



ANNO QUADRAGESIMO TERTIO

GEORGI II. REGIS.

Cap. 125.

An Act for regulating the Markets within the Town of *Blackburn* in the County Palatine of *Lancaster*; and for improving the Streets and other Places within the said Town: [13th July 1803.]

WHEREAS for Time immemorial previous to the Twelfth Day of *January* which was in the Year of our Lord One thousand seven hundred and seventy-four, a Market was holden at the Town of *Blackburn* in the County Palatine of *Lancaster*, on *Monday* in every Week, at which Time it was found more convenient to Persons resorting to the said Market, to alter the Market Day from the *Monday* to *Wednesday* in every Week, on which Day the Market has been since held: And whereas by reason of the Increase of the Trade and Inhabitants of the said Town, it is expedient that an additional Market Day in the Week should be established, and the Market now and in future to be held within the said Town better regulated, as herein-after mentioned: And whereas the said Town of *Blackburn* is a populous and trading Town, and the several Streets, Lanes, and other publick Passages and Places within the same, are not sufficiently cleansed, lighted, and watched, and are subject to various Nuisances, Annoyances, and Obstructions; and it would greatly tend to the Convenience, Benefit, and Safety of the Publick, as well as of the Inhabitants of the said Town, and of all Persons resorting

[*Loc. & Per.*]

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to

to or passing through the same, if such Streets, Lanes, and other publick Passages and Places, were well and sufficiently cleansed, lighted, watched, and regulated, and all Nuisances, Annoyances, Encroachments, and Obstructions therein removed and prevented, and some of them widened and improved, and if sufficient Engines and able Men were kept and employed for extinguishing of Fires which may happen within the said Town: But the several Purposes aforesaid cannot be effected without the Aid and Authority of Parliament; may it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Vicar of *Blackburn* for the Time being, and *Richard Birley, Samuel Bower, Richard Cardwell, Thomas Clayton, Henry Feilden, William Feilden, Isaac Glover, John Hornby, John Fowden Hindle, James Dela Pryme, and Henry Sudell*, Esquires, and their Successors, to be elected in Manner herein-after mentioned, shall be and they are hereby constituted and appointed Trustees for putting this Act into Execution.

Trustees.

When Trustees die or refuse to act, etc. new ones to be chosen.

II. And be it further enacted, That when and as often as any of the Trustees herein-before named and appointed, or to be elected in Manner herein-after mentioned (except the Vicar of *Blackburn* for the Time being), shall die, or refuse to act, or become incapable of acting in the Execution of this Act (such Death, Refusal, or Incapacity being notified to the Trustees at their General Meeting, to be holden annually on the Fifth Day of *April* as herein-after is mentioned), the said Trustees, or the major Part of such of them as shall assemble or be present at such annual Meeting, shall, and they are hereby required to elect and appoint a fit Person or Persons to be a Trustee or Trustees in the room of the Trustee or Trustees so dying, becoming incapable, or refusing to act, it being the true Intent and Meaning of this Act that all Vacancies in the said Trust shall from Time to Time be filled up at such annual Meeting, to be holden on the Fifth Day of *April* in every Year, and at no other Time or Meeting whatsoever; and every such Person who shall be so elected and appointed a Trustee by virtue of this Act, shall be and is hereby joined with the surviving or remaining Trustees, and vested with the same Powers and Authorities to act in the Execution of this Act, to all Intents and Purposes, as if such Person had been particularly named and appointed a Trustee in and by this Act.

Trustees to be sworn.

III. Provided always, That no Person shall be qualified to act as a Trustee in any Case in the Execution of this Act (except in administering the Oath herein-after mentioned), until he shall have taken and subscribed before any Five or more of the said Trustees present at any Meeting, to be held by virtue of this Act (and who are hereby authorized and required to administer the same), the following Oath; (*videlicet*),

Oath.

‘ I *A. B.* do swear, That I will truly and impartially, and without Favour or Affection to any Person or Persons whomsoever, and according to the best of my Skill and Judgement, execute and perform all and every the Powers and Authorities given to and reposed in me by virtue of an Act, passed in the Forty-third Year of the Reign of His Majesty King *George* the Third, intituled, *An Act*, [*here insert the Title of this Act*].

‘ So help me GOD.’

And

And if any Person not being qualified or elected to be a Trustee as aforesaid, or being so qualified or elected, and not having first taken such Oath as aforesaid, shall nevertheless presume to act, vote, or interfere as a Trustee in the Execution of this Act, every such Person shall, for every such Offence, forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall inform and sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster*, or in the Court of Common Pleas in and for the said County Palatine, by Action of Debt or on the Case, wherein no Essoign, Protection, or Wager of Law, or more than One Imparance shall be allowed; and if upon the Trial of such Action it shall be proved that such Person acted, voted, or interfered as a Trustee in the Execution of this Act, a Verdict shall be given for the Plaintiff in such Action, unless the Defendant therein shall at such Trial prove to the Satisfaction of the Jury that he was qualified as aforesaid, or elected to be a Trustee for putting this Act in Execution; and that before he acted as such he took and subscribed the Oath herein-before mentioned, according to the Direction of this Act.

Penalty on acting not being qualified.

IV. Provided also, That no Person whatsoever shall be capable of acting as a Trustee in the Execution of this Act in any Case where he shall be personally interested, nor during the Time he shall hold or exercise any Place of Profit or Benefit under or by virtue of the same, or be in his private Capacity immediately engaged in any Contract, or have any Share, Interest, or Benefit in any Contract or Agreement whatsoever, relating to the Execution of any of the Powers of this Act; nor shall any Person be capable of acting as a Trustee in the Execution of this Act who is a Victualler, or shall sell Ale, Wine, Cyder, or any Spirituous Liquors by Retail; nor shall any Person hereafter be capable of being elected a Trustee unless at the Time of such his Election he shall be seised or possessed in his own Right, or in the Right of his Wife, of Property rateable and rated for the Purposes of this Act, to the Amount of Twenty Pounds *per Annum* at the least; but all such Trustees who now are or hereafter shall be Justices of the Peace for the said County of *Lancaster*, shall and may nevertheless act as Justices of the Peace in the Execution of this Act, notwithstanding their being Trustees, except only in Cases where they are or shall be personally interested.

No Trustees to hold any Place of Profit, &c.

V. And be it further enacted, That the said Trustees, or any Five or more of them, shall meet at the *Saint John's Tavern* in *Blackburn* aforesaid, on the First Day of *August* One thousand eight hundred and three, between the Hours of Ten in the Forenoon and Three in the Afternoon of the same Day, and proceed to the Execution of this Act; and the said Trustees, or any Five or more of them, may then, and from Time to Time afterwards, adjourn themselves to meet at such Place or Places within the said Town of *Blackburn* as they shall think fit for putting this Act into Execution; and if at any of the said Meetings the Trustees present shall omit or neglect to adjourn such Meeting to another Day, or if there shall not appear a sufficient Number of Trustees to adjourn (Two Trustees being hereby declared sufficient for the Purpose of Adjournment only), then and in every such Case, every such Meeting or intended Meeting shall be adjourned to the Fourteenth Day next after the Day on which the Meeting was held, or such intended Meeting was appointed to be held, and so from Fourteen Days to Fourteen Days, until a sufficient

First Meeting of the Trustees.

Number

Hours for
beginning
Business.

Number of the said Trustees do or shall meet and adjourn; and Eight Days publick Notice of every such Adjournment shall be given by the Clerk to the said Trustees as herein-after mentioned; and at any Meeting of the said Trustees no Business shall be begun or proceeded upon before the Hour of Ten in the Forenoon, nor shall any Adjournment be made to any later Hour than Three in the Afternoon; and the Trustees at all their Meetings shall defray their own Expences.

Annual Meet-
ing for settling
Accounts.

VI. And be it further enacted, That the said Trustees, or any Five or more of them, shall and they are hereby required to meet at the Place or Places aforesaid on the Fifth Day of *April* yearly, unless such Day shall happen to be on a *Sunday*, and then on the Day following, which shall be called a General Meeting of the said Trustees; and at all such General Meetings the Accounts of all Monies received and paid from Time to Time, by virtue and in Execution of this Act, by any Person or Persons whomsoever, shall be produced, stated, examined, and settled, and verified on the Oath or Oaths of the Person or Persons accounting for the same, which Oath the said Trustees, or any Five or more of them, are hereby authorized and empowered to administer.

Notice of
Meeting to
be affixed on
the South
Door of *Black-
burn* Church.

VII. And be it further enacted, That in all Cases where Notice is by this Act directed to be given of any Meeting of the said Trustees, or of any Thing to be done by the said Trustees, or any of them, in Execution of any of the Powers hereby granted, such Notice shall be in Writing, and signed by the Clerk to the said Trustees, or by any One or more of the said Trustees, and affixed upon the South Door of the Parish Church of *Blackburn* aforesaid, on some *Sunday* Morning immediately before Divine Service, at least Eight Days before such intended Meeting (except in such Cases wherein a different Time is hereby directed for such Notice to be given), and then for the Time so directed; and that in every such Notice the Time of meeting of the said Trustees, and the particular Business or Thing intended to be transacted or done thereat, shall be mentioned or set forth.

A Chairman
to be appoint-
ed.

VIII. And be it further enacted, That at every Meeting of the Trustees in pursuance of this Act, the Trustees then present, or the major Part of them, shall name and appoint, or otherwise elect by Ballot, a Chairman or President of such Meeting; and all Questions proposed or agitated at every such Meeting shall be determined by the Majority of the Trustees then present; and in case of an equal Number of Voices or Votes of the Trustees so assembled upon any such Question, including the Voice or Vote of the said Chairman or President, then the Chairman or President shall have the casting and decisive Voice or Vote.

Proceedings
to be entered
in Books.

IX. And be it further enacted, That the Clerk to the said Trustees shall cause fair and regular Entries to be made in a Book or Books to be kept for that Purpose, of all the Acts, Orders, and Proceedings of the said Trustees relative to the Execution of this Act, and the Chairman of every Meeting, and the Clerk to the Trustees shall always subscribe their Names at the End of the said Proceedings; and the said Clerk shall enter in the said Book or Books the Names of at least Five of the Trustees who were actually present at any such Meeting; and all Entries in such Book or Books, being signed as aforesaid, shall be deemed original
Entries,

Entries, and shall be allowed to be read as Evidence in all Courts, and upon all Occasions whatsoever; and at any of their Meetings, and at all other convenient and seasonable Times such Book or Books shall be open to the Inspection of all and every the said Trustees.

X. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, and they are hereby authorized and empowered, by any Order or Orders to be made at any Meeting or Meetings to be held pursuant to this Act, to establish and hold, or cause to be established and held a Market or Markets on *Wednesday* and *Saturday*, at least in every Week, or Daily and every Day, or as often as the same shall appear to them necessary for the Convenience and Accommodation of the Inhabitants of the said Town of *Blackburn*, and of all Persons resorting thereto, in such Part or Parts of the said Town as the same hath or have usually been held, or in such other Place or Places as shall by the said Trustees, or any Five or more of them, be deemed more convenient, and as shall be approved of by his Grace the Archbishop of *Canterbury* for the Time being, and his Lessee or Lessees of the Rectory of *Blackburn* for the Time being.

Trustees
vested with the
Right of hold-
ing Markets.

XI. And, for the better Regulation of the Markets within the said Town, be it further enacted, That the said Trustees, or any Five or more of them, shall and they are hereby authorized and required, from Time to Time, at any Meeting or Meetings to be holden pursuant to this Act, to make and ordain such Orders, Rules, and Regulations as to them, or any Five or more of them, shall from Time to Time seem requisite and necessary for the ordering, directing, and appointing the particular Time or Times, Hour or Hours at which any Goods, Wares, and Commodities which are usually sold in publick Markets shall begin to be offered or exposed to Sale in the said Market, and how long the same shall so continue; and shall from Time to Time cause such Orders, Rules, and Regulations to be proclaimed in open Market; and the Times of beginning and concluding such Markets to be announced by the ringing of a Bell, or by such other Ways or Means as to the said Trustees, or any Five or more of them, shall from Time to Time seem meet.

Trustees to
make Orders
and Regula-
tions for hold-
ing Markets.

XII. And be it further enacted, That, from and after the passing of this Act, no Person or Persons shall vend or expose to Sale in the said Market any Corn or Grain, or any Herbs, Roots, or other Provisions, or any Goods, Wares, or Commodities at any other Time than such as shall be ordered or directed by the said Trustees, or any Five or more of them as aforesaid; and every Person offending herein, and being thereof convicted before any One or more of His Majesty's Justices of the Peace for the said County of *Lancaster*, shall for every such Offence, forfeit and pay any Sum not exceeding Ten Pounds nor less than Five Pounds, whereof One Moiety shall go to the Informer, and the other Moiety to the said Trustees, to be applied to the several Purposes of this Act, and shall be recovered in the same Manner as the Penalties and Forfeitures inflicted by this Act, are herein-after directed to be recovered: Provided always, that no Order, Rule, or Regulation touching or concerning the Removal of the present Market Place, or which may tend to any Alteration in the Scite thereof, shall be of any Force or Effect until the same

Further Di-
rection touch-
ing the Regu-
lation of the
Market.

Markets not
to be removed
without Con-
sent of Arch-
bishop.

has been consented to in Writing by the Archbishop of *Canterbury* for the Time being, and his Lessee or Lessees of the Rectory of *Blackburn* for the Time being.

Trustees to
appoint Officers.

XIII. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, from Time to Time, at the First or any other of their Meetings to be held in pursuance of this Act, to elect and appoint fit and proper Persons to be Treasurer or Treasurers, Clerk or Clerks, Market Looker or Market Lookers, Assessor or Assessors, Collector or Collectors, Receiver or Receivers of the Assessments and Monies to be collected and received by virtue of this Act; a Surveyor or Surveyors, and also such and so many Scavengers, Rakers, and Cleaners of the Streets, Lanes, Alleys, Passages, or publick Places, Keepers and Lighters of Lamps, Keepers and Managers of Fire Engines and able bodied Men to be Firemen, within the said Town, and such other Officers as the said Trustees, or any Five or more of them, shall think proper, and from Time to Time to remove and displace all or any of such Officers as they, or any Five or more of them, shall see Occasion; and to elect and appoint others in the Room or Place of such of them as shall be so removed, or shall die or resign their Offices, but so that on the Removal, Death, or Resignation of every Treasurer, Clerk, Market Looker, Assessor, Collector, and Receiver, and of the Time and Place of Meeting for the Purpose of filling up the Vacancy or Vacancies thereby occasioned, Notice be previously given in any Newspaper published in the Town of *Blackburn* aforesaid; and so that Notice in Writing, signed by the said Trustees, or any Five or more of them, or their Clerk, be affixed on the South Door of the Parish Church in *Blackburn* aforesaid, at least Eight Days before the Election and Appointment of every such Treasurer, Clerk, Market Looker, Assessor, Collector, and Receiver as aforesaid; and also that it shall be lawful for the said Trustees, or any Five or more of them, at any of their Meetings to be held in pursuance of this Act, from Time to Time, by and out of the Monies to be raised or received by virtue of this Act, to pay such Wages and Salaries, and make such Allowances to the said Officers, and to all other Persons to be employed in or about the Execution of this Act, as they the said Trustees, or any Five or more of them, shall think reasonable and proper; and they shall require and take such Security from every such Treasurer, Collector, and other Officers so to be appointed for the Execution of their respective Offices, as they the said Trustees, or any Five or more of them, may think proper; and every such Officer and Person so to be appointed as aforesaid, shall under his Hand, at such Time or Times and in such Manner as the said Trustees, or any Five or more of them, shall direct, deliver to the said Trustees, or to such Person as they shall appoint to receive the same, a true and perfect Account in Writing of all Money which shall have been by such Officers respectively received by virtue of or for the Purposes of this Act, and how much thereof hath been paid and disbursed, and for what Purposes, together with the proper Vouchers for such Payments, and shall pay all such Money as shall remain in their respective Hands to the said Trustees, or to such Person as they, or any Five or more of them, shall appoint; and every such Person so accounting shall upon Oath (which

Oath

Oath any One of the said Trustees is hereby authorized and empowered to administer and take), verify such their respective Accounts; and if any such Treasurer, Collector, Officer, or Person shall not make and render, or shall neglect or refuse to verify upon Oath any such Account, or to produce or deliver up the Vouchers relating to the same, or to make Payment as aforesaid, or shall not deliver to the said Trustees at such Meeting as aforesaid, or to such Person as they, or any Five or more of them, shall appoint, within Fourteen Days next after being thereunto required by Notice in Writing signed by the said Trustees, or any Five or more of them, and given to or left at the last or usual Place of Abode of such Officer or Person, all Books, Papers, and Writings in his Custody or Power relating to the Execution of this Act, or give Satisfaction to the said Trustees at such Meeting as aforesaid respecting the same; and if Complaint shall be made thereof by or on Behalf of the said Trustees to any Justice of the Peace for the County or Place wherein such Treasurer, Collector, Clerk, Officer, or Person shall be or reside, such Justice is hereby authorized and required, by Warrant under his Hand and Seal, to cause such Treasurer, Collector, Clerk, Officer, or Person so refusing or neglecting to be brought before him, and upon his appearing, or his not being found, to hear and determine the Matter of Complaint in a summary Way; and if upon the Confession of the Party, or by the Testimony of One credible Witness upon Oath, it shall appear to such Justice that any of the Money that shall have been collected and raised by virtue of this Act, shall be in the Hands of such Treasurer, Collector, Clerk, Officer, or Person, such Justice may and he is hereby authorized and required to order the Payment thereof, and 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 Treasurer, Collector, Clerk, Officer, or Person, together with the Costs and Charges of such Distress and Sale, to be settled and ascertained by such Justice, and which he is hereby authorized and empowered to settle and ascertain, rendering the Overplus (if any), to the Party or Parties so distrained, or leaving the same at the Place where the Distress shall be made; or if it shall in Manner aforesaid appear to any such Justice that any such Treasurer, Collector, Clerk, Officer, or Person shall refuse or neglect to render and give such Account, or to verify the same as aforesaid, or to produce the Vouchers relating thereto, or that any Books, Papers, or Writings relating to the Execution of this Act, shall be in the Custody or Power of any such Treasurer, Collector, Clerk, Officer, or other Person, and he shall have refused or neglected to deliver or give Satisfaction respecting the same as aforesaid, then such Justice shall commit such Treasurer, Collector, Clerk, Officer, or Person to the Common Gaol for the said County of *Lancaster*, or to the House of Correction at *Preston* in the said County, there to remain, without Bail or Mainprize, until he shall give and make a true and perfect Account and Payment as aforesaid, or shall have compounded with the said Trustees touching the same, and have paid such Composition in such Manner as they shall appoint (which Composition the said Trustees, or any Five or more of them, are hereby empowered to make and receive), or until he shall deliver up all such Books, Papers, and Writings as aforesaid, or give Satisfaction in respect thereof as aforesaid.

To be committed.

XIV. And

Power to provide Lamps.

Penalty on Persons wilfully damaging Lamps.

Carelessly damaging Lamps.

XIV. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, and they are hereby authorized and empowered, at any such Meeting or Meetings as aforesaid, from Time to Time to cause Lamp Irons or Lamp Posts to be put up, affixed into, upon, or against the Ground adjoining to, or the Walls or Palisadoes of any of the Houses, Tenements, Bridges, or Buildings already built or hereafter to be built within the said Town of *Blackburn*, as they the said Trustees, or any Five or more of them, shall from Time to Time think proper and convenient, and also to cause such Number of Lamps, of good Sizes and Sorts, to be provided and affixed or put upon such Lamp Irons or Lamp Posts, or altered, taken down, or removed as they shall from Time to Time think proper and necessary for well and effectually lighting the said Town, and also to cause such Lamps to be lighted at such Time or Times, and to be kept lighted during the Whole or such Part of the Night, as they the said Trustees, or any Five or more of them, shall think proper; and if any Person or Persons shall wilfully or maliciously break, throw down, displace, take away, extinguish, damage, or spoil any Lamp or Lamps to be put up by virtue of this Act, or wilfully damage the Posts, Irons, or other Furniture thereof, or Materials belonging thereto or used therewith; or shall so damage, break, or destroy any Fire Engine or Fire Engines, or any Buckets, or any other of the Materials or Utensils thereto belonging or used therewith, which by virtue of this Act shall be provided; or shall wilfully hinder or obstruct any of the Trustees or Officers employed in the Execution of this Act in his or their respective Duty, every Person or Persons so offending in any of the Matters aforesaid (which shall be taken and deemed distinct and separate Offences), shall, upon being convicted thereof before any One Justice of the Peace acting in and for the said County of *Lancaster*, by the Oath (which Oath such Justice is hereby empowered to administer), of One or more Witness or Witnesses, or by the Confession of the Party before any such Justice of the Peace acting in and for the said County, forfeit for the First Offence any Sum not exceeding Ten Pounds nor less than Five Pounds, for the Second Offence any Sum not exceeding Twenty Pounds nor less than Ten Pounds, and for the Third and every other Offence any Sum not exceeding Forty Pounds nor less than Twenty Pounds, over and besides making such Satisfaction in Money, as well for the Lamp or Lamps so to be broken, thrown down, displaced, taken away, extinguished, damaged, or spoiled, as for the Damage done to such Posts, Irons, or other Furniture thereof, or Materials belonging thereto, or used therewith, or to such Fire Engine or Engines, Buckets, Materials, or Utensils, as such Justice shall think reasonable, and shall order to be paid; the said several Penalties and Satisfaction as aforesaid to be levied and recovered by Distress and Sale of the Goods and Chattels of every such Offender, by Warrant under the Hand and Seal of the Justice before whom such Conviction shall be had or made; and in case the Person or Persons so offending and convicted shall have no Goods or Chattels whereon the same can be levied, then it shall be lawful for such Justice of the Peace as aforesaid, by Warrant under his Hand and Seal, to cause the Offender or Offenders to be apprehended, and to commit him, her, or them to the Common Gaol for the said County of *Lancaster*, or to the House of Correction at *Preston* in the same County, there to remain any Time not exceeding One Calendar Month nor less than Fourteen Days, to be reckoned from the Day of Commitment; and in case any Person or Persons shall carelessly, negligently,

lignently, or accidentally break, throw down, or otherwise damage any of the said Lamps to be put up as aforesaid, or the Irons, Posts, or other Furniture thereof, or extinguish the Lights thereof, and shall not immediately upon Demand by the said Trustees, or any of them, or by their Clerk, make Satisfaction for the Damage done thereto, then and in such Case it shall be lawful for any One Justice of the Peace acting for the said County of *Lancaster*, upon Proof thereof by Oath as aforesaid (to be administered as aforesaid), of One or more credible Witness or Witnesses, or by Confession of the Party, to award such Sum or Sums of Money by Way of Satisfaction for such Damages, as such Justice shall think reasonable; and in Default of Payment upon Demand to cause the same by Warrant under the Hand and Seal of such Justice, to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons who shall have done such Damage, rendering the Overplus (if any), after deducting the Expence of prosecuting such Complaint, and of such Distress and Sale (to be settled by such Justice); to the Owner of such Goods and Chattels upon Demand.

XV. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, from Time to Time, at any of the said Meetings, to contract and agree with any Person or Persons for a sufficient Number of Lamps necessary to be fixed and set up in the said Town, and for Lamp Irons, Posts, and other Materials needful for fixing the same, from Time to Time, and for furnishing and providing the said Lamps with all Requisites, and for lighting, supporting, amending, and repairing the same; and also with any Person or Persons to be and act as Scavenger or Scavengers within the said Town of *Blackburn*, to sweep and cleanse the same in an effectual Manner Twice in every Week (that is to say), every *Monday* and *Thursday*, between the Hours of Eight and Twelve in the Forenoon, and upon such other Days, and at such other Times as the said Trustees so assembled as aforesaid, or any Five or more of them, shall from Time to Time appoint, and to collect together, and immediately after every such Sweeping take and carry away the Dust, Dirt, Dung, Ashes, and other Filth thereby gathered and collected, according to the Purport of this Act; and also with any Person or Persons to make and furnish, and to repair and keep in order One or more Fire Engine or Engines, together with a sufficient Number of Leathern Buckets, and other Matters and Things relating thereto, as the same Trustees so assembled at any such Meeting, or any Five or more of them, shall think proper, and to purchase, lease, or otherwise to agree for a proper and convenient Place or Places for keeping the said Fire Engine or Fire Engines, and Buckets, and other Things relating thereunto, and also for depositing the Dust, Dirt, Dung, Ashes, and other Filth to be from Time to Time swept, gathered, and collected as aforesaid, until the same shall be fit for Sale; and the said Trustees so assembled as aforesaid, or any Five or more of them, are hereby authorized, empowered, and required to sell and dispose of by Auction or private Contract, all such Dust, Dirt, Dung, Ashes, and Filth so to be swept, gathered, collected, and deposited as aforesaid, and to apply the Money arising therefrom for the Purposes in this Act mentioned, or such of them as they shall think proper; and no Person or Persons whomsoever shall throw, cast, or lay, or cause to be thrown, cast, or laid, any Dust, Dirt, Dung, Ashes, or other Filth whatsoever, in any Part of the said Town of *Black-*

Trustees may contract for Lamps,

and with Scavengers,

for Fire Engines and other Necessaries,

and sell the Manure from the Streets.

burn (except the Dung, Dirt, Ashes, and Filth to be collected and put together as aforesaid, and except as herein-after is mentioned), but shall, and he, she, and they is and are hereby required to keep, or cause the same to be kept in their respective Houses, Backsides, or Yards until such Times as the Scavenger or other Officer thereunto appointed shall come by or near their Houses or Doors with a Cart or Carts, or other Conveniencies to carry away the same; and that the Scavenger or Scavengers, or other Person or Persons employed or contracting for cleansing the said Town, shall Twice in every Week, or oftener if the said Trustees, or any Five or more of them, shall so direct, and on such Days and Times as the said Trustees so assembled as aforesaid, or any Five or more of them, shall appoint, bring or cause to be brought a Cart or Carts, or other Conveniencies, into all the Streets and Places within the said Town, where such Cart or Carts or other Conveniencies can pass, and shall at or before their Approach, by Sound of Bell, loud Voice, or otherwise, give Notice to the Inhabitants of his or their coming, and give the like Notice in every Court, Passage, or Place into which the said Cart or Carts, or other Conveniencies cannot pass, and abide and stay there a convenient Time; and then immediately take and put their Dirt, Dust, Dung, Ashes, and Filth, into such Cart or Carriage, all which Dust, Dirt, Dung, Ashes, and Filth (except as aforesaid), as well as all such Dust, Dirt, Dung, Ashes, and other Filth as shall be swept up and collected together as aforesaid, the said Scavenger or other Officer appointed for that Purpose shall then immediately, or as soon as may be carry away, or cause to be carried away to the Place or Places appointed for depositing the same as aforesaid; and every Person acting as such Scavenger for the Time being, shall cause the Words "Scavenger's Cart" to be painted in large Roman Letters on the Front or other conspicuous Part of their Carts or Carriages used for the Purposes aforesaid, on Pain of forfeiting the Sum of Five Shillings for any such Neglect therein; and no Person or Persons whomsoever shall take or carry away, or cause to be taken and carried away any Dirt, Dust, Dung, Ashes, or other Filth, so to be swept up, gathered, and collected as aforesaid, besides such Scavenger or other Officer to be appointed by the said Trustees for that Purpose as aforesaid (except and unless the same shall be taken or carried away by the Person or Persons to whom the same shall respectively belong, or by his, her, or their Order or Directions, before the Time that such Scavenger or other Officer as aforesaid shall come to carry away the same; and except such Dirt, Dust, Dung, Ashes, or other Filth, as shall be brought out by the respective Inhabitants of the said Town from their respective Dungholes or Dunghills, for the Purpose of leading and carrying away the same for their own Use); and no Inhabitant of the said Town, or any other Person, shall permit or suffer any Dirt, Dust, Dung, Ashes, or other Filth by them or any of them brought out, or caused to be brought out in order to be loaded and carried away as aforesaid, to continue or remain any longer Time than from Sun-rising in the Morning to Sun-setting in the Evening before the same shall be carried away, upon Pain that every Person or Persons shall, for each and every such Offence or Neglect, forfeit any Sum not exceeding Ten Shillings nor less than Five Shillings, to be recovered as herein-after mentioned.

Last mentioned
Penalty not
to extend to

XVI. Provided always, and be it further enacted, That no Person shall be subject to any Penalty for any Rubbish or Dirt occasioned by the building

building or pulling down any Building, rebuilding or repairing any House or other Building, so that there be convenient Space left in the Street, Lane, or Passage where such Rubbish or Dirt shall lie for Carriages to pass and repass, and a sufficient Way kept clear for Foot Passengers, by the Person or Persons laying or occasioning such Dirt or Rubbish to be laid, nor for the making up any Lime into Mortar in any of the said Streets, Lanes, or Passages, so as such Space be left for Foot Passengers and Carriages, and so as such Lime be inclosed before such House or Building about which the same is to be used, and so as the Owner or Owners of such House or Building before which such Lime or Rubbish shall lie, shall cause the same to be removed at his, her, or their own Costs and Charges, within a reasonable Time, or upon Notice in Writing for that Purpose to be given to him, her, or them, or left at his, her, or their said House or Building where such Rubbish or Lime shall be, to be signed by the said Trustees so assembled as aforesaid, or any Five or more of them, or their Clerk.

Rubbish Dirt occasioned by building or repairing Houses, &c.

XVII. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, at any Meeting to be held in pursuance of this Act, and they are hereby directed to cause the Works to be done in pursuance of any such Contract or Contracts to be inspected by their Surveyor or Surveyors, or by such other Person or Persons as they shall from Time to Time appoint; and in case the same shall not be well and sufficiently performed according to the true Intent and Meaning of such Contract or Contracts, or shall not be finished and compleated at or within the Time or Times to be by such Contract or Contracts limited for compleating the same, the said Trustees, or any Five or more of them, shall and may, in the Name of the Clerk or Clerks of the said Trustees for the Time being, bring any Action in any of His Majesty's Courts of Record at *Westminster*, or in the Court of Common Pleas in and for the said County Palatine of *Lancaster*, against any Person or Persons so contracting and neglecting to perform such Contract or Contracts, for any Penalty or Damage which shall be contained in such Contract, or for any Damage suffered or sustained on account of the Non-performance thereof; and upon proving the signing of the said Contract or Contracts, and Non-performance thereof, the said Trustees shall be entitled to, and shall recover such Penalty or Damage with full Costs of Suit; which Penalty and Damage, when recovered, shall be applied for the Purposes of this Act.

Surveyors to inspect Works.

XVIII. And be it further enacted, That, from and after the passing of this Act, every Occupier of Messuages, Houses, Buildings, Shops, or other Places within the said Town of *Blackburn*, shall Twice in every Week, or oftener if the said Trustees, or any Five or more of them, shall so direct, between the Hours of Seven and Nine in the Morning, scrape, sweep, and clean, or cause to be scraped, swept, and cleaned the Whole of the Footway before and adjoining to the Front and other Parts of his, her, or their respective Messuages, Houses, Buildings, Shops, Walls, and other Places by them so respectively occupied, upon Pain of forfeiting any Sum not exceeding Five Shillings for every Neglect therein, upon Complaint made thereof by any Two of the said Trustees.

Inhabitants to cleanse the Footways before their Houses.

XIX. And

Power to
take in new
Streets, and
make them
publick High-
ways.

XIX. And be it further enacted, That when any of the new Streets and Ways which are already laid out and made, or which shall hereafter be laid out and made in any Part of the said Town, shall be well and sufficiently paved, and put in good Order and Repair to the Satisfaction of the said Trustees, or any Five or more of them, assembled at any Meeting for putting this Act in Execution, and on Application of the Owner or Owners of the Soil of each of such Streets, or a Majority of them, it shall be lawful for the said Trustees, or any Five or more of them, so assembled as aforesaid, and they are hereby empowered from Time to Time, to declare the same to be publick Highways, and by Writing under their Hands, directed to the Surveyor of the Highways of the said Town of *Blackburn*, where such new Streets or Ways are or shall be so laid out and made, as the Case may be, to order such Surveyor to pave, repair, and keep in good Condition all such new Streets and Ways, in the same Manner, to all Intents and Purposes, as the other Highways in the said Town are respectively paved, repaired, and kept in Order under the Laws now in being concerning Highways in general; and from and after such Declaration made, and Order to the Surveyor for the paving, repairing, and keeping in good Condition such new Streets and Ways as aforesaid, the same and every of them shall be deemed and taken to be publick Highways to all Intents and Purposes, and repaired and kept in Repair by the Inhabitants of the said Town, and shall in all Respects be subject to the Laws now in being concerning Highways in general, and shall be lighted and cleansed, and be in all Respects managed and governed as the other Parts of the said Town are by this Act directed to be: Provided always, that the said Trustees shall not by any Thing herein contained be empowered to accept any Streets hereafter to be built (except in the Case of such Streets as are now laid out and actually contracted to be built), unless the Front Streets are Twelve Yards and the Back Streets Eight Yards wide.

Owners of
Houses not
altering
Spouts, etc.

XX. And be it further enacted, That if any Owner or Proprietor, or Owners or Proprietors of any House or Houses, Warehouses, Stable, or other Building or Buildings within the said Town of *Blackburn*, shall refuse or neglect by the Space of Thirty Days next after Notice in Writing under the Hands of Five at least of the said Trustees, or their Clerk by their Order, shall be given for that Purpose to such Owner or Proprietor, Owners or Proprietors respectively, or left at the usual Place or Places of his, her, or their respective Abode, to alter in such Manner as the said Trustees, or any Five or more of them, shall direct, all and every such Spout and Spouts, Pipe and Pipes, or other Conveyance and Conveyances as are already fixed or may hereafter be fixed to or upon his, her, or their respective House, Warehouse, Stable, or other Building for the Purpose of carrying off Water into any of the said Streets, Lanes, Alleys, Passages, or publick Places of the said Town, and for preventing Water dropping or falling from the Eaves or Roofs of such respective Houses or other Buildings, as in the Judgement of the said Trustees, or any Five or more of them, is, are, or shall be a Nuisance or an Annoyance to the Inhabitants of the said Town, that then all and every such Owner or Proprietor, Owners or Proprietors of such House, Warehouse, Stable, or other Building as aforesaid, to whom or at whose usual Place of Abode such Notice to alter such Spout or Spouts, Pipe or Pipes, Conveyance or Conveyances, shall have been given or left as
aforesaid,

aforesaid, so respectively neglecting or refusing as aforesaid, shall forfeit and pay respectively any Sum not exceeding Ten Pounds nor less than Five Pounds for every such Refusal or Neglect, to be paid to the Treasurer for the Time being of the said Trustees, or such other Person or Persons as the said Trustees so assembled, or any Five or more of them, shall appoint, to be applied to the Purposes of this Act or some of them; and every such Owner or Proprietor of such House or other Building shall also forfeit and pay any Sum not exceeding Ten Shillings nor less than Five Shillings, for every Day next after the Expiration of the said Thirty Days from the Time of such Notice being given or left as aforesaid, to alter such Spout or Spouts, Pipe or Pipes, Conveyance or Conveyances as aforesaid, that such Spout or Spouts, Pipe or Pipes, Conveyance or Conveyances shall remain and continue unaltered, or not altered in the Manner to be directed as aforesaid; which said last mentioned penal Sums shall be paid by such Proprietors and Owners of Houses or Buildings respectively so neglecting or refusing as aforesaid, to the said Trustees, or some or One of them, or their Treasurer or Treasurers for the Time being, to be applied to the Purposes of this Act.

XXI. Provided always, and it is hereby further enacted, That it shall be lawful for any Tenant or Tenants of any such House or Houses or other Buildings aforesaid, and they are hereby required (in case of such Neglect or Refusal by the Owners and Proprietors thereof respectively as aforesaid, or in case such Owners or Proprietors cannot be conveniently served with such Notice or Notices as aforesaid) to alter such Spout or Spouts, Pipe or Pipes, Conveyance or Conveyances in the Manner to be directed as aforesaid, on Pain of forfeiting for every such Refusal or Neglect, by the Space of Thirty Days next after Notice to be given to him, her, or them in such Manner as herein-before directed to be given to such Owners or Proprietors aforesaid, any Sum not exceeding Five Pounds; and such Tenant or Tenants so altering such Spout or Spouts, Pipe or Pipes, Conveyance or Conveyances, shall and may retain and deduct the Expence thereof out of his, her, or their next Rent or Rents; and their respective Landlords are hereby required to allow the same: Provided always, that no Tenant or Tenants of any House or Houses, or other Buildings held under or belonging to the said Archbishop of *Canterbury*, shall be liable to any of the Clauses or Provisions aforesaid respecting such Spout or Spouts, Pipe or Pipes, Conveyance or Conveyances aforesaid, until after the Expiration of Seven Years from the passing of this Act.

On Refusal of Owners Tenants to alter Spouts, and Charge the Expence to the Landlord.

XXII. And be it further enacted, That, for the more expeditiously extinguishing of Fires that may happen in the said Town, it shall and may be lawful to and for the said Trustees, or any Five or more of them, and they are hereby empowered to make and cause to be made, under any of the publick Streets or Places within the said Town, such and so many Reservoirs for collecting and preserving Water as they shall think proper; and that any of the said Firemen, or any Person or Persons by Order of any One or more of the said Trustees or their Clerk, present at every Fire, shall or may take up or break any of the Pavements within the said Town, or any Water Pipe or Water Pipes laid or to be laid therein; and the said Trustees, or any Five or more of them, at any of the said Meetings shall and may, from Time to Time, with the Consent of the Pro-

Reservoirs to be made for Water to extinguish Fires.

Pavements, etc. may be broke when Fires happen.

Fire Plugs to be put into the Water Pipes;

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prietors

and are to be
made good by
the Trustees.

prietors of the Water Works in the said Town, order and direct such and so many Plugs, called *Fire Plugs*, to be put and placed into the Main or other Pipes laid or to be laid along any Part or Parts of the Streets of the said Town, and belonging to any Person or Persons, Proprietor or Proprietors whatsoever, for the better obtaining Water for the working of the Fire Engine or Engines, or otherwise extinguishing of such Fires, but for no other Use or Purpose whatsoever; and that the Owners or Proprietors of any such Water Pipe or Water Pipes for the Time being, shall upon all Occasions of any Fire happening in the said Town, force up and supply into such Pipes all such Water as can or may be obtained and got along and into the same, by means of the Water Works subsisting for conveying or bringing Water to the said Town for the Time being; and that such Pavements so to be taken up, and such Pipes so to be broken shall be repaired and made good with all convenient Speed, and the said Reservoirs made by the said Trustees, out of the Rates and Monies to be raised as herein-after mentioned.

Lamps, &c.
vested in the
Trustees.

XXIII. And be it further enacted, That all the Lamps, Lamp Posts, Lamp Irons, and Materials which shall hereafter be fixed up by virtue of this Act, and the Engines, Buckets, Materials, Implements, and other Things belonging to the Use or Practice thereof, and all the Tools, Arms, and Implements of the Watchmen, Scavengers, Firemen, and other Persons employed by the Authority of this Act, which shall be purchased, provided, or gotten for the Purposes of this Act, and all the Dirt, Dust, Dung, Ashes, and other Filth to be so swept, gathered, and collected as aforesaid (except as to such Part thereof as shall be taken and carried away before the Time that the Scavenger or other Officer shall come to carry away the same, and except such Dirt, Dust, Dung, Ashes, or other Filth as shall be brought out by the respective Inhabitants of the said Town, for the Purpose of leading and carrying away the same for their own Use as herein-before mentioned), shall be and the same are hereby vested in the said Trustees; and such Trustees shall and may, in the Name of their Clerk, bring or cause to be brought any Action or Actions, or prefer or order and direct the preferring any Bill or Bills of Indictment, as the Case shall be or require, against any Person or Persons who shall steal, take, or carry away, detain, spoil, injure, or destroy the same, or any Part thereof, or disturb them in the Possession thereof, or break or not perform any Contract relating thereto; and in such Action or Actions, Bill or Bills of Indictment, the Thing or Things stolen, taken, carried away, detained, spoiled, injured, or destroyed, shall be laid generally to be the Property of the Clerk to the said Trustees; and in all Actions upon such Breach or Non-performance of Contract, the same shall be laid to be to the Damage and Injury of the Clerk to the said Trustees.

Watching.

XXIV. And be it further enacted, That the said Trustees, or any Five or more of them, shall and they are hereby required, at their First or some subsequent Meeting or Meetings to be held as aforesaid, to divide the said Town of *Blackburn* into such and so many Divisions or Districts as to them shall seem proper, and to apportion the Number of Watchmen to be employed in each District as they shall think proper, and to appoint what Wages, Salaries, Gratuities, Rewards, or Payments shall be paid, given, and made to all such Watchmen for their several Attendances and Services, and to alter the Wages of such Watchmen, from Time to
Time

Time, as shall be found expedient; and from Time to Time to alter such Divisions or Districts, and Number of Watchmen, most convenient for the Purpose of appointing and regulating the Watch, as herein-after is mentioned; and the said Trustees shall, immediately after making such Division, publish an Account thereof, stating what Streets, Lanes, Alleys, Passages, or publick Places are comprised in each District; and shall also at the same Time appoint a Meeting of the Trustees, and give Notice of the Time and Place of holding thereof, which shall not be less than Seven Days nor more than Fourteen Days after such Notice; and the said Trustees shall and are hereby required to meet at the Time and Place so to be appointed; and at such First or any other Meeting or Meetings, the Trustees then present shall, by Writing under their Hands, appoint such able-bodied Men to be employed as Watchmen in the Night Time, to attend from Time to Time, and at all such Times and Places within the respective Districts for which they shall respectively be appointed, and to perform such Duty as the said Trustees, or any Five or more of them, shall order, direct, and appoint; and that the said Trustees, or any Five or more of them, at any Meeting as aforesaid, shall and may remove all or any of such Watchmen for any District from Time to Time as they shall see Cause, and appoint others in the room of such of them as shall be so removed, or shall die, or be incapable of performing their Duty, and shall and may make such Orders and Regulations, and give such Directions for the stationing and regulating the same Watchmen, as they or any Five or more of them shall from Time to Time think proper; and the said Trustees shall, by and out of the Money to be raised in pursuance of this Act, erect, hire, or otherwise provide proper Watch Houses, Watch Boxes, or Places for the Reception of the said Watchmen, and proper Coats, Lanthorns, Materials, and Things suitable for their respective Offices, and proper and convenient Rooms, or other Places of Security wherein to lodge Offenders until carried before a Magistrate for Examination; and all and every the said Watchmen shall and they are hereby empowered and required to use his and their best Endeavours to prevent Mischief by Fire, and also to prevent Murders, Burglaries, and Robberies, and other Felonies and Misdemeanours, and to secure and apprehend all Nightwalkers, Malefactors, and all disorderly and suspected Persons, and to detain and safely keep every such Person in any of such Watch Houses or Places to be provided as aforesaid, until he, she, or they can be conveyed (which shall take place as soon as conveniently may be), before some Justice of the Peace for the said County, to be examined and dealt with according to Law.

XXV. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, from Time to Time, at any of the said Meetings, to make such Rules, Orders, Regulations, and Bye Laws (not inconsistent with any Thing in this Act contained, or contrary to any Law or Statute of that Part of the United Kingdom of *Great Britain* and *Ireland* called *England*), as the Nature of each particular Circumstance shall seem to require, and from Time to Time to alter, vary, revoke, or make void any of their Rules, Orders, Regulations, and Bye Laws, at their Discretion, and do such other Things as to them shall seem necessary and expedient for putting this Act and every Part thereof into Execution; which Rules, Orders, Regulations, and Bye Laws, so as aforesaid to be from Time to Time made, shall be valid and effectual

effectual to all Intents and Purposes; and all and every such Officer and Officers as aforesaid, shall observe and obey the same in all Things touching their respective Offices, on Pain of forfeiting any Sum not exceeding Five Pounds nor less than Forty Shillings, for every Default in the due Observance thereof.

Bye Laws to be signed by the Clerk to the Trustees, and inserted in the Newspaper, or affixed on the Church Door,

XXVI. And be it further enacted, That a Copy of the several Rules, Orders, Regulations, and Bye Laws by this Act authorized to be made, shall be fairly written out or printed, and signed by the Clerk to the said Trustees, and that publick Notice thereof shall be given by advertising the same in the *Blackburn* Weekly Newspaper (if One shall continue to be published there); but if not, then by affixing such Copy on the South Door of the Parish Church of *Blackburn* aforesaid, Fourteen Days at least before any such Rule, Order, Regulation, or Bye Law, shall be executed, or take Effect.

Power to provide a proper Place for the Deputy Constable, etc.

XXVII. And whereas it would be a great Accommodation to the Inhabitants of the said Town of *Blackburn*, and to the Constables and Peace Officers of the said Town, if a proper House and Office in a central Situation were provided, where the Business of the said Town might be transacted, and where the Deputy Constable of the said Town shall always lodge, and be ready to answer on all publick Occasions; and if a proper Guard House and Guard Rooms for the Military, which may from Time to Time be quartered in the said Town of *Blackburn*, were also provided, to adjoin to the House and Office of the said Deputy Constable, in order to be let or hired to and for the Use of such Military, at such Rent as shall be agreed upon for that Purpose between the Military that may so happen to be quartered in the said Town, and any Five or more of the said Trustees, at any of their Meetings for the Execution of this Act; and if a proper Room or proper Rooms were also provided, where the Trustees for putting this Act in Execution may from Time to Time meet for the Transaction of Business, and where the Books, Papers, and Writings belonging to the said Trustees, and the Town of *Blackburn* at large, may be always safely lodged and deposited; be it therefore enacted; That it shall be lawful for the said Trustees, or any Five or more of them, at any Meeting to be held as aforesaid, by and out of the Monies to be raised in pursuance of this Act, to contract for, purchase, hire, build, or otherwise provide a House or Houses, Room or Rooms, or such other proper and convenient Place or Places, in such Situation in the said Town of *Blackburn* as they shall think proper, and from Time to Time to surrender, give up, sell, or exchange the same, and to purchase, take, hire, or provide any other House or Houses, Room or Rooms, Place or Places, to be used, employed, and enjoyed for the said several Purposes aforesaid for ever; and the said Trustees, or any Five or more of them, are hereby authorized and empowered to take a Conveyance or Conveyances of such House or Houses, Room or Rooms, Place or Places, or Land whereon to build the same, to the said Trustees and their Successors, for the Purposes aforesaid; and in like Manner to make a Conveyance or Conveyances of any House or Houses, Place or Places, that they may think proper to sell or exchange as aforesaid.

To set up Hords.

XXVIII. And be it further enacted, That all Persons whomsoever, who have already caused to be taken or partly taken down, or who at any

any Time or Times hereafter shall take down or begin to take down any House or other Building whatsoever within the said Town, or cause the same to be so done, or who shall alter and repair, or begin to alter or repair the outward or external Part or Parts of any such House or other Building, shall cause One or more proper and sufficient Hord or Fence or Hords and Fences to be erected and set up to guard all such Houses and other Buildings, and the Grounds whereon such Houses stood respectively, from the Street, Lane, or other publick Place or Passage near thereto, before such Building shall be begun to be altered, repaired, or taken down, and shall continue such Hord or Fence, Hords or Fences, standing and in good Condition, during such Time as the said Trustees, or any Five or more of them, at such Meeting as aforesaid, shall judge necessary for the publick Safety, and as they, or their Clerk by their Order, shall in Writing order or direct; and if any such Person or Persons shall refuse or neglect to erect and set up any such Hord or Fence, Hords or Fences as aforesaid, or shall not continue the same standing and in good Condition as aforesaid, then and in either of the said Cases, every such Person shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds nor less than Forty Shillings, and in case of such Refusal or Neglect it shall be lawful for such Trustees, or any Five or more of them, at any Meeting to be held as aforesaid, or for their Clerk by their Order, to cause such House or Houses, Building or Buildings, Ground or Grounds, to be well and sufficiently fenced in, or the Fence already erected and set up well and sufficiently repaired, as the Case shall require, and such Fence or Fences to be continued as aforesaid; and the Person or Persons so refusing or neglecting shall, over and above the said Penalty, pay all such Charges and Expences of such fencing or repairing upon Demand made by the said Trustees, or by their Clerk.

XXIX. And be it further enacted, That if at any Time hereafter any Hole or Opening shall be made in any Streets, Lanes, Alleys, Passages, or publick Places within the said Town, for any Purpose whatsoever, the Person or Persons employed or concerned in making such Hole or Opening, shall put a Guard or Fence round the same, and cause a Light to be affixed in or near the same, for securing Passengers and Cattle from Accidents; such Guard or Fence and Light, to be continued every Night during the Time such Hole or Opening shall remain, from Sun-setting to Sun-rising, at the Expence of the Person or Persons concerned in the making such Hole or Opening; and the Person or Persons neglecting to affix, or wilfully neglecting to continue such Guard or Fence and Light as aforesaid, shall forfeit and pay any Sum not exceeding Five Pounds nor less than Forty Shillings for every such Neglect.

Lights to be fixed.

XXX. And be it further enacted, That where any Opening shall be made in the Paving or Flagging of any of the said Streets, Lanes, Alleys, or publick Places, for the Purpose of conveying Coals or other Things into any Vault or Cellar under the same, or for the Purpose of admitting Light into any Room, Chamber, or Cellar, the Covering or Grating to such Opening shall be made at the Expence of the Person or Persons requiring the same, and shall be made of Iron or such other Materials, of such Dimensions, and in such Manner and Form, as any Five or more of the said Trustees, at a Meeting as aforesaid, shall direct and approve of; and such Grating and Covering shall from Time to Time be repaired,

Trustees to direct where Gratings over Openings in the Pavements shall be made.

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varied,

varied, and altered at the like Expence of the Person or Persons for whose Use and Benefit the same shall be possessed or enjoyed, and in such Manner and Form as the said Trustees, or any Five or more of them at a Meeting as aforesaid, shall direct or appoint, and in case any Person or Persons shall cause any such Grating or Covering to be made, repaired, varied, or altered, or shall neglect or refuse to make, repair, vary, or alter such Grating or Covering, contrary to such Direction or Appointment as aforesaid, every such Person shall, for every such Offence, forfeit and pay any Sum not exceeding Forty Shillings nor less than Twenty Shillings, for every Week the said Offence shall be continued.

For prevent-
ing Nuisances
in the Foot
Pavements and
otherwise.

XXXI. And, for the better Accommodation and Safety of Passengers, and the Preservation of good Order, and Prevention of Obstructions and Annoyances within the said Town; be it further enacted, That if any Person or Persons shall upon any of the Footways which now are or at any Time hereafter shall be raised above the Carriage-way, and used as such Footways, or any of the Streets, Lanes, or publick Passages already or hereafter to be laid out within the said Town, run, draw, drive, or carry any Truck, Wheel, Sledge, Wheelbarrow, Bier, Handbarrow, or Carriage whatsoever, or shall roll any Cask, other than for the necessary loading or unloading thereof, in, upon, from, or out of any Carriage; or shall wilfully ride, lead, or drive any Horse, Mare, Gelding, Mule, or Ass, Ox, Bull, Cow, Sheep, Swine, or other Cattle upon any of the said Footways; or shall in any Part of the Streets, Lanes, Alleys, Passages, or publick Places within the said Town, burn, dress, sweep, or cleanse any Piece or Pieces of Cork or Hoop, fire, cleanse, wash, or scald any Cask or Casks, or empty any of the Contents of any Cask or Casks in any of the said Streets, Lanes, Alleys, Passages, or publick Places; or shall hew, saw, or cut, or cause to be hewn, sawn, or cut any Stone, Wood, or Timber, or bore any Piece or Pieces of Timber, or make or repair any Coach, Cart, Waggon, Dray, Sledge, or other Carriage, or any Part thereof, in any of the said Streets, Lanes, Alleys, Passages, or publick Places (save and except such Carriage or Carriages as may want repairing from sudden Accident happening thereto in any of the said Streets, Lanes, Alleys, Passages, or publick Places); or shall shoe, farry, or bleed (except in the Case of Accidents), or turn or suffer to go loose any Horse, Mare, Gelding, Ass, or Mule in any of the said Streets, Lanes, Alleys, Passages, or publick Places; or if the Driver of any Waggon, Cart, Dray, Sledge, or other Carriage used for carrying Goods or Merchandize, shall ride on the Shafts, or any Part of such Waggon, Cart, Dray, Sledge, or other Carriage, or on any of the Horses or Cattle drawing the same, in any of the said Streets, Lanes, Alleys, Passages, or publick Places, or shall shew or expose any Stallion in any such Street, Lane, Alley, Passage or publick Place; or shall shew or expose to Sale any Horse, Mare, or Gelding therein, except in such Places as the Trustees, or any Five of them shall appoint; or shall fodder any Cattle in any such Streets, Lanes, Alleys, Passages, or publick Places; or shall suffer his or her Mastiff or Bull Dog to go unmuzzled in any of the Streets, Lanes, Alleys, Passages, or publick Places within the said Town; or if any Person shall sift, throw, cast, or lay any Ashes (except in Times of Frost so as to prevent Accidents), or any Dirt, Dung, Soil, Filth, Rubbish, Refuse of Garden Stuff, Blood, Garbage, Offall, Carrion, or any other offensive Matter or Thing in any Part of such

such Streets, Lanes, Alleys, Passages, or publick Places within the said Town; or shall at any Time or Times (except on Market Days and Fair Days), hang up, place; or expose any Goods, Wares, or Merchandizes, or any other Matter or Thing, at or near the Door or Doors of any House or Houses, Shop or Shops, or other Places in the said Town, so as to incommode or obstruct the Passage of any Person on any of the said Footways; or shall make or assist in making any Fire or Fires commonly called *Bonfires*, or shall set Fire to or let off any Gun, Pistol, or Cracker, or throw any Squib, Serpent, Rocket, or other Firework whatsoever; or shall suffer any Swine to wander within any of the said Streets, Lanes, Alleys, Passages, or publick Places, and shall be convicted thereof before any Justice of the Peace for the said County, by the Oath of One credible Witness, then and in every such Case, every Person so offending shall, for every such Offence, forfeit and pay to the said Trustees, or to their Treasurer, any Sum not exceeding Forty Shillings nor less than Twenty Shillings, to be applied to the Purposes of this Act.

Or making
any Bonfires
in the publick
Streets.

XXXII. And be it further enacted, That if any Person or Persons shall kill, slaughter, singe, scald, dress, or cut up, or cause to be killed, slaughtered, singed, scalded, dressed, or cut up, any Ox, Cow, Bull, Calf, Sheep, Lamb, Pig, Swine, or other Cattle in any of the Streets, Lanes, Alleys, Passages, or other publick Places within the said Town, or cause or permit any Blood to run from any Slaughter House, Butcher's Shop, or Shambles into any of such Streets, Lanes, Alleys, Passages, or publick Places therein, to the Annoyance or Nuisance of the Persons residing or passing therein, every Person so offending in any of the Matters aforesaid, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds nor less than Forty Shillings.

Penalty on
slaughtering,
scalding, &c.
Cattle in the
Streets.

XXXIII. And be it further enacted, That if any Cart, Waggon, Sledge, Dray, or other Carriage shall be left or suffered to stand and continue in any Street, Lane, Alley, Passage, or publick Place within the said Town, either in the Day or in the Night Time, either loaded or unloaded, or with or without Horses, for any longer Time than for the necessary loading or unloading thereof, or if any such Cart, Waggon, Sledge, or other Carriage shall be set, placed, or left upon any Part of the Foot-crossing made or to be made on any of the said Streets, Lanes, Alleys, Passages, or publick Places; or if any Cart, Waggon, Sledge, Dray, or other Carriage shall be set or placed athwart or across any Part of the said Streets, Lanes, Alleys, Passages, or publick Places for the Purpose of loading or unloading the same, where there shall not be sufficient Room left for another loaded Cart, Waggon, Dray, Sledge, or other Carriage to pass; or if any Coach, Chaise, or any other Carriage be suffered to stand in any of the said Streets, Lanes, Alleys, Passages, or publick Places for a longer Time than shall be necessary for taking up and setting down Passengers or Travellers with their Luggage, or for loading or unloading thereof respectively; or if any Wheel of any Carriage, separated from any Carriage, be hauled or drawn on any Part of any of the said Streets, Lanes, Alleys, Passages, or publick Places, without a Sledge or proper Carriage placed under the same; or if any Timber or other Thing whatsoever be drawn on any such Street, Lane, Alley, Passage, or publick Place, without having the same placed on a Carriage; or if any Timber, Iron, Lead, Bricks, Stones, Lime, Mortar, Hay, Straw,

Carriages not
to be left in
the Streets, &c.

Straw, Wood, Faggots, Coals, Boards, Tubs, Casks, Goods, Wares, Merchandizes, Materials, or other Things whatsoever, shall be laid, placed, or left in any such Street, Lane, Alley, Passage, or publick Place (except Hords and Fences as aforesaid), so as to stop, obstruct, or incommode any Person or Carriage passing thereon, or stop, obstruct, or incommode the free and open Passage to such House, Shop, or other Building, and the same shall remain for a greater Space of Time than shall be necessary for the housing or removing thereof, then and in such Case the Owner or Owners of every such Waggon, Cart, Dray, Sledge, Coach, Chaise, or other Carriage, Timber, Iron, Lead, Bricks, Stones, Lime, Mortar, Hay, Straw, Wood, Faggots, Coals, Boards, Tubs, Casks, Goods, Wares, Merchandizes, Materials, and Things, shall for every such Offence forfeit and pay any Sum not exceeding Twenty Shillings.

Signs project-
ing into the
Streets to be
removed.

XXXIV. And be it further enacted, That all Signs, Sign Irons, Sign Posts and Boards projecting into any of the Streets or other publick Passages or Places within the said Town, shall, within Thirty Days after Notice for that Purpose have been given, by Writing under the Hands of Five at least of the said Trustees for carrying this Act into Execution, or by Writing under the Hand of their Clerk, by their Order, to the Occupiers of the Houses or other Buildings to which such Signs, Sign Posts, Sign Irons, and Boards respectively belong, be taken down and removed by such Occupiers; and if any of such Occupiers shall neglect or refuse so to do, every such Occupier shall, for every such Neglect or Refusal, forfeit and pay any Sum not exceeding Forty Shillings nor less than Twenty Shillings for every Week any such Sign, Sign Iron, Sign Post, or Board which ought to be taken down and removed by him or her, shall remain after the Time herein-before limited for taking down or removing the same; and that for the future all Signs or Shewboards shall be placed or fixed close or flat to the Walls or Front of the Houses, Shops, Warehouses, or Buildings whereunto they respectively belong, and not otherwise; and if any Person or Persons shall at any Time hereafter place, hang, or erect any Sign or Shewboard in any of the Streets, Lanes, Alleys, Passages, or other publick Places within the said Town, or cause the same to be done contrary to the Directions of this Act, every such Person for every such Offence shall forfeit and pay any Sum not exceeding Twenty Shillings nor less than Ten Shillings for every Week the same shall so remain.

Sewers, etc.
to be made by
Trustees.

XXXV. And be it further enacted, That the said Trustees, or any Five or more of them, may cause such and so many new Sewers, Drains, and Vaults as they shall think necessary to be dug and made in, along, or across any of the Streets, Lanes, Alleys, Passages, Yards, and Places within the said Town, and also any of the Sewers and publick Drains and Vaults which now are or hereafter shall be within the said Town, to be enlarged, widened, raised, altered, removed, repaired, cleansed, or scoured when and as often as to them the said Trustees, or any Five or more of them shall seem meet, and for any of the said Purposes shall from Time to Time cause to be dug, carted, and carried out of or brought into the said Streets or Places, or any of them, such Gravel, Stones, Brick, and other Materials as they shall judge necessary; and also shall and may cause such and so many Grates or Openings to be made therein
for

for the conveying and carrying off the Filth, foul and other Water from the Houses built or to be built adjoining to such Streets, Lanes, publick Passages, or Places in the said Town of *Blackburn*, into the said Sewers, publick Drains, and Vaults, as the said Trustees shall and may think necessary and expedient for that Purpose; and the said Trustees are hereby empowered and authorized to purchase such Ground as shall be necessary for making or enlarging such publick Drains and Sewers; and the said Trustees are hereby empowered to charge the several Owners of such Houses or Buildings as now are or hereafter shall be built adjoining to, and making use of such Common Sewer or Sewers, with the Payment of all such Sum or Sums of Money as shall be by them the said Trustees paid, laid out, and expended in and about the making, enlarging, widening, raising, altering, removing, repairing, cleansing, or scouring of such publick Drains or Sewers; and on Refusal or Non-payment of such Charges and Expences to the Treasurer for the Time being to the said Trustees, then upon Fourteen Days Notice in Writing being given to such Owners or other Persons as aforesaid, or left at their, his, or her last or usual Place of Abode by their said Clerk, such Charges and Expences shall and may be recovered in such Manner as the Penalties and Forfeitures by this Act inflicted are hereby directed to be recovered; and that the said Trustees, or any Five or more of them, at any Meeting held as aforesaid, shall and may cause all Steps and Doors opening or leading from the Footways into Vaults or Cellars in the said Town, and which project into or upon the said Footways, and which are not on the private Soil and Freehold of any Person or Persons, to be taken away, removed, or altered in such Manner as they shall judge necessary; and the said Trustees, or any Five or more of them, shall, out of the Monies to be raised by virtue of this Act, pay or tender to all and every Person and Persons who shall be injured by their Proceedings under this Act, such Recompence as they shall think proper; and in case such Person or Persons shall be dissatisfied with the Recompence so tendered or offered, he, she, or they may apply to the next General Quarter Sessions of the Peace to be holden for the said County of *Lancaster*, and the Justices of the Peace at such Sessions shall have Power to direct, and shall direct the Jury which shall attend at such Sessions for the Trial of Traverses, or some other Jury of Twelve honest and substantial Men, to be then and there impannelled by the Sheriff, without Fee or Reward, to enquire into and assess the Recompence Money which ought to be paid to such Person or Persons for such Injury as aforesaid; and thereupon the Justices in such Session shall adjudge and order such Recompence so found and assessed by the Jury to be paid to such Person or Persons accordingly; and such Enquiry and Judgement shall be final to all Intents and Purposes; and the said Justices shall and may award, order, and adjudge Costs to either Party as they shall think proper; provided that nothing herein contained shall require or empower the said Trustees to pay or make any Recompence for altering or removing any Steps and Doors opening or leading from the Footways into Vaults or Cellars as aforesaid, as are Encroachments within Twenty Years, upon any Street, Lane, Alley, Passage, or publick Place, in all which Cases the Trustees aforesaid, or any Five or more of them, shall be empowered to remove the same at the Expence of the Owner or Owners, Tenant or Tenants of the Premises to which such Steps and Doors shall respectively belong.

Projections,
etc. to be
removed.

Waterworks
not to be
damaged.

XXXVI. Provided nevertheless, That nothing herein-before contained shall authorize the said Trustees to make any Reservoir, Sewer, or Drain to the Damage or Prejudice of the said Waterworks, and that nothing herein contained shall alter, abridge, or lessen the Power of the Proprietors of the said Waterworks, from making such Alterations in the said Waterworks, and such additional Waterworks as they shall think fit; and that if at any Time or Times it shall be found necessary for the said Trustees, in the Execution of this Act, to remove or take up any of the Pipes or Plugs belonging to *Henry Sudell* and *Henry Feilden*, Esquires, their Heirs or Assigns, or to remove or take up any leaden or other Pipes belonging to them, or to any other Person or Persons, which for the Purpose of conveying Water into any House, Area, or other Place have been or shall be laid into or from any such Pipe or Pipes, the same shall be relaid and replaced in the same State as before they were removed or taken up, and the Expence thereof shall from Time to Time be paid out of the Money arising or to arise by virtue of this Act, and shall always be done with as little Detriment and Inconvenience to the said *Henry Sudell* and *Henry Feilden*, their Heirs or Assigns, and the Inhabitants of the said Town, as the Circumstances of the Case will admit.

Directions
touching Bog-
houses.

XXXVII. And be it further enacted, That no Necessary House or Bog House in the said Town shall be emptied at any other Time than between the Hours of Eleven at Night and Five in the Morning, and the Soil thereof shall be laid in such Place or Places as shall be appointed or permitted for that Purpose by the said Trustees, or any Five or more of them, at any Meeting to be held as aforesaid, and in no other Place or Places within the said Town; and if any Person or Persons shall empty any such Necessary House or Bog House at any other Time, or shall lay the Soil thereof in any other Place than as aforesaid (except in Cases where the same shall be mixed with Ashes or other Manure, for the Purpose of being immediately carted and carried away for the Use of the Owners thereof, as herein-before is directed), then and in every such Case all such Persons committing or causing such Offences to be committed, shall for every such Offence forfeit and pay any Sum not exceeding Twenty Shillings; and if any Person or Persons shall wilfully or negligently spill any of the Soil of any Necessary House or Bog House in any of the Streets, Lanes, Alleys, Passages, and publick Places within the said Town, every Person so offending shall, for every such Offence, forfeit and pay any Sum not exceeding Twenty Shillings.

Names of the
Streets to be
set up, and
Houses num-
bered.

XXXVIII. And be it further enacted, That the said Trustees, or any Five or more of them, at any of their said Meetings, shall and may and they are hereby required to cause to be placed on some conspicuous Part of some House or Building, at or near each End, Corner, or Entrance of the several Streets, Lanes, Alleys, and Passages already or hereafter to be erected or made within the said Town, and other Streets, Lanes, Passages, and Places hereafter to be built upon or made as aforesaid, the Name by which every such Street, Lane, Alley, Passage, or publick Place is usually called or known, and also shall and may cause every House, Shop, Warehouse, or Building in the same Streets, Lanes, Alleys, Passages, and publick Places to be marked and numbered in such Manner as they shall think most proper for distinguishing the same; and if any Person or Persons shall wilfully or maliciously destroy, pull down, injure, obliterate,

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

XXXIX. And, for the Purpose of widening and improving the said Streets, Lanes, Ways, Passages, and publick Places within the said Town of *Blackburn*, and opening Communications therewith; be it further enacted, That the said Trustees, or any Five or more of them, shall and may, and they are hereby authorized and empowered, at any such Meeting as aforesaid, to treat, contract, and agree for, and purchase from the Owners, Proprietors, and Occupiers of, and all other Persons interested in the several Dwelling Houses, Buildings, and Grounds mentioned and specified in the Schedule hereunto annexed, or so much or such Parts thereof as they the said Trustees shall adjudge necessary to be purchased for effecting the Purposes of this Act, at such Sum or Sums of Money or Price as shall be agreed upon, and to cause such Dwelling Houses, Buildings, and Tenements, or so much thereof as they shall judge necessary to be taken down, and the Scite thereof, and the Grounds to be so purchased, to be appropriated in such Manner and to such Uses as will, in the Judgement of the said Trustees, best answer the Purpose and Design of this Act; and for effecting the Ends aforesaid, it shall and may be lawful for all Bodies Politick or Corporate, Corporations Aggregate or Sole, Trustees and Feoffees in Trust, Guardians, Committees of Lunaticks or Idiots, Executors, Administrators, and all other Trustees, not only for and on Behalf of themselves, their Heirs and Successors, but also for and on Behalf of their *Cestuique* Trusts, whether Infants or Issue unborn, Lunaticks, Idiots, Femes Covert, or other Person or Persons whomsoever, and to and for all and every Person or Persons whomsoever who are or shall be seised, possessed of, interested in, or entitled to any of the said Dwelling Houses or other Buildings and Grounds, to treat, contract, and agree with, and absolutely sell, convey, assign, or surrender to the said Trustees, or any Five or more of them, or to such Person or Persons as they, or any Five or more of them, shall appoint, all or any such Dwelling Houses or other Buildings and Grounds, or any Part thereof, or any Estate, Term of Years, or other Interest therein; and that all such Contracts, Agreements, Sales, and Conveyances which shall be so made, shall be good and valid in Law to all Intents and Purposes, to convey the said Premises, and the Right, Title, Property, Claim, and Demand whatsoever of such Person or Persons, of, in, and to the same; any Law, Statute, Usage, or any other Matter or Thing whatsoever to the contrary thereof in anywise notwithstanding; and all Bodies Politick or Corporate, Corporations Aggregate or Sole, Trustees and Feoffees in Trust, Executors, Administrators, Guardians, and other Trustees, and all other Persons, shall be and are hereby indemnified for what they shall do therein by virtue or in pursuance of this Act.

Trustees authorized to purchase Buildings, etc. to widen and improve the Streets.

XL. Provided always, and be it further enacted, That if any such Person or Persons, Bodies Politick or Corporate, Corporations Aggregate or Sole, Trustees, Feoffees, Guardians, Committees, Executors, Administrators, or any other Person or Persons anywise interested in such Dwelling Houses, or other Buildings and Grounds as aforesaid (upon Notice to them given or left in Writing at the Dwelling House or Houses,

If Persons refuse to contract and agree with Trustees, the Value to be ascertained by a Jury.

or

or Place or Places of Abode of such Person or Persons, or of the Principal or Head Officer or Officers of such Bodies Politick or Corporate, or Corporations, or at the House of the Tenant in Possession of the Dwelling Houses, or other Buildings and Grounds intended to be purchased and taken down as aforesaid), shall, for the Space of Thirty Days after such Notice 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 Trustees, or any Five or more of them, shall cause the Value of and Recompence to be made for such Dwelling Houses or other Buildings and Grounds, to be enquired into and ascertained by a Jury of Twelve indifferent Men of the said County of *Lancaster*; and for the summoning and returning such Jury, the said Trustees, or any Two or more of them, are hereby empowered from Time to Time to issue out their Warrant or Warrants to the Sheriff of the said County, thereby commanding and requiring him to impanel, summon, and return an indifferent Jury of Twenty-four Persons, qualified to serve upon Juries at Assizes, to appear before the said Trustees, or any Five or more of them, at such Time and Place as in such Warrant or Warrants shall be appointed; and the said Sheriff, or his Deputy or Deputies, is and are hereby required to impanel, summon, and return such Number accordingly to attend at the Time and Place so appointed, and out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear upon such Summons, the said Trustees, or any Five or more of them, are hereby empowered to swear Twelve to be the 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 be speedily procured, to attend the Service to the Number of Twelve; and all Persons concerned shall have their Challenges against any of the said Jurymen; and the said Trustees, or any Two or more of them, are also hereby required and empowered from Time to Time, as Occasion shall be or require, to summon and call before the said Jury, and examine upon Oath (which Oath the said Trustees, or any One or more of them, is and are hereby empowered to administer), all and every Person and Persons whomsoever, who shall be thought necessary or proper to be examined as a Witness or Witnesses touching or concerning the Premises, and they shall also order and cause the said Jury to view the Places in question, if there be Occasion, and use all lawful Ways and Means as well for their own as for the said Jury's better Information in the Premises, as the said Trustees, or any Five or more of them, shall think fit; and the said Jury shall assess the Damages and Recompence to be given for the said Dwelling Houses or other Buildings and Grounds to the respective Owner or Owners thereof, according to their respective Interests therein, and shall give in their Verdict thereupon; and after the said Jury shall have enquired of and assessed such Damage, and given in their Verdict, the said Trustees, or any Five or more of them, shall thereupon order, adjudge, and determine the Sum or Sums of Money so assessed by the said Jury to be paid to the Person or Persons interested in the said Dwelling Houses or other Buildings and Grounds, according to such Verdict or Inquisition of the said Jury; which said Verdict or Inquisition, and the Judgement, Order, or Determination thereupon so had and made, shall be final, binding, and conclusive to all Intents and Purposes, against all Infants, Issue unborn, Idiots, Lunaticks, Femmes Covert, Bodies Politick

Jurors may be challenged.

Witnesses may be examined on Oath.

Verdict, etc. to be final.

or

or Corporate, Corporations Aggregate or Sole, Trustees, Feoffees, Guardians, Committees, as well absent as present, claiming in Possession, Reversion, Remainder, or Expectancy, or otherwise howsoever, and against their several and respective Heirs, Successors, Executors, or Administrators, and against all other Person and Persons whomsoever, and every Verdict and Judgement thereupon shall be fairly entered, and kept amongst the Records of the Quarter Sessions of the Peace for the said County of *Lancaster*; and the same, or true Copies thereof, shall be admitted, received, and taken as Evidence and Proof in all Courts of Law and Equity, and all Places whatsoever, and that all Persons shall have Recourse to them *gratis*, and may take Copies thereof, paying Sixpence for every One hundred Words, and so in Proportion for any less Number of Words; and the said Trustees, or any Five or more of them acting in the Premises, shall have Power from Time to Time to impose any reasonable Fine or Fines on such Sheriff or his Deputy, Bailiffs, or Agents making Default in the Premises, and on any of the Persons who shall be summoned and returned on such Jury, and shall not appear, or who shall refuse to be sworn on the said Jury, or being so sworn shall refuse to give, or shall not join in giving their Verdict, or shall in any other Manner wilfully neglect his Duty therein, contrary to the true Intent and Meaning of this Act, and on any Person or Persons who being summoned to give Evidence before the said Jury touching the Premises, shall refuse or neglect to appear, or appearing shall refuse to be sworn and give Evidence, so as no such Fine to be imposed on any Sheriff or his Deputy, Bailiff, or Agent, shall exceed the Sum of One hundred Pounds, nor shall any Fine to be imposed on any Jurymen or Witnesses exceed the Sum of Twenty Pounds for One Offence.

and recorded.

Trustees may impose a Fine on the Sheriff, &c. making Default.

XLI. And be it further enacted, That in case any such Jury shall give in or deliver a Verdict for more Money as a Recompence or Satisfaction for such Damages than what shall have been offered or tendered by the said Trustees, or any Five or more of them, before the summoning or returning such Jury, then the Costs and Expences of summoning and maintaining the said Jury and Witnesses shall be borne and paid by the said Trustees, or any Five or more of them, out of the Money arising by virtue of this Act; but if any such Jury shall give in and deliver a Verdict for no more or for less Money as a Recompence or Satisfaction for such Damages than shall have been offered or tendered by the said Trustees, or any Five or more of them, before the summoning or returning the said Jury or Juries, then the Costs and Expences of summoning and maintaining the said Jury and Witnesses shall be borne and paid by the Person or Persons with whom the said Trustees shall have had such Controversy or Dispute, and shall be recovered in the same Manner as the Penalties and Forfeitures are herein-after directed to be recovered.

If Jury give more Damages than the Sum tendered, Trustees to pay Costs;

but if less, the Person contending shall pay Costs.

XLII. And be it further enacted, That upon Payment of such Sum or Sums of Money so to be awarded or adjudged for the Purchase of the said Premises, or any Part thereof, the Person or Persons entitled thereto shall make and execute, or procure to be made and executed, good, valid, and legal Conveyances, Assignments, and Assurances in the Law, to the said Trustees, or any Five or more of them, or to such Person or Persons as the said Trustees, or any Five or more of them, shall appoint, of the said Premises, for which such Sum or Sums of Money shall

On Payment of Purchase Money, Premises to be conveyed.

shall have been so awarded or adjudged, and shall do all Acts, Matters, and Things necessary or requisite to make a good, clear, and perfect Title thereto; and such Conveyances, Assignments, and Assurances shall contain such reasonable and usual Covenants as shall on Behalf of the said Trustees be required.

In case a good Title to the Premises cannot be made out,

or the Persons entitled thereto cannot be met with.

Purchase Money to be paid into the Bank of England;

Receipts for which to be registered; then the Premises shall vest in the Trustees.

XLIII. And in case any Person or Persons to whom such Money shall be awarded as aforesaid, shall not evince a clear Title to the said Premises to the said Trustees, within One Calendar Month after such Award shall have been made, and executed or cause to be executed good and lawful Conveyance or Conveyances thereof, within Ten Days after the same shall have been tendered to them respectively for Execution (such Conveyance or Conveyances to be prepared at the Expence of the said Trustees), or if any Person or Persons entitled to the Premises for which such Sum or Sums of Money shall be so awarded as aforesaid, cannot be found in the said County of *Lancaster*, or by reason of Disputes depending in any Court of Law or Equity, or for Default of Evidence or otherwise, it shall not appear to the said Trustees, or any Five or more of them, what Person or Persons is or are entitled to the Premises in question, that then and in every such Case it shall and may be lawful to and for the said Trustees, or any Five or more of them, to order such Sum or Sums of Money so awarded as aforesaid, as the Value of and Purchase Money for the said Premises, to be paid into the Bank of *England* for the Use of the Party or Parties interested therein, to be paid to them, and each and every of them, according to their respective Estates and Interests in the said Premises, at such Times as the said Trustees, or any Five or more of them, shall by Warrant under their Hands order and direct; and the Cashier or Cashiers of the Bank of *England* who shall receive such Sum and Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum and Sums of Money, mentioning and specifying for what Premises and for whose Use the same is or are received, to such Person or Persons as shall so pay such Sum or Sums into the Bank of *England* as aforesaid, which Receipt or Receipts shall be entered on Record, and registered amongst the Records of the Quarter Sessions for the County of *Lancaster* aforesaid, and immediately on such Payment and Registry, all the Estate, Right, Title, Property, Claim, and Demand in Law and Equity, of all and every Person or Persons for whose Use such Money was paid, of, in, or to the said Premises, or any Part thereof, shall vest in the said Trustees; and that the said Trustees shall be deemed in Law to be in the actual Possession thereof, and to be seised thereof in Fee Simple, freed and discharged of and from all Claims, Demands, and Equity of Redemption, either at Law or in Equity, to all Intents and Purposes, as fully and effectually as if all and every Person and Persons having any Estate, Right, Title, Interest, or Equity of Redemption of, in, or to the said Premises had actually conveyed the same by Lease and Release, Bargain and Sale enrolled, Feoffment with Livery of Seisin, Fine and Recovery, or any other Conveyance whatsoever; and such Payment shall not only bar all Right, Title, Interest, Equity of Redemption, Claim, and Demand of the Person or Persons to whose Use such Payment was made, but shall also extend to, and be deemed and construed to bar the Dower and Dowery of the Wife and Wives of such Person or Persons, and all Estates Tail and Remainders,

as

as fully and effectually as a Fine and Recovery would have done if levied or suffered by all proper Parties in due Form of Law.

XLIV. And be it further enacted, That where it shall be thought necessary for the Purposes of this Act, that a Part of any Dwelling House, Building, or Ground shall be purchased for the Purposes of this Act, and the Owner or Proprietor, or Owners or Proprietors of any such Dwelling House, Building, or Ground shall be minded and desirous to sell and dispose of the Whole of such Dwelling House, Building, or Ground, and of such his, her, or their Mind or Desire, shall give Notice in Writing to the Clerk or Treasurer, for the Time being, to be appointed in pursuance of this Act, then and in such Case the said Trustees shall and they are hereby required, to purchase the Whole of such Dwelling House, Building, and Ground, the Value thereof, in case of Difference, to be ascertained in Manner aforesaid.

Where Part of a Building only shall be necessary to be taken down, the Owner shall compel the Trustees to purchase the Whole.

XLV. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used by virtue of the Powers of this Act, for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatick, or Person or Persons under any Disability or Incapacity as herein mentioned, such Money shall, in case the same shall amount to the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the Trustees for executing 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 Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrance, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other 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 Messuages, Lands, Tenements, and Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Messuages, Lands, Tenements, and Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking Effect; and in the mean Time and until such Purchase shall be made, the said Money shall, by Order of the 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 mean Time 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 Order of the said Court, to the Person or Persons who would for the Time being have been entitled to

Application of Compensation Money where exceeding 200*l.*

the

the Rents and Profits of the Lands, Tenements, and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

If under 200/
and exceeding
20/.

XLVI. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds and shall exceed 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 Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands), be paid into the Bank, 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 Five or more of the said Trustees (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money, and the Dividends arising thereon, may be applied in any Manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

If under 20/.

XLVII. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next before mentioned, shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Hereditaments so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Trustees, or any Five or more of them, shall think fit; or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

Where any
Question shall
arise touching
the Title to
Money to be
paid the Per-
son in Posses-
sion of the Pre-
mises at the
Time of the
Purchase shall
be deemed en-
titled thereto

XLVIII. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, in pursuance of this Act, for the Purchase of any Messuages, Buildings, Lands, Tenements, or Hereditaments, or any Estate, Right, or Interest in any Messuages, Buildings, Lands, Tenements, or Hereditaments to be purchased in pursuance of this Act, 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 Messuages, Buildings, Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Messuages, Buildings, Lands, Tenements, or Hereditaments, according to such Possession, until the

contrary

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, and that some other Person or Persons was or were lawfully entitled to such Messuages, Buildings, Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

XLIX. And be it further enacted, That every Mortgagee of any Messuages, Buildings, Lands, and Hereditaments, which shall be purchased or acquired by the said Trustees, or any of them, in pursuance of this Act, his, her, or their Heirs, Executors, Administrators, and Assigns, respectively, on having Six Calendar Months Notice in Writing given to him, her, or them from the said Trustees, or any Five or more of them, or any Person authorized by them, or any Five or more of them, of paying off the Principal and Interest Money which shall be due on such Mortgages respectively, shall at the End of the said Six Calendar Months after such Notice, on Payment or Tender of the Principal Money and Interest which shall be then due, convey and assign his, her, and their respective Estates and Interests in and to the said mortgaged Premises to the said Trustees, or any Five or more of them, or to such Person or Persons as they shall nominate and appoint in Trust for the Uses and Purposes of this Act; and if any such Mortgagee, his, her, or their Heirs, Executors, Administrators, or Assigns shall refuse so to do, then all Interest on every such Mortgage, from the Expiration of the said Six Calendar Months after any such Notice, shall cease and determine.

Mortgagees to convey.

L. And be it further enacted, That in case the said Trustees, or any Five or more of them, or any Person authorized by them, shall after any Messuages, Buildings, Lands, or Hereditaments, shall be purchased in pursuance of this Act, give Six Calendar Months Notice in Writing to all or any of the Tenants at Rack Rent, or Occupiers of such Messuages, Buildings, Lands, or Hereditaments, to quit or deliver up the Possession thereof, then every such Tenant shall, at the End of every such Six Calendar Months, peaceably and quietly deliver and yield up the Possession of the said Premises so by him, her, or them respectively held or occupied, whether upon Demise, Lease, or otherwise, to the said Trustees, or to the Person or Persons who shall be appointed by them, or any Five or more of them, to take Possession thereof; and all Leases, Demises, or Agreements for renting or holding the same at Rack Rent or otherwise theretofore made, shall, from the End of the said Six Calendar Months, be absolutely void and of none Effect as against the said Trustees, or any of them; and if any Person or Persons so in Possession shall refuse to give up such Possession at the Expiration of such Six Calendar Months after such Notice, it shall and may be lawful for the said Trustees, or any Five or more of them, to issue their Precept or Precepts to the Constables of the said Town of *Blackburn* for the Time being, or to any or either of them, to cause Possession thereof to be delivered to such Person or Persons who shall be in such Precept or Precepts nominated to receive the same; and the said Constable and Constables is and are hereby respectively required to deliver Possession, according to such Precept or Precepts, of the Premises therein mentioned, and to levy such Costs as shall accrue by Means of the issuing and executing of every such Precept or

Tenants at Rack Rent of any Premises purchased by the Trustees, to give up the Possession thereof after Six Months Notice.

Precepts, by Distress and Sale of the Goods and Chattels of any Person or Persons who shall have refused to give up Possession as aforesaid, and shall refuse or neglect to pay such Costs.

Power for the Trustees to sell such Land as shall not be wanted by them for the Purposes of this Act.

LI. And whereas by reason of the Purchases which the said Trustees are hereby empowered to make, they may happen to be possessed of some Piece or Pieces of Ground over and above what may be necessary for effecting the Improvements hereby directed to be made, or for other the Purposes of this Act; be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, to sell and dispose of such Piece or Pieces of Ground, either together or in Parcels, as they shall find most advantageous and convenient to such Person or Persons as shall be willing to contract for and purchase the same; but in every such Case, the Person or Persons from whom the said Trustees shall have bought the same, shall have the First Offer of re-purchasing such Ground; and in case such Person or Persons shall be desirous of re-purchasing the same, and he, she, or they, and the said Trustees, shall differ or not agree with respect to the Price thereof, 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 Trustees in pursuance of this Act, and the Expence of hearing and determining such Difference shall be borne and paid in like Manner as herein-before directed with respect to such Purchases made by the said Trustees *mutatis mutandis*; and that it shall be lawful for the said Trustees to plan, design, and lay out in what Manner any new House or Houses, or Edifices to be erected upon such Piece or Pieces of Ground so to be sold, shall be built or erected; and the Money to arise by Sale of such Piece or Pieces of Ground shall be applied to the respective Purposes of this Act; but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Non-application thereof.

Trustees may borrow Money.

LII. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, and they are hereby empowered, from Time to Time, when they shall judge necessary, to borrow and take up at Interest any Sum or Sums of Money, not exceeding in the Whole the Sum of Three thousand Pounds, upon the Credit of the Rates and Assessments to be raised by virtue of this Act; and by any Writing or Writings under the Hands and Seals of any Five or more of them, to mortgage, demise, grant, or assign over the said Rates or Assessments, or any Part or Parts thereof, to the Person or Persons who shall advance or lend such Money, or his or their Trustee or Trustees, as a Security or Securities for the Money so to be borrowed, together with Interest for the same; and every such Mortgage or Assignment shall be in the Words or to the Effect following; *videlicet*,

‘ BY virtue of an Act, passed in the Forty-third Year of the Reign of
 ‘ King George the Third, intituled, &c. [*here set forth the Title of this*
 ‘ *Act*], We _____ of the Trustees appointed by
 ‘ and in pursuance of the said Act, in Consideration of the Sum of
 ‘ _____ advanced and lent by *A. B.* upon the
 ‘ Credit and for the Purposes of the said Act, do hereby grant, bargain,
 ‘ sell, and demise unto the said *A. B.*, his Executors, Administrators,
 ‘ and Assigns, such Proportion of the Rates or Assessments granted or
 ‘ arising by virtue of the said Act, as the said Sum of

‘ doth

doth or shall bear to the whole Sum which may at any Time be borrowed or become due and owing, or charged upon the Credit of the said Act, to be had and holden from this Day of in the Year One thousand eight hundred and until the said Sum of with Interest at per Centum per Annum for the same, shall be repaid and satisfied.'

And all Persons to whom such Mortgages or Assignments shall be made, or who shall be entitled to the Money thereby secured, shall be in Proportion to the Sums therein respectively mentioned, Creditors on the said Rates or Assessments, equally One with another, without any Preference in respect to the Priority of advancing such Money, or the Dates of any such Mortgages or Assignments.

Securities for Monies lent may be transferred.

LIII. And be it further enacted, That it shall be lawful for the Persons entitled to any of the Securities for the Money borrowed or raised by Mortgage or Assignment, and their respective Executors, Administrators, or Assigns, at any Time by Writing under their Hands and Seals, to transfer such Securities to any Person or Persons whomsoever; which Transfer may be in the Words or to the Effect following; *videlicet*.

I being entitled to the Sum of secured to Executors, Administrators, and Assigns, by virtue of a Mortgage or Assignment, bearing Date the Day of One thousand eight hundred and under the Hands and Seals of of the Trustees acting in the Execution of a certain Act, passed in the Forty-third Year of the Reign of King George the Third, intituled, &c. [here set forth the Title of this Act], upon the Credit, or arising out of the Rates or Assessments, granted or payable by virtue of the said Act, do hereby transfer all my Right and Title in and to the same, and all Interest and other Money now due and owing thereon, unto Executors, Administrators, and Assigns. Dated the Day of One thousand eight hundred

And Copies of all Mortgages or Assignments which shall be made in pursuance of this Act, and Extracts and Memorials of all Transfers thereof, shall be entered in Books to be kept for that Purpose by the Clerk to the said Trustees; which Extracts or Memorials shall specify and contain the Dates, Names of the Parties, and the Sums of Money thereby transferred; to which Books any Person interested shall at all reasonable Times have Access, and shall have free Liberty to inspect the same without Fee or Reward; and for the Entry of every such Transfer, the said Clerk shall be paid by the Person to whom such Transfer shall be made, the Sum of Two Shillings and Sixpence, and no more; and after such Entry made of any such Transfer, every such Transfer so entered shall entitle the Person to whom the same shall be made, and his, her, and their respective Executors, Administrators, and Assigns, to the Benefit of the Security thereby transferred.

Mortgages and Transfers to be entered.

LIV. And, for raising Money for carrying into Execution the Purposes of this Act, be it further enacted, That the said Trustees, or any five or more of them, assembled at any such Meeting as aforesaid, shall, and they are hereby authorized and required, Once or oftener in every Year, as Occasion shall require, to ascertain the Sum or Sums of Money to be raised

Rates.

raised by Rates or Assessments on the several Inhabitants of the said Town of *Blackburn*, and to raise such Sum or Sums of Money, from Time to Time, by One or more Rate or Assessment, Rates or Assessments, upon all and every the several Tenants or Occupiers (which Tenants or Occupiers shall be and are hereby made liable to pay the Whole of every such Rate or Assessment, except as herein-after mentioned, any Law, Statute, Custom, Contract, or Agreement to the contrary thereof notwithstanding), of all Messuages, Houses, Warehouses, Shops, Cellars, Vaults, Stables, Coach Houses, Brewhouses, and other Buildings, Gardens, or Garden Ground, situate, standing, lying, and being within the said Town of *Blackburn*, according to the annual Rent or Value of the same respectively; and that the First Year for which such Rates or Assessments shall be made, shall commence and be computed from and after the Fifth Day of *July* One thousand eight hundred and three, and the Money so rated and assessed shall from Time to Time be paid by Quarterly Payments to the Collector or Collectors to be appointed as aforesaid, and be paid over by such Collector or Collectors into the Hands of the said Treasurer or Treasurers, or to the said Trustees; and the said Trustees, or any Five or more of them, at any Meeting to be held for putting this Act in Execution, or their Assessor or Assessors, to be by them appointed, shall, and they or he are and is hereby empowered to make such Assessment or Assessments for the Purposes aforesaid, from Time to Time as Occasion shall require; provided that such Rate or Assessment, Rates or Assessments, so to be made, shall not exceed in any One Year One Shilling and Sixpence in the Pound upon such annual Rents or Values.

Tenant to pay
the Rates.

LV. And be it further enacted, That if the Tenant or Occupier of any Messuage, House, Warehouse, Building, Garden, Hereditaments, and Premises upon or in respect of which any Rate or Assessment shall be charged or imposed by virtue of this Act, shall neglect or refuse to pay the Rates or Sums of Money which shall be so rated or assessed as aforesaid, for the Space of Fourteen Days after the same shall be due, and Demand thereof made by Notice in Writing under the Hand of the Collector of the said Rates, to be delivered to such Tenant or Occupier, or left at his or her Dwelling House or usual Place of Abode, or the Tenement occupied, then upon Proof thereof upon Oath before any Justice of the Peace for the said County of *Lancaster* (which Oath such Justice is hereby required and empowered to administer), the same shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of every such Tenant or Occupier, by Warrant under the Hand and Seal of such Justice, rendering the Overplus (if any), upon Demand, to the Owner of such Goods and Chattels, after deducting all Costs and Charges attending such Distress and Sale.

Exemption
from Taxes.

LVI. Provided always, and be it further enacted, That no Person shall be rated, or pay the Rates or Assessments which shall be made by virtue or in pursuance of this Act, who shall not occupy a House or Houses, or other Tenement or Tenements, in the said Town of *Blackburn*, of the yearly Value of Four Pounds.

Provision for
Payment of
Rates, where

LVII. And whereas several Messuages or Dwelling Houses, Warehouses, or other Buildings or Tenements, in the said Town of *Blackburn*, are

are by the severall Landlords or Owners thereof let out to poor Tenants, or in Lodgings or Tenements to divers Tenants, whereby it will be difficult to rate or assess the Occupiers of such Houses, Warehouses, or other Buildings or Tenements, or to recover such Rates and Assessments when made; for Remedy whereof be it enacted, That, from and after the Appointment of the Assessor or Assessors in pursuance of this Act as aforesaid, it shall be lawful for such Assessor or Assessors to rate and assess the Owner or Owners, Landlord or Landlords of every such Messuage or Dwelling House, Warehouse, or other Building or Tenement of the yearly Value of Four Pounds or upwards, which shall by such Owner or Owners, Landlord or Landlords, be let to be occupied by Two or more Tenants or Occupiers, and be occupied by them at One and the same Time, which Rate or Assessment may be paid by the Occupier or Occupiers of every such Messuage or Dwelling House, Warehouse, or other Buildings or Tenements, or of any Part or Parts thereof, and the Occupier or Occupiers of any such Messuage or Dwelling House, Warehouse, or other Building or Tenement, or any Part or Parts thereof, and the Occupier or Occupiers of whom the same shall be demanded, is and are hereby authorized to pay such Sum and Sums of Money as shall be so rated or assessed upon the Landlord or Landlords, Owner or Owners thereof, letting the same as aforesaid, and to deduct the same Sum or Sums of Money out of his, her, or their respective Rents; and the Landlord or Landlords, Owner or Owners of, and letting such Messuage or Dwelling House, Warehouse, or other Building or Tenement as aforesaid, is and are hereby required to allow such Deductions and Payments upon the Receipt of the Residue of his, her, or their Rent or Rents; and every such Occupier paying such Assessment or Assessments shall be acquitted and discharged for so much of his, her, or their Rent or Rents, as the said Assessment or Assessments so paid by him, her, or them shall amount to, as if the same had actually been paid to the Person or Persons to whom his or her Rent shall be due and payable; and in Default of Payment of the said Rate or Rates, Assessment or Assessments, the same shall be and remain a Charge upon the said Premises, and shall and may be recovered of and from the Landlord or Landlords, Owner or Owners, or other Persons who shall respectively let the same as aforesaid, by Action of Debt, Bill, Plaint, or Information in any of His Majesty's Courts of Record at *Westminster*, or in the Court of Common Pleas for the said County of *Lancaster*, in which Action or Suit no Protection, Essoign, or Wager of Law, or more than One Imparance shall be allowed.

Houses are let
in Lodgings.

LVIII. And be it further enacted, That if the said Assessor or Assessors shall at any Time or Times hereafter, in any Rates or Assessments by him or them to be made by virtue or in pursuance of this Act, neglect or omit to rate or assess any Person or Persons liable to pay or to be charged to such Rates or Assessments, or shall under-rate in such Assessments any Person or Persons so liable to pay to such Rates or Assessments, then and in every such Case it shall be lawful for the said Trustees, or any Five or more of them, at any Meeting to be held in pursuance of this Act, to rate and assess such Person or Persons so omitted to be rated or assessed, and to raise such Person or Persons so under-rated as aforesaid, in such Manner as to the said Trustees, or any Five or more of them, shall seem just and reasonable; and that the said Trustees, or any Five or more of

If Assessors
neglect to levy
the Rates,
Trustees may
do it.

[*Loc. & Per.*]

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them,

them, shall and may, and they are hereby empowered, to strike out the Name or Names of any Person or Persons whom they shall determine not to be liable to the Payment of the Rates hereby directed to be made; and that all such Additions to or Alterations in the old Rates or Assessments shall be as valid and effectual, to all Intents and Purposes whatsoever, as if the same had been Part of the original or old Rates or Assessments; any Statute, Law, Usage, or Custom to the contrary notwithstanding.

Rates to be
allowed by
the Trustees.

LIX. Provided nevertheless, and be it further enacted, That no Rate or Assessment to be made in pursuance of this Act shall be valid, until the same shall be allowed and signed by the said Trustees, or any Five or more of them; and the said Assessor or Assessors shall appear at such Time and Place as the said Trustees, or any Five or more of them, shall by Writing under their respective Hands, order and direct, and then and there produce and deliver to them Two Copies or Duplicates of the Assessments made by him or them the said Assessor or Assessors, fairly written and subscribed by him or them, and shall from Time to Time, upon reasonable Notice to him, her, or them given by the said Trustees, or any Five or more of them, or by their Clerk, attend such Trustees at any of their Meetings to be held in pursuance hereof, then and there to explain, amend, and justify such Assessment; and that after any such Rate or Assessment shall be made, allowed, and signed as aforesaid, the Money thereby made payable shall be collected and received by the Collector or Collectors to be appointed as aforesaid, as soon as may be, of and from the respective Persons who shall be so rated, charged, or assessed; and the said Trustees, or any Five or more of them, shall from Time to Time, as soon as may be after such Rate or Assessment shall be made, allowed, and signed as aforesaid, transmit a Duplicate thereof, under their Hands, to the said Collector or Collectors, and they the said Trustees, or any Five or more of them, shall also issue their Orders to the said Collector or Collectors, requiring him or them to collect and receive the respective Sums of Money made payable by such Rates or Assessments; and such Collector or Collectors is and are hereby authorized and required to collect and receive the same accordingly; and every such Collector shall and is hereby required, Once at least in every Month or oftener, if directed so to do by the said Trustees, or any Five or more of them, by Writing under their respective Hands, to pay the Monies so to be collected and received by him by virtue of this Act, to the Treasurer, or to such other Person or Persons as the said Trustees, or any Five or more of them, shall appoint to receive the same, to be applied to and for the Uses and Purposes herein mentioned; and all and every such Collector and Collectors shall, and he and they is and are hereby required, at the Time of making every such Payment of the Money collected by him and them as aforesaid, to deliver to the Person and Persons empowered to receive the same, a true and exact Copy or Duplicate of the Rate or Assessment whereby the same was collected, together with an Account of all and every Sum and Sums of Money rated and assessed in such Rate or Assessment which shall remain uncollected (if any such there be), together with the Reasons why the same had not been collected, to the End that it may appear whether such Non-payment happens through the Insolvency of the Person rated, or through the Default of the Collector or Collectors.

LX. And

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

How Rates to be paid by Tenants quitting or entering.

LXI. And be it further enacted, That if any Person or Persons, Bodies Politick or Corporate, shall think himself, herself, or themselves aggrieved by any Rate or Assessment which shall be made in pursuance of this Act, such Person or Persons, Bodies Politick or Corporate, may apply for Relief to the said Trustees at any Meeting to be holden within Nine Days next after Demand of such Rate or Assessment; but if no Meeting shall be held within such Time, then at the next Meeting which shall be afterwards held; and the said Trustees, or any Five or more of them, are hereby authorized and empowered, if they shall think such Person or Persons, Bodies Politick or Corporate, aggrieved, to give such Relief in the Premises as to them shall seem reasonable.

Persons aggrieved by Rates, may apply to the Trustees.

LXII. And be it further enacted, That all the Money to arise by or from the said Rates or Assessments by virtue of this Act, and which may be borrowed on the Credit thereof, shall be paid to the Treasurer to the said Trustees, or to such Person or Persons as they shall appoint, and shall be applied and disposed of from Time to Time for and towards the defraying the Charges and Expences of regulating the said Markets, and of widening, improving, regulating, cleansing, lighting, and watching the Streets, Lanes, and other publick Passages and Places within the said Town, and in carrying into Effect the several Purposes of this Act, in the Manner hereby directed, and in paying and defraying all Expences which the said Trustees and their Officers shall necessarily be put unto in carrying this Act into Execution, and in paying the Principal and Interest of the Money to be borrowed on Mortgage as aforesaid, and for such other Uses and Purposes as are herein expressed, and to and for no other Use, Intent, or Purpose whatsoever.

Application of the Money.

LXIII. And be it further enacted, That all and every Treasurer and Treasurers to be appointed in pursuance of this Act, shall, and is and

Treasurer to pay Money as Trustees shall appoint.

are hereby authorized and required, to pay and apply all such Monies as he or they shall respectively receive by virtue of this Act, to such Person and Persons, and in such Manner, and at such Time and Times as the said Trustees, or any Five or more of them, shall from Time to Time, at such Meetings as aforesaid, by any Order or Orders under their Hands, direct and appoint, for the Uses and Purposes of this Act, or some of them; and such Trustees are hereby empowered to make such Order or Orders accordingly.

Expences of Act how to be paid.

LXIV. And be it further enacted, That the Charges and Expences incident to and attending the obtaining and passing of this Act, together with Interest for the same, shall be paid by the said Trustees out of the First Money to be raised by virtue of this Act.

No Funnel for conveying Smoke, to be fixed on the Outside of the Front of any House, etc;

nor any Funnel on the Inside of any House to be fixed nearer than Five Inches to any Timber.

LXV. And be it further enacted, That, from and after the Appointment of a Surveyor or Surveyors as aforesaid, no Iron, Tin, Copper, or other Pipe or Funnel for conveying Smoke, shall at any Time be fixed, nor shall any Pipe or Funnel already fixed (save and except those made of Brick and Stone, or both), be suffered to remain next to any publick Street, Court, Place, Lane, or Way, on the Front or Side of any House or other Building whatsoever within the said Town of *Blackburn*; nor shall any such Pipe or Funnel be fixed, nor shall any such already fixed (except as aforesaid), be suffered to remain on the Inside of any such House or other Building, nearer than Five Inches to any Timber or other combustible Material whatsoever; nor shall any Funnel built of Brick or Stone, or both, be placed on the Outside of any Front of any House, or any other Building whatsoever, next to any publick Street, Court, Place, Lane, or Way in which the same shall be erected; and if any such Pipe or Funnel shall be erected, fixed, or placed, or suffered to remain contrary to this Act, then the same shall be deemed a common Nuisance, and the Owner thereof shall and may be indicted and punished for erecting, fixing, and placing the same, or for suffering the same as aforesaid to remain, in like Manner as Persons committing a general Nuisance at Common Law are liable to be punished and indicted by the Laws of this Realm; and moreover, that it shall and may be lawful for any Two of His Majesty's Justices of the Peace for the said County, to cause every such Pipe or Funnel to be forthwith abated, taken down, demolished, and destroyed, and to award and order reasonable Costs, Charges, and Expences attending the same, to be paid by the Owner or Owners thereof, to the Person or Persons authorized by such Justices of the Peace to abate, take down, demolish, and destroy the same.

Trustees may sue or be sued in the Name of their Clerk.

LXVI. And be it further enacted, That the said Trustees may and shall in all Cases sue or be sued in the Name of their Clerk; and that no Action which may be brought or commenced, or Indictment which may be preferred or prosecuted by or against the said Trustees, or any of them, by virtue or on account of this Act, in the Name of their Clerk, shall abate or be discontinued by the Death or Removal of such Clerk, or by the Act of such Clerk, without the Consent of the said Trustees; but the Clerk to the said Trustees for the Time being shall always be deemed Plaintiff, Prosecutor, or Defendant in such Action or Indictment, as the Case may be, except as herein-before is mentioned: Provided always, that every such Clerk in whose Name any Action, Indictment, or Suit shall

shall be commenced, preferred, prosecuted, or defended in pursuance of this Act, shall always be reimbursed and paid out of the Monies to be raised by virtue of this Act, all such Costs and Charges as by the Event of any such Proceedings he shall be put to, or become chargeable with, by reason of his being Plaintiff, Prosecutor, or Defendant therein.

LXVII. And be it further enacted, That if any Person or Persons shall be summoned as a Witness or Witnesses, to give Evidence before any such Justices of the Peace, touching any Matter of Fact contained in any Information or Complaint for any Offence against this Act, or against any Rule, Order, or Bye Law made in pursuance thereof, either on the Part of the Prosecutor or of the Person or Persons accused; or if any Person or Persons shall be summoned as a Witness or Witnesses to give Evidence at a General Quarter Sessions of the Peace to be holden at *Preston* in and for the said County, or any Adjournment thereof, upon any Appeal by virtue of this Act, either on the Part of the Appellant or Respondent, and any such Person or Persons respectively shall refuse or neglect to appear at the Time and Place to be for that Purpose appointed, without a reasonable Excuse for his, her, or their Refusal or Neglect, or appearing shall refuse to be examined on Oath (or in case of a Quaker or Quakers, on solemn Affirmation), and to give Evidence before such Justice of the Peace, or at such Sessions or Adjournment thereof, then and in either of the said Cases, every such Person shall forfeit, for every such Offence, any Sum not exceeding Ten Pounds nor less than Five Pounds.

Penalties on Persons summoned as Witnesses refusing to attend or be examined.

LXVIII. And be it further enacted, That no Person shall be liable to pay any Penalty or Forfeiture imposed by this Act, on the Commitment of any Offence, where the Manner of Recovery thereof is not hereby specially provided for, unless he or she be convicted of such Offence before One Justice of the Peace for the said County of *Lancaster*, upon his or her Confession, or upon the Oath of One or more credible Witness or Witnesses (which Oath such Justice is hereby empowered and required to administer or take), and which Conviction such Justice is hereby empowered to make accordingly; and that all Penalties and Forfeitures by this Act imposed or incurred, and all Costs and Charges to be allowed and ordered by the Authority of this Act, the Manner of levying and recovering whereof is not hereby otherwise particularly directed, shall be levied and recovered by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal of any One Justice of the Peace acting in and for the said County, which Warrant such Justice is hereby empowered and required to issue and grant upon the Conviction of the Party offending; and in case sufficient Distress shall not be found, or such Penalties and Forfeitures, Sum and Sums of Money, shall not be forthwith paid, it shall be lawful for such Justice, and he is hereby authorized and required, by Warrant under his Hand and Seal, to cause such Offender to be committed to the House of Correction at *Preston* in the said County, there to remain, without Bail or Mainprize, for any Time not less than Three Calendar Months, and not exceeding Six Calendar Months, unless such Penalties and Forfeitures, Sum and Sums of Money, and all reasonable Charges, shall be sooner paid and satisfied.

No Person liable to pay any Penalty unless convicted before One Justice of the Peace.

Inhabitants to
be competent
Witnesses.

LXIX. And it is hereby declared and enacted, That in all Actions, Prosecutions, Informations, Causes, Enquiries, and Proceedings whatsoever relating to or concerning the Execution of this Act, or of any Rule, Order, or Bye Law made in pursuance thereof, no Person whatsoever shall be disqualified from being a competent Witness, and being admitted to give Evidence by reason of his being an Inhabitant of the said Town of *Blackburn*, notwithstanding the Rates made and charged as aforesaid upon any such Inhabitant by virtue of this Act.

Leaving a
Summons or a
Copy at the
Dwelling
House to be
good Service.

LXX. And be it further enacted and declared, That in all Summonses and Notices which are directed or required to be given by this Act or which are or may be directed or required to be given by any Rules, Orders, or Bye Laws made or to be made in pursuance of this Act, or which shall or may be necessary for carrying into Execution any of the Powers of this Act, or any of such Rules, Orders, or Bye Laws (where the Manner of serving such Notices or Summonses is not particularly or otherwise directed by this Act), the Service of any such Notice or Summons, either on the Person to whom the same ought to be given, or leaving the same, or a true Copy thereof, at his or her Dwelling House, or usual Place of his or her Abode, shall be a good and sufficient Service of any such Notice or Summons; and that in all Cases whatsoever where any such Notices or Summonses ought to be given to Two or more Persons for or respecting the joint Act or Omission of any such Person, whether the said Persons be in Partnership in Trade, or otherwise jointly concerned in any such Act or Omission, the like Service of any such Notices or Summonses on any One of such Partners or Persons shall be also a good and sufficient Service thereof.

Power for the
Justices to mi-
tigate Penal-
ties.

LXXI. Provided always, and be it further enacted, That it shall be lawful for the Justice of the Peace before whom shall be recovered any of the pecuniary Penalties imposed by this Act, or which shall be imposed by any Rules, Orders, or Bye Laws to be made in pursuance thereof (where no other Manner or Mitigation of any such Penalties is hereby directed, or shall be directed by any such Rules, Orders, or Bye Laws), to mitigate or lessen any of such Penalties as he in his Discretion shall think fit, so as the same be not mitigated or reduced to less than One Moiety or Half Part thereof.

All Costs
which are not
particularly
otherwise di-
rected by this
Act, to be as-
certained by a
Justice of the
Peace.

LXXII. And be it further enacted, That all Costs, Charges, and Expences, allowed, ordered, or directed to be paid, and which shall or may be allowed, ordered, or directed to be paid by or by Authority of this Act, or any Rules, Orders, or Bye Laws made or to be made in pursuance of this Act (where the Manner of ascertaining or settling the same is not particularly or otherwise directed by this Act), shall from Time to Time, as Occasion shall require, be ascertained and settled by any of His Majesty's Justices of the Peace for the County of *Lancaster*, who is hereby authorized and required to ascertain and settle the same accordingly, and (where the Manner of recovering the same is not particularly or otherwise directed by this Act), shall and may, in case the same shall not be paid on Demand, be levied and recovered by Distress and Sale of the Goods and Chattels of the Person or Persons made subject or liable to the Payment thereof, by or by Authority of this Act, and such Rules, Orders, and Bye Laws, or any or either of them, by Warrant under the Hand
and

and Seal of any such Justice of the Peace (which Warrant such Justice is hereby authorized and required to grant and issue), and in case sufficient Distress shall not be found, and such Costs, Charges, and Expences, or any of them; shall not be paid on Demand, it shall be lawful for any such Justice of the Peace, and he is hereby authorized and required, by Warrant under his Hand and Seal, to commit such Person or Persons to the House of Correction at *Preston* aforesaid, there to remain, without Bail or Mainprize, for any Term not exceeding Six Calendar Months, unless such Costs, Charges, and Expences shall be sooner paid and satisfied.

LXXIII. Provided always, and be it further enacted, That no Person or Persons shall be liable or subject to the Payment of any of the Penalties or Forfeitures inflicted by virtue of this Act, for any Offence or Offences against this Act, or any Rule, Order, or Bye Law to be made in pursuance thereof, unless some Proceedings shall be had according to the Directions of this Act, or of such Rule, Order, or Bye Law respecting such Offence or Offences, within Three Calendar Months next after the Offence committed.

No Penalty recoverable unless Offender prosecuted within Three Calendar Months after Offence committed.

LXXIV. And, for the more easy Conviction of Offenders, be it further enacted, That any Justice of the Peace before whom any Person or Persons shall be convicted of any Offence against this Act, or against any Rule, Order, or Bye Law made in pursuance thereof, shall and may cause the Conviction to be drawn up in the following Form of Words, or in Words to the same Effect; *videlicet*,

Form of Conviction.

Lancashire } BE it remembered, That on the _____ Day of
to wit. } in the _____ Year of the Reign of
His Majesty King _____ *A. B.* is [*or are*], convicted
before me One of His Majesty's Justices of the Peace in and for the said
County of *Lancaster*, by virtue of an Act of Parliament, made and passed
in the Forty-third Year of the Reign of His Majesty King *George* the
Third, intituled, *An Act* [*as in the Act, specifying the Offence, and the*
Time and Place, and when and where the same was committed, as the
Case shall be], contrary to the said Act [*or, as the Case shall be*], con-
trary to a certain Bye Law made on the _____ Day of
One thousand eight hundred and _____ pursuant to the said Act,
for which Offence I adjudge the said _____ to have
forfeited the Sum of _____ [*and, if mitigated*], which I mitigate
to the Sum of _____ Given under my Hand and Seal
the Day and Year first above written.'

LXXV. And be it further enacted, That if any Person shall think himself or herself aggrieved by any Determination of the said Trustees, upon Application to them in respect of any Rate or Assessment, or of any Bye Law made in pursuance of this Act, or by any Conviction or Judgement to be made in pursuance of this Act, such Person may appeal (and the Justice or Justices convicting is hereby required to make known to such Person at the Time of such Conviction, his or her Right to appeal), to the next General Quarter Sessions of the Peace to be holden for the said County of *Lancaster* (such Person at the Time of such Determination or Conviction, or within Twenty-four Hours thereof, giving to the Trustees or Justice so determining or convicting, Notice of his or her Intent

Persons aggrieved may appeal to the Sessions.

Intent of appealing, and entering into a Recognizance with sufficient Sureties conditioned to try such Appeal, and abide the Judgement of and pay such Costs as shall be awarded by the Justices at such Sessions), and the Justices of the Peace in such Sessions shall have Power to direct, and shall direct the Jury which shall attend at such Sessions for the Trial of Traverses, or some other Jury of Twelve honest and substantial Men, to be then and there impannelled by the Sheriff, without Fee or Reward, to enquire of the Matter determined, or of the Offence of which the said Person shall have been convicted; and if such Jury shall find the said Matter rightly determined, or shall find such Person guilty of the Offence whereof he or she shall have been so convicted, then the said Determination or Conviction shall stand affirmed, and the said Justices in their said Session shall adjudge and order the Sum in such Determination or Penalty in such Conviction mentioned, to be forthwith paid, and shall award such Costs to be paid by the Person so appealing to the Prosecutor or Prosecutors, as in their Discretion they shall think fit; and the Appellant shall forthwith pay such Penalty and Costs accordingly; and in case the Jury shall find the Matter so appealed against not rightly determined, or the Person so appealing not guilty of the Offence of which he or she shall have been so convicted, then the said Determination or Conviction shall stand discharged and set aside, and the said Justices in their said Sessions, shall award such Costs to be paid by the Prosecutor or Prosecutors to the Person so appealing, as they in their Discretion shall think fit; which last mentioned Costs shall be paid out of the Rates to be raised by virtue of this Act; and in case the said Appellant shall refuse or neglect to pay such Penalty and Costs as he or she shall be adjudged by the Court before whom such Appeal shall be tried, to pay, he or she shall be committed by such Court to the House of Correction at *Preston* aforesaid, there to remain any Time not exceeding Three Calendar Months, nor less than Fourteen Days, to be computed from the Affirmance of such Determination or Conviction, unless such Penalty and Costs shall be sooner paid; upon the Payment whereof, the Keeper of the said House of Correction is hereby authorized and required forthwith to discharge and liberate such Appellant or Appellants.

Persons appealing to have a Copy of his Conviction delivered to him,

LXXVI. And be it further enacted, That when any Person shall appeal from and against any Determination or Conviction as aforesaid, the Trustees or Justice making such Determination or Conviction, shall upon the Request of the Person appealing, deliver or cause to be delivered to such Person, his or her Attorney or Agent, a Copy of such Determination or Conviction, at least Twelve Days before such Appeal is to be tried, for which Copy the Persons applying for the same shall pay to the said Trustees, or to the Justice or his Clerk, the Sum of Two Shillings and Sixpence and no more; but if it shall happen that the said Trustees or Justice cannot conveniently cause the said Determination or Conviction to be drawn up, so as to be delivered Twelve Days before such Appeal is to be tried, then the said Determination or Conviction shall be returned to and filed at the next Quarter Sessions of the Peace to be holden in and for the said County, and in that Case the hearing of the said Appeal shall stand over and be adjourned to the then next Quarter Sessions, when and where the same shall be finally determined in Manner aforesaid.

LXXVII. And

LXXVII. 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 be deemed a Trespasser or Trespassers *ab initio*, on Account of any Defect or want of Form in the Summons, Conviction, Warrant of Distress, or other Proceedings relative thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio*, on Account of any Irregularity which shall be afterwards done by the Party or Parties distraining, but the Person or Persons aggrieved by such Irregularity may recover Satisfaction for the Special Damage in an Action upon the Case; but no Plaintiff or Plaintiffs shall recover in any Action for any such Irregularity or other Proceedings, if Tender of sufficient Amends shall be made by or on the Behalf of the Party or Parties who shall have committed or caused to be committed any such Irregularity or wrongful Proceedings before such Action brought; and in case no such Tender shall have been made, it shall be lawful for the Defendant or Defendants in any such Action, by Leave of the Court where such Action shall depend, at any Time before Issue joined, to pay into Court such Sum of Money as he, she, or they shall see fit, whereupon such Proceedings, or Orders and Judgements shall be had, made, and given in and by such Court as in other Actions where the Defendant is allowed to pay Money into Court.

Want of Form in making Distress, not to make Proceedings void *ab initio*.

LXXVIII. And be it further enacted, That no Proceedings to be had touching the Conviction of any Offender or Offenders against this Act, or against any Rule, Order, or Bye Law to be made in pursuance thereof, or any Order made, or other Matter or Thing to be done or transacted in or relating to the Execution of this Act, or of any Rule, Order, or Bye Law shall be made void or quashed for want of Form, or be removed by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*, any Law or Statute to the contrary notwithstanding.

Proceedings not to be quashed for want of Form.

LXXIX. And be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of this Act, or of any Rule, Order, or Bye Law to be made in pursuance thereof, until Twenty-one Days Notice thereof shall be first given in Writing to the Clerk of the said Trustees for the Time being, signed by the intended Plaintiff or Plaintiffs, fully and explicitly specifying the Cause and Intention of and for commencing such Action or Suit, nor at any Time whatsoever, after sufficient Satisfaction or Tender thereof hath been made to the Party or Parties aggrieved, nor after Three Calendar Months next after the Fact committed, for which such Action or Actions, Suit or Suits shall be so brought; and all such Actions and Suits shall be laid and tried in the County of *Lancaster*, and not in any other County or Place; and that the Defendant or Defendants in every such Action or Suit, and every of them, may plead the General Issue, and give this Act and the Special Matter in Evidence at any Trial or Trials which shall be had thereupon, and that the Matter or Thing for which such Action or Actions, Suit or Suits shall be so brought, was done in pursuance and by Authority of this Act, or of any Rule, Order, or Bye Law made in pursuance thereof; and if the said Matter or Thing shall appear to have been so done, or if it shall happen that such Action

No Action to be commenced for any Thing done under this Act, unless Twenty-one Days Notice shall previously be given to the Clerk.

or Suit was brought before Twenty-one Days Notice 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 Time before limited, or shall be laid in any other County or Place than as aforesaid, then the Jury or Juries shall find for the Defendant or Defendants therein; and if a Verdict or Verdicts shall be found for such Defendant or Defendants, or if the Plaintiff or Plaintiffs in such Action or Actions, Suit or Suits, shall become nonsuited, or suffer a Discontinuance of such Action or Actions, or if Judgement shall be given for the Defendant or Defendants therein, then and in either of the Cases aforesaid, such Defendant or Defendants shall have Treble Costs, and shall have such Remedy for recovering the same as any Defendant or Defendants may have for his, her, or their Costs in any other Cases by Law.

If Trustees bring an Action and recover Damages, Defendant to pay Costs.

LXXX. And be it further enacted, That if any Action or Actions shall be brought by the Order of the said Trustees against any Person or Persons for any Thing relating to this Act, or the Powers herein contained, and a Verdict shall be had and given against the Person or Persons against whom such Action or Actions shall be brought, such Person or Persons shall pay Double Costs, and the Plaintiff or Plaintiffs in such Action or Actions, shall have such Remedy and Remedies for recovering the same as any Plaintiff or Plaintiffs may have for his, her, or their Costs in any other Cases by Law.

This Act not to prejudice the Rights of the Lords of the Manor or reputed Manor of *Blackburn*.

LXXXI. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to prejudice, lessen, or defeat any Right, Interest, or Property of the Lords of the Manor or reputed Manor of *Blackburn* aforesaid, or the Lords of the Fairs and Markets within the said Town, of any Power, Privilege, Franchise, or Authority; but all and every such Powers, Privileges, Franchises, and Authorities may be exercised and enjoyed in as full and ample Manner, to all Intents and Purposes, as the same were exercised and enjoyed before the passing of this Act.

Publick Act.

LXXXII. And be it further enacted, That this Act, and every Thing herein contained, shall be deemed, adjudged, and taken to be a publick Act, and shall be judicially taken Notice of as such by all Judges, Justices, and other Persons whomsoever, without specially pleading the same.

The SCHEDULE referred unto by this Act.

THE Whole, or so much as may be thought necessary, of a Messuage or Dwelling House, Shop, and Offices, situate on the West Side of *Church Street* otherwise called *Darwen Street*, the Property of *William Hewitt* Gentleman, and in the Possession of *John Bannister*, and of a Coal Yard immediately adjoining.

The Whole, or so much as may be judged necessary, of another Dwelling House, Shop, and Offices situate on the same Side of *Church Street* otherwise called *Darwen Street*, the Property of *Alice Thornber* and *Mary Thornber*, Spinsters, and in the Occupation of *John Briggs*.

The Whole, or so much as may be thought necessary, of Two several Dwelling Houses, and a Shop adjoining, situate at the South West Corner of *Northgate*, late the Property of *Thomas Bolton* Gentleman, deceased, and now in the Possessions of *Edward Foster* and *James Barker*.

And the Whole, or so much as may be judged necessary, of a Blacksmith's Shop, and a Stable adjoining, situate on the South Side of the *Back Lane*, being Rectory Buildings belonging to his Grace the Archbishop of *Canterbury*, and now in the Occupation of *Thomas Wensley* and *John Haworth*.

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