exonerate the Inhabitants of the several Parishes and other Places within the City of *Worcester* or the Corporation of the said City, or the Trustees of the Turnpike Roads, or any other Person or Persons from repairing such Parts of the Footways, Gutters, or Carriageways in any of the Streets, Roads, or other public Passages and Places as they of Right ought to repair by Custom, Common Law, Statute, or otherwise.

Appeal may be made to the Quarter Sessions.

LXXXI. Provided always, and be it further enacted, That any Body or Bodies Corporate or Collegiate, or any other Person or Persons whosoever, thinking himself, herself, or themselves aggrieved by any Rule or Bye-law, or by any Order or Judgment made or given in pursuance of any Rule, Bye-law, or Order of the said Commissioners, or by the Order or Determination of any Justice or Justices of the Peace in pursuance of this Act, may, within Four Calendar Months after the Cause of Complaint shall have arisen, appeal to the Justices of the Peace to be holden for the County, City, or Place where the Cause of Appeal shall have arisen, the Person or Persons appealing having first given at least Fourteen clear Days Notice of such Appeal, and of the Nature and Matter thereof, to the Person or Persons appealed against, or to the Clerk to the said Commissioners, as the Case may require, and forthwith after such Notice entering into a Recognizance before some Justice of the Peace for the said County, City, or Place as aforesaid, with sufficient Sureties to try such Appeal, and to abide the Order and Award of the said Court thereon; and the said Justices, upon due Proof of such Notice and Recognizance having been given and entered into, shall in a summary Way hear and determine such Complaint at such General Quarter Sessions of the Peace to be held for the said County, City, or Place, as the Case may be, and if they see Cause may mitigate any Forfeiture or Fine, and may order any Money to be returned which shall have been levied in pursuance of such Rule, Bye-law, Order, Judgment, or Determination of the said Commissioners or Justice or Justices, and shall and may also award such

such further Satisfaction to be made to the Party injured, or such Costs to either of the Parties, as they shall judge reasonable and proper; and all such Determinations of the said Justices shall be final, binding, and conclusive upon all Parties, to all Intents and Purposes whatsoever.

Public Act.

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

SCHEDULE to which this Act refers.

Three Houses situate on the East Side of Quay Street, and the West Side of All Saints Church, the Property of the Trustees of Jonathan Hopkins, occupied by Jeffrey Jones, William Harris, and John Knight.

One House, situate on the South-east of Broad Street, and on the North-west of the said Church, the Property of the Executors of the late Mr. Wellings, and occupied by William Staples.

One House, situate on the South of Broad Street, and on the North of the said Church, the Property and in the Occupation of Sarah Hundley.

Two Houses, situate on the South-east of Broad Street, and on the North of the said Church, the Property of John Tymbs Esquire, occupied by John Lowe and Edward Terry.

The Corner of a House, situate on the South of Broad Street, and on the West of Quay Street, the Property of Mr. James Walters, and occupied by him.

The Weighing Machine, situate in Broad Street, on the North Side of the said Church, the Property of William Morton, Esquire.

The Pump adjoining to the said Machine.

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