



ANNO QUADRAGESIMO SEXTO

GEORGI II. REGIS.

Cap. 26.

An Act for amending, altering, and enlarging the Powers of several Acts, passed for paving, pitching, cleansing, and lighting the Streets and other Places within the City of *Bristol* and Liberties thereof.

[5th May 1806.]

WHEREAS an Act was passed in the Eleventh and Twelfth Years of the Reign of His late Majesty King *William* the Third, intituled, *An Act for the better preserving the Navigation of the Rivers Avon and Froome, and for cleansing, paving, and enlightening the Streets of the City of Bristol*: And whereas an Act was passed in the Twenty-second Year of the Reign of His late Majesty King *George* the Second, intituled, *An Act for making more effectual an Act passed in the Eleventh and Twelfth Years of the Reign of King William the Third, for the better preserving the Navigation of the Rivers Avon and Froome, and for cleansing, paving, and enlightening the Streets of the City of Bristol, so far as the same Act relates to the paving and enlightening the said Streets, and for regulating Hackney Coachmen, Hallyers, Draymen, and Carters, and the Markets, and Sellers of Hay and Straw within the said City and Liberties thereof*: And whereas an Act was passed in the Twenty-eighth Year of the Reign of His said late Majesty King *George* the Second, intituled, *An Act for establishing, maintaining, and well-governing a Nightly Watch within the City of Bristol*: And whereas an Act was passed in the Sixth Year of the Reign of His present Majesty, intituled, *An Act for widening several Streets,*

11 & 12 W. 3.
c. 23.
22 G. 2. c. 20.
28 G. 2. c. 32.
6 G. 3. c. 34.

[Loc. & Per.]

have been
found insuf-
ficient, etc.

The sole
Power of
paving, etc.
vested in the
Mayor and
Aldermen, to
be executed
by Commis-
sioners.

Streets, Lanes, Ways, and Passages within the City of Bristol, and for opening several new Streets and Passages within the same, and for explaining, amending, and enlarging the Powers of the several Acts passed for paving, cleansing, lighting, watching, and regulating the Streets and other Places, within the said City and Liberties thereof: And whereas the Powers and Provisions given and granted in and by the said several Acts, have been found defective and insufficient to answer the good Purposes thereby intended; and it is therefore expedient that the said several Acts should be amended and altered, and some further Powers and Provisions granted for carrying the said Acts into Execution: 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, from and after the passing of this Act, the sole Power of paving, pitching, cleansing, and lighting the several Streets, Squares, Courts, Yards, Lanes, Passages, and Places, and of ordering, designing, making, enlarging, widening, deepening, raising, altering, removing, repairing, cleansing, and scouring all Common Sewers, Drains, and Vaults within the said City of *Bristol* and Liberties thereof, (save and except the forming and completing such Sewers as the Directors of the *Bristol Dock Company* have, under or by virtue of the Powers and Provisions of an Act, passed in the Forty-third Year of the Reign of His present Majesty, intituled, *An Act for improving and rendering more commodious the Port and Harbour of Bristol*, Power to form and complete or alter,) shall be, and the same is hereby vested in the Mayor and Aldermen of the said City for the Time being, to be executed by such Persons as the said Mayor and Aldermen shall from Time to Time elect and appoint in Manner herein-after mentioned.

Mayor and
Aldermen,
or any Two,
to direct
Churchward-
ens, &c. to
assemble
Householders
to nominate
and return
Ten House-
keepers to
the Justices
in Session;
out of whom
the Mayor
and Alder-
men shall
elect and ap-
point Two
for each Pa-
rish, who shall
be Commis-
sioners for
executing
this Act.

II. And be it further enacted, That it shall be lawful for the said Mayor and Aldermen of the said City, or any Two of them, and they are hereby authorized and required, within One Calendar Month next after the passing of this Act, by Warrant or Warrants under their respective Hands and Seals, to be directed to the Churchwardens or Churchwarden of the several Parishes within the said City and Liberties thereof, to require such Churchwardens or Churchwarden, within Twelve Days after the Service upon them or him of such Warrant or Warrants, to assemble the several Householders of their or his respective Parishes or Parish, who are or may be rated to the Church and Poor within the same, by affixing at the Church Doors of their or his respective Parishes or Parish, a Notice of such intended Meeting, which said Householders, and Churchwardens or Churchwarden so assembled, or the major Number of them, or the said Householders if such Churchwardens or Churchwarden shall not attend, are hereby authorized and required to nominate and appoint at such Meetings respectively Ten Persons, being Housekeepers within their or his respective Parishes or Parish, and duly qualified as by this Act is directed and prescribed, or if so many cannot be found therein respectively so qualified, then so many as can be respectively found therein so qualified, to be Commissioners for executing the Powers of this Act; and the said Churchwardens or Churchwarden are and is hereby further required to return the Names of all and every such Persons and Person so nominated and appointed as aforesaid to the said Mayor and Aldermen of the said City, at such General Quarter Sessions of

of the Peace to be holden within and for the said City and County of the same City, or Adjournment thereof, as the said Mayor and Aldermen, or any Two of them, in such their Warrant or Warrants as aforesaid shall direct and appoint; and it shall be lawful for the said Mayor and Aldermen at such General Quarter Sessions of the Peace, or Adjournment thereof as aforesaid, and they are hereby authorized and required, to elect and appoint under their Hands and Seals, out of the said several Persons so nominated and returned as aforesaid, Two Persons for each Parish within the said City and Liberties thereof; which said Persons so to be elected and appointed by the said Mayor and Aldermen shall be and they are hereby constituted Commissioners for carrying this and the said recited Acts into Execution.

III. And be it further enacted, That the said Two Commissioners, so to be elected and appointed as aforesaid for each Parish within the said City and Liberties thereof, shall be severally elected and appointed to act as such for and during the Terms and Times following; (that is to say), One of the said Commissioners for the Space and Term of Three Years then next following, and the other of the said Commissioners for the Space and Term of Two Years then next following; and that at the End of such Two Years it shall be lawful for the said Mayor and Aldermen, and they are hereby authorized and enjoined, out of such Persons whom they the said Mayor and Aldermen, or any Two of them, shall for that Purpose have caused to be nominated and returned in like Manner as herein-before mentioned and described, and for which Purpose they are hereby authorized to issue their Warrant or Warrants, to elect and appoint One other Commissioner for each Parish within the said City and Liberties thereof, in the Room and Stead of such Commissioner so going out of Office; such newly appointed Commissioner to serve and act as such for the Space and Term of Two Years then next following; and at the End of such Three Years, and of every succeeding Year, it shall be lawful for the said Mayor and Aldermen, or any Two of them, to issue their Warrant or Warrants as aforesaid, and for the said Mayor and Aldermen in Sessions assembled to elect and appoint, in Manner aforesaid, One other Commissioner for each Parish within the said City and Liberties thereof, to serve for the Space of Two Years then next following, in the Room and Stead of the Commissioner going out of Office by the Expiration of Time, so as that there may constantly and at all Times be Two such Commissioners appointed for each Parish within the said City and Liberties thereof.

Such Commissioners shall be appointed, One of them for Three, and the other for Two Years.

IV. And whereas the Ward of the Castle Precincts in the said City hath no such Officer as Churchwarden within the same; be it enacted, That for the Purpose of appointing Commissioners therein to execute this Act, the said Mayor and Aldermen of the said City, or any Two of them, may and they are hereby required, by Warrant or Warrants as aforesaid, to require the Guardians of the Poor for the Time being, elected and chosen in respect of the said Ward within Twelve Days after the Delivery to them of such Warrant or Warrants, to assemble a Meeting of such several Householdors within the said Ward as are or may be therein rated to the Poor, by affixing at the Doors of the several Churches of *Saint Philip*, and *Jacob*, and of *Saint Peter*, within the said City; Notices of such intended Meeting to be holden at some publick

The Mayor and Aldermen to direct the Guardians of the Poor to appoint a Meeting within the Ward of the Castle Precincts, to nominate and return Householdors for the said Ward.

publick Place within the said Ward, and at such Meeting to nominate and appoint, and cause to be nominated and appointed, by themselves and the said Householders there assembled, (who or the major Part of them, or of the said Householders, shall have such and the same Powers herein, to all Intents and Purposes, as the several Churchwardens and Householders, or the major Part of them, or of the Householders, are, under and by virtue of this Act, to have in their respective Parishes,) Ten Persons, Housekeepers within the said Ward, and duly qualified as by this Act is directed and prescribed, to be Commissioners for executing the Powers of this Act, and further to return the Names of such Ten Persons so caused to be nominated and appointed to the said Mayor and Aldermen at such General Quarter Sessions of the Peace to be holden within and for the said City and County, or Adjournment thereof, as the said Mayor and Aldermen, or any Two of them, in such their Warrant or Warrants as aforesaid shall direct and appoint, out of which said Ten Persons so to be returned from the said Ward the said Mayor and Aldermen shall and they are hereby required, at such General Quarter Sessions of the Peace or Adjournment thereof, to elect and appoint in Manner and for the Terms of Two and Three Years respectively before-mentioned Two Persons to be Commissioners for such Ward; and it shall be lawful for the said Mayor and Aldermen, and they are hereby required, at the End of the said several Periods of Two and Three Years, and of every ensuing Year, to elect and appoint, out of such Persons whom they shall for that Purpose cause to be nominated and returned to them in like Manner as herein before directed, One other Commissioner for such Ward, such newly appointed Commissioner to serve and act as such for the Space and Term of Two Years then next following.

In case of Death, Removal, Refusal to act, or Insolvency of any Commissioner, Mayor and Aldermen, or any Two, to fill up Vacancy in Manner before directed.

V. And be it further enacted, That in case of the Death, Removal from the Parish or Ward, Refusal to act, or Insolvency of any of the said Commissioners so to be nominated and appointed as aforesaid, it shall be lawful for the said Mayor and Aldermen of the said City, or any Two of them, to proceed to fill up the Vacancy or Vacancies occasioned thereby, in such and the like Manner, as often as the Case shall happen, as is herein-before directed for nominating and appointing the Commissioners respectively before-mentioned.

Churchwardens, etc. neglecting or omitting to return Lists of Householders, Justices in Sessions to appoint Commissioners.

VI. Provided always, and be it further enacted, That in case the Churchwardens or Churchwarden of any of the said Parishes, or the Guardians of the Poor of the said Ward of the Castle Precincts, shall neglect or omit to assemble the several Householders as herein-before prescribed, or such Householders shall not assemble pursuant to Notice for that Purpose, or being assembled shall not, as herein-before is directed, nominate and appoint the requisite Number of Persons duly qualified for the Mayor and Aldermen at such General Quarter Sessions, thereout to elect and appoint Commissioners; or the said Churchwardens or Churchwarden, or Guardians of the Poor, shall neglect or omit to return the Names of the several Persons so nominated and appointed to the said Mayor and Aldermen of the said City, at such General Quarter Sessions of the Peace or Adjournment thereof, as, in any Warrant or Warrants to him or them respectively directed shall be for such Purpose particularly mentioned, then and in any or either and every of such Cases, the said Mayor and Aldermen of the said City, at such General Quarter Sessions

of

of the Peace or Adjournment of the same, at which such Default shall be so made, or at any subsequent Quarter Sessions of the Peace or Adjournment thereof, as to them shall seem meet, shall and may nominate and appoint, at their Discretion, such and so many Persons being Household-holders within the Parishes or Precincts respectively wherein Default shall be so made, and duly qualified as by this Act is required, as would have been elected and appointed by the said Mayor and Aldermen, in case the said Churchwardens or Churchwarden and Guardians respectively, had duly returned the Names required by the Warrant or Warrants to them respectively directed, to be Commissioners for the Purposes of this Act; in respect of the several Parishes or Precincts respectively wherein such Default shall be so made.

VII. Provided always, and be it further enacted, That all and every of the said Commissioners, on going out of Office at the Expiration of the Terms or Term for which they or he may respectively have been appointed, shall be re-eligible into the same Office for the next or succeeding Appointment of Commissioners; but no Commissioner shall be compellable to serve against his Will and Consent for Two Appointments in Succession.

Commissioners going out of Office, re-eligible but not compellable to serve.

VIII. Provided also, and be it further enacted, That no Housekeeper within any of the Parishes of the said City and Liberties thereof, or within the said Ward of the Castle Precincts, shall be capable of being nominated, returned, or appointed as aforesaid, who shall not be seized of a real Estate within the said City and Liberties thereof of the annual Value of Forty Pounds, or possessed of Personal Estate of the Value of One thousand Pounds, and that all and every Persons and Person who shall upon Oath or Affirmation before the said Mayor, or any other Magistrate of the said City, (which Oath or Affirmation such Mayor or Magistrate is hereby empowered to administer and take) depose that they or he are or is not seized or possessed of such Real or Personal Estate as aforesaid, shall not be liable to serve the said Office, nor be subject to the Penalties of this Act.

Qualification of Commissioners.

IX. And be it further enacted, That every Person so as aforesaid to be nominated, elected, and appointed a Commissioner for the Purposes of this Act, shall, before he shall execute any of the Powers hereby granted, in the Presence of the Mayor or One of the Aldermen of the said City, take or make and subscribe on a Roll to be kept for that Purpose by the Clerk of the said Commissioners. the Oath or Affirmation following; which Oath or Affirmation such Mayor or Alderman is hereby empowered to administer; (that is to say),

Oath of a Commissioner.

I *A. B.* do swear, [*or, being one of the People called Quakers, do solemnly affirm*] That I am *bonâ fide* seized of a Real Estate within the said City and Liberties thereof of the annual Value of Forty Pounds, or possessed of Personal Estate of the Value of One thousand Pounds, and that I will, according to the best of my Skill and Knowledge, faithfully, impartially, and honestly execute and perform the Office of a Commissioner for paving, pitching, cleansing, and lighting the Streets and other Places within the City of *Bristol* and Liberties thereof, according to the Directions and true Intent and Meaning of an Act, passed

Oath.

[*Loc. & Per.*]

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in

‘ in the Forty-sixth Year of the Reign of His Majesty King George the
 ‘ Third [*here insert the Title of this Act.*]

‘ So help me GOD.’

Penalty on
 Persons ap-
 pointed re-
 fusing to
 take upon
 themselves
 the Office of
 Commission-
 ers.

X. And be it further enacted, That in case any of the Persons who shall be nominated, elected and appointed as aforesaid to be Commissioners for executing the Powers of this Act, being duly qualified shall omit, neglect, or refuse to take upon himself the said Office of Commissioner, or not being qualified as herein-before mentioned, shall not, within Four Days after Notice of his Appointment, give Notice in Writing of such his want of Qualification to the Clerk of the said Commissioners, and also appear before the said Mayor or One of the Aldermen of the said City, and duly take or make and subscribe such Oath or Affirmation as aforesaid, of such his want of Qualification, and forthwith leave the said Deposition with such Clerk, then and in such Case every such Person so offending shall not only forfeit and pay the Sum of Twenty Pounds, but also be liable to be again nominated, elected, and appointed a Commissioner for the Purposes of this Act at the then next ensuing Appointment of Commissioners, in such and the same Manner as if such former Nomination, Election and Appointment had not taken place.

Commission-
 ers, how
 styled.

XI. And be it further enacted, That the Commissioners to be from Time to Time appointed as herein-before directed to put this Act in Execution shall be named and styled *Commissioners for paving, pitching, cleansing, and lighting the City of Bristol and Liberties thereof.*

Commission-
 ers to meet
 on Tuesday
 in every Week,
 at the Guild-
 hall, or other
 convenient
 Place, to
 execute this
 Act, until all
 the Purposes
 thereof are
 carried into
 Effect.

XII. And, for more effectually carrying into Execution the several Purposes of this and the said recited Acts, be it further enacted, That the said Commissioners, or any Five or more of them, shall and they are hereby directed to meet at the Guildhall, (with the Permission of the Mayor of the said City for the Time being,) or at some other convenient Place within the same City, to be by them appointed for that Purpose, on the *Tuesday* next after they shall be so nominated, elected, and appointed as aforesaid, between the Hours of Ten of the Clock in the Forenoon and One of the Clock in the Afternoon of such Day, and then and there proceed to the Execution of this Act; and that until all the good Purposes thereof shall be fully executed, the said Commissioners, or any Five or more of them, shall and they are hereby directed to meet at the Guildhall aforesaid, or some other convenient Place to be by them appointed as aforesaid, on *Tuesday* in every Week, between the Hours respectively beforementioned, at all or any of which said Meetings it shall be lawful for the said Commissioners, or any such Five or more of them, in order that no Delay may be had in executing the several Powers given to them by this and the said recited Acts, to adjourn themselves to some other Day, and again to some future Day, such several Days respectively to be and happen before the *Tuesday* next ensuing the Day on which the First Adjournment took Place: Provided always, that if it shall happen that at any of the said Meetings a sufficient Number of the said Commissioners shall not attend to proceed to Business, such One or more of the said Commissioners there attending shall have Power to adjourn the said Meeting to any future Day; and all and every of the Commissioners appointed for the Purposes of this Act shall have Notice to attend such adjourned Meeting

Power to
 adjourn.

Meeting by Summons from the Clerk to the said Commissioners for the Time being:

XIII. And be it further enacted, That all the Powers by this Act granted to or vested in the said Commissioners shall and may from Time to Time be exercised by the major Part of such of them as shall attend at any of the said Meetings, the Number of the said Commissioners there present not being less than Five (except for the Purpose of Adjournment as aforesaid); and that all Acts, Orders, and Proceedings of such major Part of the said Commissioners there present, shall have the same Force and Effect as if the same were done, made, and had by all the Commissioners constituted by this Act.

Powers to be exercised by the major Part or Five or more of the said Commissioners.

XIV. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time, at such their Meetings as aforesaid, to appoint a Treasurer, Clerk, and One or more Surveyor or Surveyors, together with such and so many other Officers as they shall find necessary for the due Execution of this and the said recited Acts, the said Commissioners taking from such several Persons so to be appointed as aforesaid such Security for the due Execution of their several and respective Offices as to them the said Commissioners shall seem proper and sufficient in that Behalf; and the said Commissioners are hereby authorized from Time to Time to remove all or any of the said Officers so to be appointed as aforesaid, at their free Will and Pleasure, and to appoint others in the Room of such as shall be so removed, or die, or be incapable of being further employed as herein-after mentioned; and also out of the Monies to be raised by virtue of this and the said recited Acts, to appoint such Salaries, Gratuities, and Allowances as they shall judge reasonable, to be paid to such Officers respectively, and to all such other Persons as may have been or shall be employed in or aiding and assisting about the Execution of this, Act: Provided always, that not any of such Salaries, Gratuities, or Allowances shall be ordered or directed by the said Commissioners to be paid over to such Officers or other Persons respectively, until the same shall have been submitted to and approved of and allowed by the Justices of the Peace of and for the said City and County, at some General or Quarter Sessions to be holden in and for such City and County, or Adjournment thereof, which said Justices are hereby authorized and empowered to regulate, diminish, controul, and allow such Salaries, Gratuities, and Allowances accordingly, or altogether to reject and disallow the same, if to them in their Discretion it shall seem proper.

Commissioners to appoint Treasurer and other Officers.

XV. And be it further enacted, That if any Clerk, Surveyor, or other Officer or Servant employed by the said Commissioners in the Execution of this Act, or any Part thereof, shall exact, demand, take, or accept any Fee, Gratuity, or Reward whatsoever, (other than such Salaries, Gratuities, and Allowances as shall be appointed, allowed, and approved of as aforesaid), for or on Account of any Thing done or to be done by virtue of this or the said recited Acts, or for forbearing or having forborne to do any Thing hereby or by the said Commissioners directed to be done, or on any Account whatsoever relative to the Execution or Non-execution of this Act, or shall any Way be concerned in Interest in any Bargain made or to be made by the said Commissioners for any of the Purposes intended by this Act, every such Person so offending shall from thenceforth

Clerks, Surveyors, or other Officers not to take any Fees.

forth for ever be incapable of being employed under this and the said recited Acts, and shall moreover forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster* by Action of Debt, Bill, Plaint, or Information, to be commenced within Six Calendar Months next after the Offence shall be committed, in which Action or Suit no Protection, Effoign, or Wager of Law, nor more than One Imparance shall be allowed.

Proceedings of Commissioners to be entered and signed.

XVI. And be it further enacted, That all the Acts, Orders, and Proceedings of the said Commissioners, at their said several Meetings from Time to Time, shall be entered in one or more Book or Books to be kept for that Purpose by the said Commissioners, and shall be signed by their Clerk for the Time being, and the Entries so signed as aforesaid of such Orders and Proceedings shall be deemed and taken to be the original Orders and Proceedings of the said Commissioners and such Book or Books shall and may be produced and read in Evidence in all Courts whatsoever.

Commissioners to make Contracts with Persons employed.

XVII. And be it further enacted, That the said Commissioners may and they are hereby authorized and empowered, from Time to Time, to employ under them any One or more fit Person or Persons in or about all or any of the Works which they shall cause to be performed by virtue or in pursuance of this and the said recited Acts, and to contract for the Performance of such Works, or any of them, with such Person or Persons so employed, in such Manner as the said Commissioners shall think fit.

Notice of Contracts to be given in Two or more Bristol Newspapers.

XVIII. Provided always, and be it further enacted, That previous to the making of any such Contract, Notice shall be given in Two or more of the *Bristol* Newspapers, that the said Commissioners do intend to make such Contract, and that all Persons willing to engage therein may make Proposals to the said Commissioners at a certain Time and Place in every such Notice to be specified; and that all Contracts made or to be made in consequence of such Notice shall be in Writing, and specify the Work or Works to be done, and the Price or Prices to be paid for the same, and the Time or Times when the said Work or Works is or are to be completed, together with the Penalty or Penalties to be incurred in case of the Non-performance thereof, and shall be signed as well by the Clerk for the Time being of the said Commissioners, as by the Person or Persons contracting to perform such Work or Works respectively, and also be entered in One or more Book or Books to be kept for that Purpose by the said Commissioners.

No. Commissioner, Surveyor, or Agent to be interested in any Contract.

XIX. Provided also, and be it further enacted, That no Person being a Commissioner, or Surveyor, or Agent, appointed under or by virtue of the Powers by this or the said recited Acts given and granted, shall be directly or indirectly interested or concerned in any Contract whatsoever which shall be made or entered into by or on Behalf of the said Commissioners, for or concerning any of the said Works to be carried on or performed in pursuance of this Act, or for or concerning any Materials to be used or employed therein, upon Pain that every such Contract shall be null and void to all Intents and Purposes; and that every such Person so being a Commissioner, who shall be interested or concerned therein as aforesaid,

aforeſaid, ſhall for every ſuch Offence forfeit and pay the Sum of One hundred Pounds to any Perſon or Perſons who ſhall ſue for the ſame, to be recovered in any of His Maſteſty's Courts of Record at *Westmiſter*, by Action of Debt, Bill, Plaint, or Information, to be commenced within Six Calendar Months next after the making or entering into any ſuch Contract, in which Action or Suit no Protection, Eſſoign, or Wager of Law, nor more than One Imparlance ſhall be allowed; and further, that every ſuch Perſon againſt whom the ſaid Penalty ſhall be ſo recovered ſhall for ever thereafter be diſabled from being nominated, elected, and appointed a Commiſſioner for executing the Powers of this and the ſaid recited Acts.

XX. And, for the better lighting of the ſaid Streets, Squares, Courts, Yards, Lanes, Paſſages, and Places, be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners from Time to Time to cauſe ſuch and ſo many Lamps to be ſet up in ſuch Places within the ſaid City and Liberties thereof, and to be placed in ſuch Manner and at ſuch Diſtances as they ſhall judge neceſſary, and to order and direct at what Time the Lights within the ſame ſhall be lighted, and how long they ſhall continue lighted, and alſo from Time to Time to give ſuch other Orders and Directions in the Premises as they ſhall think needful for the well and ſufficient lighting of the Streets, Squares, Yards, Lanes, Paſſages, and Places within the ſaid City and the Liberties thereof; ſo that at all Times the ſaid Lamps at the leaſt ſhall be lighted and kept burning from Sun-ſetting to Sun-riſing.

Commisſioners to order Lamps to be ſet up and placed.

XXI. Provided always, and be it further enacted, That nothing herein contained ſhall extend, or be conſtrued to extend, to authorize or empower the Commiſſioners appointed by virtue of this Act, to take upon themſelves the Direction and Management of cleaning and lighting the ſaid City and Liberties thereof, until the Determination of the Contracts at preſent exiſting for that Purpoſe.

Commisſioners not to take upon themſelves the Management of cleaning and lighting until the Contracts ſhall be determined.

XXII. Provided alſo, and be it further enacted, That if any Perſon or Perſons entering into or engaging in any Contract, whether ſuch Contract be made in Writing or not, for well and ſufficiently lighting any of the Lamps within the ſaid City and Liberties thereof, ſhall altogether omit or neglect to light, or ſhall not light at the Time appointed, or in a proper and ſufficient Manner, any of ſuch Lamps, or ſhall in any other Manner omit or neglect to perform, execute, and fulfil the Conditions of his ſaid Contract according to the true Tenor and Meaning thereof, and of this and the ſaid recited Acts reſpectively, ſuch Perſon and Perſons ſhall for each and every of ſuch Lamps ſo omitted or neglected to be lighted, or not lighted at the Time appointed, or in a proper and ſufficient Manner, as well as for every other ſuch Neglect or Omiſſion as aforeſaid, (unleſs the ſame ſhall be made to appear to the Satisfaction of any Two or more of the Juſtices of the Peace of and for the ſaid City and County to have happened by ſome unforeſeen or unavoidable Accident,) forfeit and pay a Sum of Money not exceeding Twenty Shillings, and that it ſhall be lawful for the ſaid Juſtices before whom ſuch Penalty ſhall be recovered, to order and direct any Sum of Money, not exceeding One-quarter of the Penalty, to be paid and applied to the Uſe of ſuch Perſon as ſhall inform or proſecute in that Behalf: Provided, that nothing herein contained ſhall extend, or be conſtrued to extend, to hinder or

Penalty on Lamp-lighters for Neglect.

prevent the said Commissioners from commencing and prosecuting any Action or Actions at Law against any Contractor or Contractors, for lighting the said Lamps, for or in respect of any Breach of Contract or Covenant, so as such Action or Actions be not brought or commenced for or in respect of any particular Breach of Contract or Covenant, for which such Contractor or Contractors shall have been proceeded against before such Justices as aforesaid.

Persons wilfully breaking Lamps, or extinguishing Lights, may be seized without Warrant.

XXIII. And be it further enacted, That if any Person or Persons shall wilfully take away, throw down, break, or damage any Lamp that now is or hereafter shall be set up for lighting any of the said Streets, Squares, Courts, Yards, Lanes, Passages, and Places, or shall wilfully extinguish the Light or Lights within the same, or damage the Irons or other Furniture thereof, it shall be lawful for any Person or Persons whatsoever, who shall see any of such Offences committed, to seize, as also for any other Person or Persons to assist in seizing the Offender or Offenders, and by the Authority of this and the said recited Acts, and without any other Warrant, to convey him, her, or them, or to deliver him, her, or them, to the Custody of a Peace Officer, in order to be secured and conveyed before some Justice of the Peace of and for the said City and County, who shall proceed to examine upon Oath, or being one of the Persons commonly called *Quakers* upon Affirmation, (which Oath or Affirmation the said Justice is hereby authorized and required to administer or take,) any credible Witness or Witnesses appearing or produced before him to give Information touching any of the said Offences; and if it shall happen that the Party or Parties accused shall be convicted of any of the said Offences either by his, her, or their own Confession, or upon the Oath or Oaths, Affirmation or Affirmations, of any such Witness or Witnesses as aforesaid, then he, she, or they being so convicted, shall forfeit and pay any Sum of Money not exceeding Forty Shillings for each and every of such Lamps so taken away, thrown down, broken, or damaged, or for every such Light so extinguished as aforesaid; and moreover shall make full Satisfaction to the said Commissioners, or to such Person as they shall appoint to receive the same, for the Loss or Damage so by him, her, or them done or occasioned as aforesaid; and in case such Offender or Offenders shall not, on Conviction, pay the said Sum or Sums so by him, her, or them forfeited, and make such Satisfaction as aforesaid, it shall be lawful for such Justice of the Peace as aforesaid, and he is hereby required to commit the said Offender or Offenders to the Bridewell of the said City there to be kept to hard Labour for any Space of Time not exceeding One Calendar Month, and such Offender or Offenders shall not be discharged from thence before the Expiration of the Time for which he, she, or they shall be so committed, unless such Forfeiture or Forfeitures and Satisfaction shall be sooner paid and given.

Persons carelessly breaking Lamps to make Satisfaction.

XXIV. And be it further enacted, That in case any Person or Persons shall carelessly or accidentally throw down, break, or damage any of the said Lamps so set up or hereafter to be set up as aforesaid, or the Irons or other Furniture thereof, and shall not immediately, upon Demand for that Purpose made by any Person or Persons who shall see such Damage done, make Satisfaction for the same, it shall be lawful for any Person or Persons whomsoever who shall see the said Damage done to seize, as also for any other Person or Persons to assist in seizing the Person or Persons doing

doing such Damage, and by Authority of this Act, and without any other Warrant, to convey him, her, or them, or to deliver him, her, or them to the Custody of a Peace Officer, in order to be secured and conveyed before some Justice of the Peace of and for the said City and County; or in case the said Person or Persons so doing such Damage shall not be immediately seized and taken, it shall be lawful for any such Justice of the Peace as aforesaid to summon him, her, or them to appear before him, and to proceed to examine upon Oath or Affirmation (which Oath or Affirmation the said Justice is hereby authorized and required to administer) any One or more credible Witness or Witnesses who shall appear or be produced to give Information touching such Damage, and upon Proof so made thereof either in the Presence of the said Person or Persons so doing such Damage, or in his, her, or their Absence; provided he, she, or they, hath or have been so summoned as aforesaid, and doth or do not appear to award such Sum or Sums of Money by Way of Satisfaction for such Damage, as such Justice shall think reasonable; and in case of the Refusal or Neglect of such Person or Persons to pay the said Sum or Sums of Money so awarded, upon Demand made for that Purpose, to cause the same to be levied by Distress and Sale of his, her, or their Goods or Chattels, returning the Overplus (if any) upon Demand, arising by such Distress and Sale, after discharging the said Sum or Sums of Money so awarded, together with the Costs and Charges attending the said Distress and Sale, to be paid to him, her, or them respectively; and in case the Person or Persons so doing such Damage shall have no Goods or Chattels within the said City and County, and shall, upon Demand made of such Sum or Sums of Money, refuse or omit to pay the same, such Justice is hereby required to commit him, her, or them, to the Bridewell of the said City, for any Space of Time not exceeding One Calendar Month; and such Person or Persons so committed shall not be discharged from thence before the Expiration of the Time for which he, she, or they shall have been so committed, unless the said Sum or Sums so awarded as aforesaid shall be sooner paid.

XXV. And be it further enacted, That if any Person or Persons entering into or engaging in any Contract, whether such Contract be made in Writing or not, for well and sufficiently cleansing any of the Streets, Squares, Yards, Lanes, Passages, or Places, within the said City and Liberties thereof, shall omit or neglect to sweep or cleanse, or to remove or take away the Dirt or Ashes belonging to the several Inhabitants, from and out of the same according to his or their Contract, or shall in any other Manner omit or neglect to perform, execute, and fulfil the Conditions of his or their said Contract, according to the true Tenor and Meaning thereof, such Person or Persons shall, for every such Neglect or Omission as aforesaid, forfeit and pay a Sum of Money not exceeding Five Pounds; and it shall and may be lawful to and for the Justices before whom such Penalty shall be recovered to order and direct any Sum of Money, not exceeding One-quarter of the said Penalty, to be paid and applied to the Use of such Person as shall inform or prosecute in that Behalf: Provided, that nothing herein contained shall extend, or be construed to extend, to hinder or prevent the said Commissioners from commencing and prosecuting any Action or Actions at Law, against any Contractor or Contractors for cleansing any of the said Streets, Squares, Yards, Lanes, Passages, and Places, for or in respect of any Breach of Contract or Covenant, so as such Action

Penalty on
Scavengers
for Neglect
of Duty.

or

or Actions; be not brought or commenced for or in respect of any particular Breach of Contract or Covenant for which such Contractor or Contractors shall have been proceeded against before such Justices as aforesaid.

Commissioners may make new sewers, and enlarge old ones,

and new pave streets with such Materials as they shall think fit.

XXVI. And be it further enacted, That the said Commissioners may and they are hereby empowered to cause such and so many new Sewers, Drains, and Vaults to be dug and made, in, along, or across any of the said Streets, Squares, Courts, Yards, Lanes, Passages, and Places within the said City and Liberties thereof, as they may think proper, save and except such Sewers as the Directors of the said *Bristol Dock Company* have Power to form, complete, or alter, under or by virtue of the Powers and Provisions of the said Act of the Forty-third Year of His said present Majesty; and also cause any of the Sewers, publick Drains, and Vaults which now are or hereafter shall be within the said City and Liberties thereof to be enlarged, widened, deepened, raised, altered, removed, repaired, cleansed, or scoured, when and as often as to them shall seem meet; and the said Commissioners may and they are hereby empowered to cause all or any of the said Streets, Squares, Courts, Yards, Lanes, Passages, and Places to be new paved, pitched, or repaired, when and as often, and in such Manner and with such Materials, as they shall think fit; and for any of the said Purposes may from Time to Time cause such Gravel, Stones, Bricks, and other Materials, as they shall judge necessary, to be dug, carred, and carried out of or brought into the said Streets, Squares, Courts, Yards, Lanes, Passages, and Places, or any of them, and may likewise cause the Ground thereof to be raised or lowered, and the Course of the Channel running in, to, or through the same, to be turned or altered.

Commissioners to have Power to stop up Streets during Repairs.

XXVII. And be it further enacted, That it shall be lawful for the said Commissioners, when any of the said Streets, Squares, Courts, Yards, Lanes, Passages, and Places within the said City and Liberties thereof, shall be under Repair in the paving or pitching thereof, or during the making or repairing of any of the Sewers, Drains, or Vaults by this Act authorized to be made and repaired, to fix and place or cause to be fixed and placed such and so many Bar or Bars, Chain or Chains, Post or Posts, or other Obstruction or Obstructions, across or in any of the said Streets, Squares, Courts, Yards, Lanes, Passages, and Places, to prevent the passing and repassing of Carriages, Drays, and Horses, during the Time of such Works and Repairs being carried on, as to them shall seem proper; and if any Person shall break down, take down, alter, or remove any of the said Bars, Chains, Posts, or other Obstructions, without the Authority or Consent of the said Commissioners, every such Person so offending shall for every such Offence forfeit and pay the Sum of Ten Pounds, to be recovered by Action of Debt, Bill, Plaint, or Information, to be brought in the Name of the said Clerk to the said Commissioners, within Six Calendar Months next after the committing of such Offence, in any of His Majesty's Courts of Record at *Westminster*, in which Action or Suit no Protection, Privilege, Essoign, or Wager of Law, nor more than One Impar lance shall be allowed.

No Persons but Commissioners to al-

XXVIII. And be it further enacted, That no Person whatsoever shall, without Authority from the said Commissioners, alter or cause to be altered

altered the Form of the Pavement or Pitching of the said Streets, Squares, Courts, Yards, Lanes, Passages and Places, or any of them, or in any way encroach upon the same, upon Pain that every Person so offending shall for every such Offence forfeit and pay the Sum of Five Pounds, over and above the Expence of relaying and reinstating such Pavement and Pitching, according to the Directions of the said Commissioners, the said Forfeiture and Expences to be recovered by Action of Debt, Bill, Plaint or Information, in any of His Majesty's Courts of Record at *Westminster*, to be brought and commenced in the Name of the Clerk to the said Commissioners, within Six Calendar Months next after such Offence shall be committed, in which Action or Suit no Protection, Essoign or Wager of Law, nor more than One Imparance shall be allowed.

ter the Form, of the Pavement, etc.

XXIX. And whereas from the Ascent or Steepness of several of the Streets, Lanes, Passages, and Places within the said City and Liberties thereof, it may be inconvenient for them to be paved or pitched, be it further enacted, That it shall and may be lawful for the said Commissioners, and they are hereby required, with the Consent and Approbation of the major Part of the Householders residing in any of such Streets, Lanes, Passages, and Places, but not otherwise, to stein or gravel such Streets, Lanes, Passages, and Places respectively.

Certain Streets may be steined.

XXX. And be it further enacted, That, from and after the passing of this Act, if any Two Housekeepers within the said City and Liberties thereof shall make Complaint in Writing under their Hands to the said Commissioners of any Defects or Want of Repair in any of the Pavements or Pitching in the said Streets, Squares, Courts, Yards, Lanes, Passages and Places, either before or after the same shall have been new paved, pitched, or repaired, by virtue of this Act, then and in every such Case the said Commissioners shall forthwith cause the Pavement or Pavements, Pitching or Pitchings, so complained of, to be inspected by their Surveyor, and if the same shall appear to him to be defective or out of Repair, and so reported to be to the said Commissioners they the said Commissioners shall forthwith give Orders to their Contractor or Contractors, Pavior or Paviers, Pitcher or Pitchers, to repair or alter the same; and if any such Contractor or Pavior, or Pitcher, to whom such Orders shall be given, shall not, within Four Days next after Receipt thereof, repair or alter the said Pavement or Pavements so defective or out of Repair, then and in every such Case the said Contractor or Pavior shall forfeit and pay any Sum not exceeding Forty Shillings, for every Day that such Pavement or Pavements, Pitching or Pitchings, shall remain defective and unrepaired after the Expiration of the said Four Days.

Bad Pavements to be repaired on Notice from Two Housekeepers.

XXXI. And be it further enacted, That the Property of the several Sewers, publick Drains, Vaults, and Pavements and Pitchings, which now are or at any Time or Times hereafter shall be within the said City and Liberties thereof, and all Materials and Things used or to be used in or about the making or repairing of the same respectively, shall be and the same are hereby vested in the said Commissioners, who are hereby authorized and empowered to bring or cause to be brought any Action or Actions in the Name of their Clerk, or to prefer or cause to be preferred any Indictment or Indictments against any Person or Persons who

Property of Sewers and Materials vested in Commissioners.

[*Loc. & Per.*]

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shall

Penalty on
Persons de-
stroying Ma-
terials.

shall steal, take, or carry away any, or any Part or Parts of such Materials or Things; and if any Person or Persons shall wilfully or maliciously destroy, or otherwise damage or spoil any of the said Materials or Things, or any of the said Sewers, Drains, Vaults, or Pavements, or Pitchings, or any Part or Parts thereof, every Person or Persons so offending therein, and being thereof convicted by the Oath or Oaths of One or more credible Witness or Witnesses before any Justice of the Peace of and for the said City and County of the same, (which Oath or Oaths such Justice is hereby authorized and required to administer,) shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, over and besides all Costs, Charges, and Expences in respect of such Destruction, Damage, or Spoil, as the said Commissioners shall be put unto, such Costs, Charges, and Expences to be recovered in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt, Bill, Plaint, or Information, in the Name of the said Clerk to the said Commissioners for the Time being, in which Action or Suit no Protection, Efloign, or Wager of Law, nor more than One Imparlançe shall be allowed.

Private
Drains may
be made un-
der the Di-
rection of the
Commission-
ers.

XXXII. And be it further enacted, That it shall be lawful for any Person or Persons whatsoever, at any Time or Times hereafter, at his, her, and their own Expence, to make and branch any private Drain or Drains into any of the said publick Sewers, Drains, or Vaults made or to be made by virtue of this Act: Provided always, that every such private Drain or Drains shall be so made and branched under the Direction of the said Commissioners or their Agent, upon Pain that every Person making any private Drain without the Knowledge of or contrary to the Directions of the said Commissioners or their Agent, shall for every such Offence forfeit and pay the Sum of Twenty Pounds, over and besides the Expences of altering and removing any such private Drain according to the Direction of the said Commissioners or their Agent, which they and he are and is hereby authorized to alter and remove, such Expences and Penalty to be sued for and recovered by Action of Debt, Bill, Plaint, or Information, in any of His Majesty's Courts of Record at *Westminster* in the Name of the said Clerk to the said Commissioners for the Time being, in which Action or Suit no Protection, Efloign, or Wager of Law, nor more than One Imparlançe shall be allowed.

All private
Drains to be
repaired un-
der the Di-
rection of the
Commission-
ers at the
Expence of
the Owner.

XXXIII. And be it further enacted, That all private Drains which now are or shall hereafter be made within any of the publick Streets, Squares, Courts, Yards, Lanes, Passages, or Places in the said City or Liberties thereof, and which do or shall issue into any of the Publick Sewers, Drains, or Vaults, shall be repaired and cleansed, under the Inspection and Direction of the Surveyor or other proper Officer of the said Commissioners, at the Costs and Charges of the Owner or Owners, Occupier or Occupiers of the Lands or Tenements to which the said private Drains do or shall respectively belong.

Paving of
new Streets
may be com-
pounded for
with Com-
missioners.

XXXIV. And whereas there now are and hereafter may be several new Streets and Places within the said City and Liberties thereof which are not paved and pitched, some Parts of which said Streets or Places are or may be built upon, and other Parts thereof in a State of being built upon: And whereas it would be the means of greatly forwarding the good Purposes intended by this and the said recited Acts, if Builders or
other

other Owners or Occupiers of Lands or Houses in such new Streets or Places were to pay to the said Commissioners such Sum or Sums of Money towards the new Paving and Pitching of the same as is or are herein-after directed, be it therefore enacted, That it shall be lawful for the said Commissioners to view and inspect any of the said Streets and Places which now are or hereafter may be built or building upon, and if upon such View they shall be of Opinion that the same or any Part or Parts thereof is or are fit and proper to be paved and pitched, at any Meeting held after such View, to order their Surveyor or Surveyors, or other Person or Persons by them appointed for that Purpose, to give Notice to the Owner or Owners, Proprietor or Proprietors, or Occupier or Occupiers of any Land, Ground, House, Shop, Warehouse, Coach House, Stable, Cellar, Vault, Tenement, or Hereditament in any of the said Streets or Places, or if no such Owner or Owners, Proprietor or Proprietors, or Occupier or Occupiers can be found, then to affix such Notice against the said Premises or any conspicuous Part thereof, which said Notice shall require such Owner or Owners, Proprietor or Proprietors, or Occupier or Occupiers, to meet such Commissioners at the Time and Place therein mentioned (such Time not being less than Fourteen Days from the Date of such Notice) to compound for the paving thereof, at any Sum not exceeding Three Shillings for every Square Yard of such Pavement or Pitching, whether Carriage or Footway, which Composition the said Commissioners, at such their Meeting aforesaid, are hereby authorized to make; and if such Owner or Owners, Proprietor or Proprietors, or Occupier or Occupiers shall not attend, or shall not compound or agree with the said Commissioners as aforesaid, then it shall be lawful for the said Commissioners to order the same to be paved and pitched as soon as conveniently may be, and the several Charges and Expences attending such paving and pitching shall be paid by such respective Owner or Owners, Proprietor or Proprietors, or Occupier or Occupiers, and shall be recovered by Action of Debt, Bill, Plaint, or Information, in any of His Majesty's Courts of Record at *Westminster*, in the Name of the said Clerk to the said Commissioners for the Time being, in which Action or Suit no Protection, *Essoign*, or Wager of Law, nor more than One *Impar lance* shall be allowed.

XXXV. And be it further enacted, That if any Person or Persons shall deposit or cause to be deposited any Lime, Clay, Rubbish, or other Matter or Thing, whether used in his, her, or their Trade or otherwise in any of the publick Streets, Squares, Courts, Yards, Lanes, Passages, and Places within the said City or Liberties thereof, and suffer the same there to remain for any longer Time than shall be necessary for the Purpose of loading or carting, or taking in the same, or shall deposit or throw, or permit or suffer to be deposited or thrown, any such Lime, Clay, Rubbish, or other Matter or Thing, in or into any of the Channels within the said City or Liberties thereof, then and in every such Case every such Person or Persons so offending shall for the First Offence forfeit and pay any Sum not exceeding Twenty Shillings, for the Second Offence any Sum not exceeding Forty Shillings, and for the Third and every other Offence any Sum not exceeding Five Pounds.

Persons not
to deposit
Lime or Clay
in the Street,

XXXVI. And be it further enacted, That if any Person or Persons whatsoever shall convey or throw, or cause or permit to be conveyed or thrown,

nor throw the
same into any
of the Com-
mon Sewers.

thrown, any Lime, Clay, Rubbish, or other Matter or Thing, whether used in his, her, or their Trade or otherwise, into any of the publick Sewers, Drains, or Vaults, which now are or hereafter may be made within the said City and Liberties thereof, every such Person or Persons so offending shall for the First Offence forfeit and pay the Sum of Forty Shillings, for the Second Offence any Sum not exceeding Five Pounds, and for the Third and every other Offence any Sum not exceeding Ten Pounds; and shall also pay all such Costs, Charges, Damages, and Expences which the said Commissioners shall or may be put unto for or on Account of the opening, scouring, cleansing, closing up, or paving over the Sewer or Sewers, Drain or Drains, Vault or Vaults, into which the same shall be by him, her, or them conveyed or thrown, or caused or permitted to be conveyed or thrown as aforesaid, to be recovered by Action of Debt, Bill, Plaint, or Information, in any of His Majesty's Courts of Record at *Westminster*, in the Name of the said Clerk to the said Commissioners, in which Action or Suit no Protection, Effoign, or Wager of Law, nor more than One Impar lance shall be allowed.

For raising Monies for the Purposes of the Act, Commissioners shall yearly certify what Sum will be necessary to the Justices in Sessions, who are empowered to order and appoint such Sum to be raised on all Lands, Houses, &c. within the said City.

XXXVII. And be it further enacted, That the said Commissioners, at any of their Meetings to be held by virtue of this Act, may and they are hereby required, yearly and every Year, to ascertain and determine what Sum or Sums of Money it will be necessary to assess and raise for the Purposes of this Act, on the said City of *Bristol* and Liberties thereof, for One Year then next following, and to certify the same in Writing, signed by the Clerk of the said Commissioners for the Time being, to the Justices of the Peace of and for the said City and County, at their General Quarter Sessions next after *Easter*, or at any Adjournment thereof, or at any subsequent General Quarter Sessions to be holden in and for such City and County in every Year, or Adjournment thereof; and the said Justices are hereby empowered, if they are satisfied that the Sum so certified is necessary for the Purposes of this Act, but not otherwise, thereupon to order and appoint such Sum and Sums of Money so certified to them as aforesaid, or any less Sum they shall think proper, to be raised and levied by Taxation of all Lands, Houses, Buildings, Tenements, and Hereditaments whatsoever, within the said City and Liberties thereof, in equal Proportions, according to their respective Worth and Value; and in order thereto, the Mayor and Aldermen of the said City for the Time being, or any Three of them, are hereby authorized and required (after such Certificate, and Order, and Appointment made thereupon by the Justices of the said City and County in Sessions as aforesaid) indifferently to proportion out the said Sum or Sums of Money upon each Parish and Precinct within the said City and Liberties thereof, in such and the like Manner and Proportion on each such Parish and Precinct as the Money now raised or hereafter to be raised for the Maintenance of the Poor of the said City is or shall be apportioned, and by Warrant or Warrants under their Hands and Seals, or the Hands and Seals of any Three of them, to authorize and require the Churchwardens of each respective Parish, within the said City and Liberties thereof, and the Overseers of the Poor of the Castle Precincts, to rate, assess, demand, collect, and receive the same respectively; and the said Churchwardens and Overseers respectively shall assess, collect, account for, and pay the same to the Treasurer to be appointed by virtue of this Act for the Time being, in like Manner as they are by the several Acts of Parliament made for

for erecting Hospitals and Workhouses within the said City, and for raising Money for the Maintenance of the Poor within the same or any of them, required to assess, collect, account for, and pay to the Treasurer of the Corporation of the Poor of the said City, the Money to be raised for the Maintenance of the said Poor; which said Sum and Sums of Money, and every or any Part thereof, when so paid into the Hands of such Treasurer under this Act, shall, by the said Commissioners so assembled as by this Act is directed, be laid out and expended from Time to Time as they shall judge necessary for the Purposes of this Act; and all and every of the Articles, Rules, Clauses, Matters, and Things in the said several Acts of Parliament, any or either of them contained or thereby referred to, where the same are and is not contrary to the Provisions in this Act contained, shall be in full Force and Effect (except such Part or Parts thereof as relate to Exemptions from Stamp Duties) and be duly observed, practised, and put in Execution for assessing and collecting the said Sum and Sums of Money by this Act granted, and for imposing, levying, recovering, and mitigating Fines, Penalties, and Forfeitures, and for appealing and doing all other Acts, Matters, and Things relative to the Premises, and consistently therewith, as fully and effectually, to all Intents and Purposes, as if the same were or was specially repeated and re-enacted in the Body of this Act.

XXXVIII. And be it further enacted, That if the said Churchwardens and Overseers of the Poor, or any of them, shall refuse or neglect, by the Space of Twenty Days next after the issuing forth of any such Warrant or Warrants by the said Mayor and Aldermen, or any Three of them as aforesaid, to make any such Rate or Rates, Assessment or Assessments, or shall refuse or neglect by the Space of Twenty Days next after any such Rate or Rates, Assessment or Assessments shall be made, to demand, collect, receive, or pay the same as herein-before is directed, then and in either of such Cases the said Mayor and Aldermen, or any Three of them, shall have Power and Authority to raise and levy by Distress of the Goods and Chattels of the Party or Parties so offending, and by Sale thereof, if not redeemed within Five Days after such Distress taken, rendering the Overplus (if any shall be) upon Demand, all and every such Sums and Sum of Money as ought by virtue hereof to have been assessed, demanded, collected, received, or paid by him or them respectively, to be applied to the same Uses to which such several Monies so to have been assessed, demanded, collected, and paid, would by virtue of this Act have been applied.

Churchwardens, etc. to assess and collect Rates.

XXXIX. And be it further enacted, That it shall be lawful for the respective senior Churchwardens of the several Parishes within the said City and Liberties thereof, and for the Overseers of the Poor of the Castle Precincts to retain, have, and receive, for their own Use and Benefit respectively, the Sum of Three-pence in the Pound on the Sum and Sums of Money from Time to Time rated, assessed, and paid, on, by, and out of their respective Parishes and Precincts; any Thing in this Act contained to the contrary thereof in anywise notwithstanding.

Allowance to the Churchwardens, etc.

XL. And be it further enacted, That if any Person or Persons who shall be rated or assessed by virtue or in pursuance of this Act, shall, by the Space of Ten Days next after his, her, or their respective Rate or

If Rates not paid, Distress may be taken.

[Loc. & Per.]

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Rates,

Rates, Assessment or Assessments, shall be due and demanded by the Collector or Collectors authorized and appointed to collect and receive the same, (such Demand being either personally made of the said Person or Persons so charged, or left in Writing at his, her, or their Place or Places of Abode,) refuse or neglect to pay the same, then and in every such Case it shall be lawful for such Collector or Collectors, or any or either of them, under and by virtue of a Warrant or Warrants to be made and directed to him or them by the said Mayor and Aldermen of the said City, or any Three of them, and with the Assistance of a Constable or other Peace Officer of the said City and County of *Bristol*, to enter his, her, or their House or Houses, Apartment or Apartments, and then and there to distrain his, her, or their Goods and Chattels; and if such Rate or Rates, Assessment or Assessments, shall not be paid within Five Days next after such Distress made, together with the Costs and Charges attending the same, then to appraise and sell so much and such Part of the said Goods and Chattels as shall be sufficient to pay the said Rate or Assessment, with the Costs and Charges attending such Distress and Sale, returning the Overplus if any) upon Demand, to the Owner or Owners of such Goods and Chattels respectively.

Constable refusing to aid Collector in making Distress to forfeit 5l.

XXI. And be it further enacted, That in all Cases where a Distress and Sale are authorized to be made by this Act, if any Constable or other Peace Officer of the said City and County of *Bristol*, upon being called upon by any Collector or Collectors, or any other Person acting in his or their Aid, shall neglect or refuse to assist in making such Distress and Sale, such Constable or other Peace Officer shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

No Distress to be made out of the Limits of the said City, unless Warrant be backed by some Magistrate where Distress taken.

XLII. Provided always, and be it further enacted, That no Distress shall, by virtue of this Act, be made out of the Limits of the said City or Liberties thereof, unless the Warrant or Warrants to be made and granted for that Purpose shall be first backed or countersigned by some Justice of the Peace acting in or for the County, City, or Liberty where the same is proposed to be made, which Warrant or Warrants any such Justice, who shall be applied to for that Purpose, shall forthwith back or countersign.

Penalty on Persons obstructing Commissioners or their Officers.

XLIII. And be it further enacted, That if any Person or Persons shall at any Time or Times obstruct, hinder, or molest any of the said Commissioners, or any Surveyor or other Officer or Workman, or any other Person or Persons whomsoever who shall be employed by virtue of this Act, in the Performance or Execution of his or their Duty, every such Person so offending shall for the First Offence forfeit and pay any Sum not exceeding Twenty Shillings, for the Second Offence any Sum not exceeding Forty Shillings, and for the Third and every other Offence any Sum not exceeding Five Pounds.

Treasurer to pay all such Sums as Commissioners, or any Five, shall order.

XLIV. And be it further enacted, That the Treasurer to be appointed as by this Act is directed may and he is hereby authorized and required, out of the Monies collected and paid into his Hands pursuant to this Act, to pay all and every such Sums and Sum of Money as the said Commissioners shall from Time to Time draw upon him for or order him to pay, and such Treasurer shall and he is hereby required to keep regular and clear Entries in One or more Book or Books, to be provided and kept

by him for that Purpose, of all and singular his Receipts and Payments on account or in pursuance of this Act, and shall also, once in every Year, have such his Accounts audited and passed by the said Commissioners.

XIV. And be it further enacted, That the said Commissioners shall keep or cause to be kept true and just Accounts in Writing of the Receipt and Expenditure of all Sums of Money by them received and paid under and by virtue of the Powers of the said recited Acts or of this Act; and shall yearly and every Year at the General Quarter Sessions of the Peace to be holden in and for the said City and County next after *Easter*, or at some Adjournment thereof, exhibit or cause to be exhibited, under the Hands of Five or more of the said Commissioners, to the Justices there assembled, a true and correct Account in Writing of all such Sums of Money as shall have been so received and expended under the Provisions of the said Acts or of this Act during the preceding Year, ending the Thirty-first Day of *December*; and if it shall appear to such Justices that the said Commissioners have impropely applied any of the Monies by them received for the Purposes of this Act, they the said Justices shall have Power to reject and disallow such Payments so charged in the said Account; but if the said Account shall appear to the Justices there assembled to be correct and true, and the Monies expended to have been applied solely for the Purposes of the said Acts or of this Act, then the same shall be allowed; and the Mayor, or in his Absence the senior Alderman present at such General Quarter Sessions, or Adjournment thereof, shall sign and attest such Account as being approved by such Justices; which said Justices are hereby authorized and empowered, if they shall think fit, to order the said Account to be thereupon forthwith published by the said Commissioners, in Two or more of the *Bristol* Newspapers, as the said Justices shall direct.

Commissioners Accounts to be audited by Justices, and published.

XVI. And, to the End that the said Commissioners may be enabled to execute the Purposes of this Act in the most expeditious Manner, be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby empowered, with the previous Consent, Approbation, and Allowance of the Court of Mayor and Aldermen of the said City, or the major Number of them assembled for that Purpose, but not otherwise, from Time to Time, as often as to them it shall seem necessary for the several Purposes of paving, pitching, cleansing, and lighting the said City and Liberties thereof, and of making, enlarging, widening, deepening, altering, and removing the Common Sewers, publick Drains, and Vaults within the same, or for any of them, to borrow and take up at Interest any Sum or Sums of Money not exceeding Twenty thousand Pounds, upon the Credit of the several Rates or Assessments to be made and payable for the said Purposes by virtue of this Act, and by any Writing or Writings signed by them, or any Five of them, to assign the said Rates or Assessments to any such Person or Persons who shall advance or lend such Sum or Sums of Money thereon, as a Security or Securities for such Sum or Sums so borrowed, together with legal or lower Interest for the same, which Interest shall be payable and paid Half-yearly by the said Treasurer of the said Commissioners, out of the Monies to arise by or from the said several Rates or Assessments.

Commissioners empowered to borrow 20,000^l on the Credit of the Rates.

XVII. And be it further enacted, That the Clerk to the said Commissioners shall enter or cause to be entered in a Book or Books, to be by

Clerk of the said Commissioners to en-

ter all Securities in a Book to be kept for that Purpose.

by him for that Purpose provided and kept; all Securities for Money borrowed by virtue or in pursuance of this Act, and all Assignments or Transfers thereof, expressing in Words at length the Names, Additions, Places of Abode, and other Descriptions of all and every such Persons and Person as shall from Time to Time be entitled to such Securities and the Sum or Sums received upon the same, to which Book or Books the Person and Persons entitled to and possessed of such Securities, and all and every the Persons and Person liable to the Payment of the said Rates or Assessments, shall at all reasonable Times have Access, with free Liberty to inspect the same without Fee or Reward.

Persons entitled to Securities may transfer by Indorsement.

XLVIII. And be it further enacted, That it shall be lawful for any Person or Persons entitled to any of the Securities aforesaid, and his, her, or their Executors, Administrators, or Assigns, at any Time or Times to assign or transfer the same by Indorsement in Writing under his, her, or their Hand or Hands respectively on the Back thereof to any Person or Persons whomsoever, and so *toties quoties*; and all such Assignments or Transfers, after they shall have been so made and entered by the Clerk to the said Commissioners in Manner aforesaid, (which he is hereby required to do without Fee or Reward,) shall entitle the Person or Persons to whom they shall be respectively made, and his, her, or their respective Executors, Administrators, or Assigns, to the Benefit of the Securities so assigned or transferred.

Rates to be paid by the Tenants, and a Moiety thereof to be allowed them by their Landlords.

XLIX. And be it further enacted, That the said Sum and Sums of Money so to be rated or assessed as aforesaid shall be paid by the Tenants or Occupiers of the Premises respectively which shall be so rated or assessed; and such Tenants or Occupiers shall and may deduct and retain, out of the Rents by them payable to the Landlords or Owners of such Premises respectively, One Moiety or Half-Part of such Sum or Sums of Money as shall be so rated or assessed, when the same shall have been so paid by them as aforesaid; and the said Landlords or Owners, mediate or immediate, are hereby required to allow to their respective Tenants such Moiety accordingly; and such Tenants or Occupiers shall respectively be acquitted and discharged for such Moiety in such Manner, and as fully and effectually, as if the same had been actually paid as Rent to such Landlords or other Persons respectively entitled to their Rent.

Manner of Recovery, when Houses occupied in different Apartments.

L. Provided always, and be it further enacted, That in case any House or Tenement shall be set, let, or occupied in different Apartments, Rooms, or Lodgings, to or by distinct or separate Families, Lodgers, or Inmates, the whole House or Tenement so let or occupied, shall be charged with the whole Rate or Assessment so as aforesaid to be made, assessed, and collected upon and in respect of the same; and in case of Nonpayment of any such Rate or Assessment, the same shall and may be levied upon and recovered from any of the Inhabitants or Occupiers of any Part or Parts of such House or Tenements, in such and the like Manner as the other Rates and Assessments are hereby appointed to be levied and recovered; and it shall and may be lawful for any of such Inhabitants or Occupiers, who shall be so as aforesaid compelled to pay such Rate or Assessment, to distrain on the other Inhabitants or Occupiers for their respective Proportions of One Moiety thereof, and to deduct the other Moiety out of his or her Rent.

LI. And

LI. Provided also, and be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to alter or affect, make void, impeach, or invalidate any Lease, Contract, Covenant, or Agreement, either written or parol, between Landlord or Tenant, relating to the Payment of any Rates or Assessments, or concerning the repairing and pitching the Streets, Squares, Courts, Yards, Lanes, Passages, and Places within any of the said several Parishes and Precincts within the said City or Liberties of the same.

No Agree-
ment between
Landlord and
Tenant to be
made void.

LII. And whereas Persons may remove out of Parishes and Places within the said City and Liberties thereof, without paying the Rate or Rates assessed on them for the Purposes of this Act, and other Persons may enter into and occupy their Houses and Tenements for Part only of the Year for which such Rate or Rates shall be made, by reason whereof large Sums of Money may be annually lost, be it therefore further enacted, That where any Person or Persons shall come into or occupy any House or Houses, Land or Lands, Tenement or Tenements, or Hereditament or Hereditaments, out of or from which any other Person or Persons rated or assessed under and by virtue of this Act shall have removed, or which at the Time of making such Rate or Rates, Assessment or Assessments, was or were empty or unoccupied, the Person or Persons so removing from, and the Person or Persons so coming into or occupying the same, shall be liable to pay such Rate or Rates, Assessment or Assessments respectively, in proportion to the Time that such Person or Persons respectively occupied the same, in such and the same Manner as if the said Person or Persons so removing had not removed; or the said Person or Persons so coming into or occupying as aforesaid had been originally rated and assessed in such Rate or Rates, Assessment or Assessments; which said Proportions, in case of Dispute, shall be ascertained and determined by any Two of His Majesty's Justices of the Peace of and for the City and County aforesaid.

Persons re-
moving out
of or any com-
ing into Pa-
rishes, how
Rates are to
be paid.

LIII. And be it further enacted, That in case any Person or Persons shall refuse or neglect to pay to the said Churchwardens or Overseers of the Poor, so making such Rate or Rates, Assessment or Assessments as aforesaid, any Sum or Sums of Money upon him or them respectively rated or assessed under and by virtue of this Act, it shall be lawful for any of the succeeding or future Churchwardens or Overseers of the Poor to collect and levy such Arrears: Provided always, That nothing herein contained shall extend, or be construed to extend, to excuse or discharge any such former Churchwardens or Overseers of the Poor from any Distress, Penalty, or Punishment to which he or they may be liable by virtue of this or any other Act, for any such Refusal or Neglect of Duty as aforesaid.

Succeeding
Churchward-
ens or Over-
seers may
collect Ar-
rears.

LIV. And be it further enacted, That if any of the Monies collected or received by any Churchwarden or Overseer of the Poor under and by virtue of this Act shall be embezzled or misapplied by him, or lost by his Insolvency, or by any other Means whatsoever, then the said Mayor and Aldermen of the said City, or any Three of them, by Warrant or Warrants under their Hands and Seals, shall from Time to Time cause the Amount of such Deficiency to be reassessed on the Parish or Place where the same shall happen, and an additional Rate or Rates, Assessment or Assessments, for supplying and making good such Deficiency, together

Monies lost
by Miscon-
duct, Insol-
vency, &c.
of Church-
warden, &c.
made good.

[Loc. & Per]

5 X

with

with the Charges occasioned thereby or on account thereof, shall be made on such Parish or Place, and shall be collected, levied, received, and paid in like Manner and by the like Means, and with the like Powers of Distress and Sale for levying the same, and enforcing the Collection and Payment thereof, and for punishing all Persons whose Duty it shall be to collect and pay over or account for the same, and shall make Default therein, as the original Rates or Assessments are hereby directed to be collected, levied, received, and paid; any Thing herein contained to the contrary notwithstanding.

Actions not to abate by the Death of the principal Clerk.

LV. And be it further enacted, That no Action or Suit to be commenced or prosecuted under the Authority of this present Act, in the Name of the Clerk to the said Commissioners for the Time being, shall abate or be discontinued by the Death or Removal of such Clerk, or by any Act of the said Clerk, without the Consent of the said Commissioners, but that notwithstanding such Clerk shall always be deemed Plaintiff in such Action or Suit: Provided always, That every such Clerk shall be reimbursed, out of the Monies to be raised by virtue of this Act, all such Costs, Charges, and Expences, as he shall be put unto or become chargeable with by reason of his being so made Plaintiff as aforesaid.

Commissioners may compound penal Actions.

LVI. And be it further enacted, That it shall be lawful for the said Commissioners, from Time to Time and at all Times hereafter, to compound and agree with any Person or Persons against whom the said Commissioners shall bring or cause to be brought any Action or Suit, for any Penalty or Forfeiture contained in any Contract or Contracts hereafter to be made or entered into in pursuance of this Act, on account of any Breach or Nonperformance of any such Contract or Contracts, for such Sum of Money as they shall think proper, so as the Sum so compounded and agreed for be a full Compensation not only for the Injury or Damage sustained by the Breach or Nonperformance of such Contract or Contracts; but also for all Costs, Charges, and Expences which shall be occasioned thereby, and so as such Composition do not extend to remit more than One-half of the said Penalty or Forfeiture.

Clerk of Saint Thomas Street Market to set up a Bar or Chain on Market Days.

LVII. And whereas the Market for the Sale of Cattle which is held in Saint Thomas Street within the said City has of late so much increased that the Thoroughfare for Drays, Carts, Waggons, and other Carriages through the said Street on Market Days is not only highly inconvenient but very dangerous to Persons attending such Market; for Remedy thereof, be it further enacted, That it shall be lawful for the Clerk of the said Market, and he is hereby authorized and required, on each and every of the Days on which such Market shall be so held after the passing of this Act, to set up and erect a Bar or Chain or other Obstruction across the said Street at each End thereof; and to keep and continue the same so set up and erected from Break of Day until the Hour of Twelve of the Clock at Noon; and if such Clerk shall refuse or omit to set up and erect such Bar or Chain or other Obstruction, or shall not keep and continue the same so set up and erected until the Hour aforesaid, he shall for every such Refusal or Omission forfeit and pay the Sum of Five Pounds; and if any Person or Persons shall force or break down such Bar or Chain or other Obstruction so as aforesaid set up and erected, or shall at any Time during the Continuance of such Market attempt or endeavour to pass through

through or along the said Street with any Coach, Chaise, Dray, Cart, Waggon, or other Carriage, unless the same shall be done for the Purpose of taking up or delivering Goods in such Street, or of taking up or setting down Passengers, or of setting out from any of the Inns or Houses therein, every such Person so offending shall forfeit and pay the Sum of Five Pounds.

LVIII. And be it further enacted, That in order to recover the several Penalties, Forfeitures, and Sums of Money incurred by Offences against this Act, where the Manner of recovering the same is not hereby otherwise directed or prescribed, it shall be lawful for any Two Justices of the Peace of and for the said City and County to hear and determine any of the said Offences committed against this Act; and such Two Justices of the Peace are hereby authorized and required, upon Information exhibited or Complaint made to them in that Behalf, to summon before them the Party or Parties accused of any such Offence, and also the Witness or Witnesses on either Side, and to examine into the Matter or Matters of Fact, and upon due Proof thereof, either by the Confession of the Party or Parties so accused, or by the Oath or Oaths of One or more credible Witness or Witnesses, (the Informer to be, and to be always received and considered as a competent Witness in that Behalf), or by the solemn Affirmation or Affirmations of such Witness or Witnesses, in case he, she, or they be of the People called *Quakers*, (which Oath or Oaths, Affirmation or Affirmations, such Justices of the Peace are hereby empowered and required to administer and take,) to give Judgement or Sentence for the Penalties, Forfeitures, and Sums of Money, or any or either of them, according to the Nature of the Case, as are or is in and by this present Act directed and imposed, and to award reasonable Costs, to be paid by the said Party or Parties against whom such Judgement or Sentence shall be given; and in all such Cases where the Manner of levying and recovering the same is not hereby otherwise particularly directed, to issue their Warrant or Warrants under their Hands and Seals for levying such Penalties, Forfeitures, and Sums of Money, or any or either of them, together with the Costs so adjudged and awarded, by Distress of the Goods and Chattels of such Party or Parties; and in case the same shall not be redeemed within Five Days after the Distress so taken, to cause Sale thereof to be made (rendering the Overplus, if any, to the Party or Parties upon Demand); and in case sufficient Goods and Chattels of such Party or Parties cannot be found within the said City and County to answer and pay such Penalties, Forfeitures, and Sums of Money, or any or either of them so adjudged, together with such Costs as aforesaid, and the same shall not be paid, it shall be lawful for such Justices of the Peace, or any other Two Justices of the Peace of and for the said City and County, and they are hereby authorized and empowered, by Warrant under their Hands and Seals, to commit such Party or Parties to the Bridewell within the said City and County, there to remain, without Bail or Mainprize, for any Time not exceeding Two Calendar Months nor less than One Calendar Month, as such Justices of the Peace, so committing such Party or Parties, shall adjudge proper and direct, unless such Penalties, Forfeitures, and Sums of Money, or any or either of them so adjudged as aforesaid, and all reasonable Costs and Charges shall be sooner paid and satisfied.

Where it is not otherwise directed, Justices of the Peace may hear and determine Offences against this Act.

LIX. And

Persons neglecting to appear on being summoned to answer, touching any Offence against this Act, to forfeit 5l.

LIX. And be it further enacted, That if any Person or Persons against whom any Complaint shall be made to the Mayor of the said City for the Time being, or to any other Justice or Justices of the Peace in and for the said City and County, touching any Offence or Offences to be committed against this Act, shall wilfully neglect or refuse, after Notice or Summons served upon him, her, or them for that Purpose, to attend such Mayor, or other Justice or Justices of the Peace, at the Time and Place for which he, she, or they shall have Notice to attend, every such Person or Persons so offending shall, upon Proof made on Oath of the Service of such Notice or Summons upon him, her, or them respectively, before such Mayor, or other Justice or Justices as aforesaid, forfeit and pay any Sum not exceeding Five Pounds.

Compelling Attendance of Witnesses.

LX. And be it farther enacted, That if any Person or Persons shall be summoned as a Witness or Witnesses, on the Part either of the Prosecutor or of the Party or Parties accused, to give Evidence before any One or more of the Justices of the Peace of and for the said City and County of the same, touching any Matter of Fact contained in any Information or Complaint for any Offence against this Act, or if any Person or Persons shall be summoned as a Witness or Witnesses to give Evidence on the Part either of the Appellant or of the Respondent, at any General Quarter Sessions of the Peace to be holden in and for the said City and County, or at any Adjournment thereof, upon any Appeal to be brought by virtue and in consequence of this Act, 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 such his, her, or their Refusal or Neglect, or appearing shall refuse to be examined on Oath, (or on solemn Affirmation in case he, she, or they be of the People called *Quakers*,) and to give Evidence before such Justice or Justices of the Peace, or at such Sessions or Adjournment thereof, then and in either of the said Cases every such Person so refusing or neglecting to appear, or appearing and refusing to be examined and give Evidence as aforesaid, shall forfeit for every such Offence any Sum not exceeding Ten Pounds.

Inhabitants may be Witnesses.

LXI. And be it further enacted, That in all Actions, Informations Causes, and Proceedings whatsoever, relating to or concerning the Execution of this Act, no Inhabitant of the said City and Liberties thereof, nor any other Person whatsoever, shall be deemed an incompetent Witness to give Evidence, by reason of his or her being such Inhabitant, or being charged with or liable to pay, or having paid any Rate or Assessment to be made under or by virtue of this Act.

Manner of serving Notices.

LXII. And be it further enacted, That the Service of any Notice or Summons directed or required to be given by this or the said recited Acts, or which shall or may be necessary for carrying into Execution any of the Powers thereof respectively, (where the Manner of serving such Notice or Summons is not particularly or otherwise hereby or by the said Act directed,) or a true Copy thereof, on the Person to whom the same is or shall be directed to be given, or otherwise ought to be given, or by leaving the same at his or her Dwelling House or usual or last Place of Abode, shall be deemed a good and sufficient Service of any such Notice or Summons; and that in all Cases whatsoever where any such Notice or Summons is or shall be directed to be given, or otherwise ought to be given,

given, to Two or more Persons for or respecting the joint Act or Omission or Property of such Persons, whether the said Persons be in Partnership in Trade, or otherwise jointly concerned in such Act or Omission or Property, the like Service of any such Notice or Summons on any one of such Partners or Persons shall be also deemed a good and sufficient Service thereof.

LXIII. Provided always, and be it further enacted, That it shall and may be lawful to and for the Justice or Justices of the Peace before whom shall be recovered any of the pecuniary Penalties imposed by this Act (where no other Manner of Mitigation of any such Penalties is hereby directed) to mitigate or lessen any of such Penalties as he or they in his or their Discretion shall think fit.

Mitigation of Penalties.

LXIV. And be it further enacted, That all Costs, Charges, and Expences which shall or may be allowed, ordered, or directed to be paid by or by Authority of this Act, (where the Manner of ascertaining or settling the same is not hereby particularly or otherwise directed,) shall from Time to Time, as Occasion shall require, be ascertained and settled by any Two of His Majesty's Justices of the Peace of and for the said City and County, who are hereby authorized and required to ascertain and settle the same accordingly, and (where the Manner of recovering the same is not particular 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 of the Goods and Chattels of the Person or Persons made subject and liable to the Payment thereof by or by Authority of this Act, and by Sale of such Goods and Chattels (in case the same shall not be redeemed within Five Days after such Distress taken) the Overplus (if any) to be rendered to such Person or Persons upon Demand, which said Distress and Sale shall be by Warrant under the Hands and Seals of any Two such Justices of the Peace (who are hereby authorized and empowered to grant and issue such Warrant accordingly); and in case sufficient Distress shall not be found, or such Costs, Charges, and Expences shall not be forthwith paid, it shall be lawful for any Two such Justices of the Peace, and they are hereby authorized and empowered, by Warrant under their Hands and Seals, to commit such Person or Persons to the Bridewell within the said City and County, there to remain, without Bail or Mainprize, for any Time not exceeding Two Calendar Months, unless such Costs, Charges, and Expences as aforesaid shall be sooner paid and satisfied.

Justices may ascertain and settle Costs &c.

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

Form of Conviction.

City of Bristol, and County }
of the same City; to wit, }
BE it remembered, That on the
Day of
in the Year of the Reign of His Majesty King
A. B. is [or, are] convicted before
me [or, us] One [or, Two] of His Majesty's Justices of the Peace of
[Loc. & Per.] 5 R and

and for the City of *Bristol* and County of the same City, by virtue of
 an Act passed in the Forty-sixth Year of the Reign of His Majesty
 King George the Third, intituled, *An Act here set forth the Title of this*
Act] of [*specifying the Offence, and the Time and Place when and where*
the same was committed, as the Case shall be] contrary to the said Act,
 for which Offence I [or, we] adjudge the said
 to have forfeited the Sum of _____ which said Sum of
 [if mitigated] I [or, we] mitigate to the Sum of _____
 Given under my [or, our] Hand [or, Hands]
 and Seal [or, Seals] the Day and Year first above written.

Power of
Appeal.

LXVI. And be it further enacted, That in all Cases where any Person
 or Persons shall think himself, herself, or themselves aggrieved by any
 Conviction in pursuance of this or the said recited Acts, and where no
 other Method of Relief is hereby or by the said recited Acts particularly
 or otherwise appointed or directed, it shall be lawful for such Person or
 Persons to appeal to the Justices of the Peace of and for the said City
 and County, at the General Quarter Sessions of the Peace to be holden
 in and for the said City and County, next after such Conviction, such
 Appellant or Appellants first giving or causing to be given Eight Days
 Notice at the least in Writing, of his, her, or their Intention to bring such
 Appeal, and of the Matter thereof, as well to the Justice or Justices of
 the Peace before whom such Person or Persons shall have been convicted,
 as to the said Clerk to the said Commissioners, or other Person or Persons
 who is or are intended to be affected by such Appeal, and further, within
 Five Days after giving or causing to be given such Notice as aforesaid,
 entering into a Recognizance before some Justice of the Peace of and for the
 said City and County, with Two sufficient Sureties, in such reasonable Sum
 or Sums of Money as such Justice shall direct, conditioned to try such
 Appeal, and to abide such Order as shall thereupon be made, and to pay
 such Costs as shall be awarded by the said Justices, at such Quarter Sessions
 as aforesaid; and it shall be lawful for the said Justices, and they are hereby
 authorized to summon before them at such Quarter Sessions, or at some Ad-
 journment thereof, the Witnesses on the Parts both of the Appellant or Ap-
 pellants, and of the Respondent, or Respondents, and upon due Proof of
 such Notice as before directed having been given or caused to have been given,
 and of the entering into such Recognizance as herein-before is mentioned
 at such Quarter Sessions or Adjournment thereof to hear and finally deter-
 mine the Causes and Matters of every such Appeal in a summary Way,
 and to award such Restitution, Damages, and Costs to the Appellant or
 Appellants, or Respondent or Respondents, not exceeding the Amount
 of the Penalties, Charges, and Expences which shall have been actually
 recovered and received by any Person or Persons in pursuance of this Act,
 together with such reasonable Costs, Charges, and Expences of pro-
 secuting or defending such Appeal, as the said Justices shall think proper;
 which Determination of the said Justices at such Quarter Sessions, or
 Adjournment thereof as aforesaid, shall be final, binding, and conclusive
 to all Intents and Purposes whatsoever: Provided always, that in case
 there shall not be Time to give the said Eight Days Notice before the
 holding of the next General Quarter Sessions of the Peace as aforesaid,
 then such Appeal shall and may be made to, and heard and determined
 at the next General Quarter Sessions following the said Eight Days
 Notice

Judgements
of the Sessions
final.

Notice of such Appeal, and Recognizance having been previously given and entered into as aforesaid.

LXVII. And be it further enacted, That where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same a Trespasser or Trespassers, on account of any Defect or Want of Form in any of the Proceedings relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers, *ab initio*, on account of any subsequent Irregularity in the Party or Parties so distraining; but the Person or Persons aggrieved may recover, by Action on the Case, full Satisfaction for the special Damage by him or them sustained in consequence of such Irregularity; but no Person or Persons shall recover in any such Action, if Tender of sufficient Amends shall before such Action brought have been made by or on the Behalf of the Party or Parties who shall have committed or caused to be committed any such Irregularity as aforesaid, or shall have been guilty of any Trespas or other wrongful Proceedings; 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 in which such Action shall be pending, at any Time before Issue joined, to pay into Court such Sum of Money as he or they shall think fit, whereupon such Proceedings, 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.

Distress not to be deemed unlawful for want of Form.

LXVIII. And be it further enacted, That no Writ, Precept, Process, Verdict, or Judgement, nor any Proceeding touching the Conviction of any Offender or Offenders against this Act, before any One or more of the Justices of the Peace in and for the said City and County, nor any Order to be made, nor any other Matter or Thing to be done or transacted in or about the Execution of this Act, 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 thereof in anywise notwithstanding.

No Precept, &c. to be quashed for want of Form.

LXIX. And be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for any Thing done by virtue or in pursuance of this or the said recited Acts, until after Thirty Days Notice thereof shall have been given to or left at the usual Place or Places of Abode, of as well the Person or Persons against whom such Action or Suit is intended to be brought as the said Clerk to the said Commissioners for the Time being, such Notice to be in Writing, signed by the intended Plaintiff or Plaintiffs, and to contain therein and set forth the particular Cause or Causes, Ground or Grounds of such Action or Suit; nor shall any such Action or Suit be brought or commenced after Tender of sufficient Amends hath been made to the Party or Parties aggrieved, nor after Six Calendar Months next after the Cause of such Action or Suit shall have arisen and accrued; and every Action or Suit which shall be commenced against any Person or Persons for any Thing done in pursuance of this Act shall be brought and laid in the said City and County, and not elsewhere; and the Defendant or Defendants therein shall and may plead the General Issue, and give this and the said recited Acts, and the Special Matter

Limitation of Actions.

Treble Costs.

Matter in Evidence at any Trial to be had thereupon, and that the same was done by virtue and under the Authority of this Act; and if on the Trial of such Action or Suit it shall appear to have been so done, or that such Action or Suit was brought before Thirty Days Notice in Writing thereof had been given or left as aforesaid, or after Tender of sufficient Amends made to the Party or Parties aggrieved, or after the End of Six Calendar Months next after the Cause of such Action or Suit had arisen and accrued, or that such Action or Suit was brought or laid in any other County than as aforesaid, then and in every and all of the said Cases, the Jury on the Trial of any such Action or Suit shall find a Verdict for the Defendant or Defendants therein; and in all and every of such Cases where a Verdict shall be found for any Defendant or Defendants in such Action or Suit, or the Plaintiff or Plaintiffs, therein shall discontinue the same or become nonsuited, or Judgement shall upon Demurrer or otherwise be given against such Plaintiff or Plaintiffs, then the Defendant or Defendants in such Action or Suit shall have Treble Costs, and shall have the like Remedy for recovering the same as any Defendant or Defendants hath or have for recovering his, her, or their Costs in any other Case by Law; and though a Verdict be given for any Plaintiff or Plaintiffs in any such Action or Suit as aforesaid, such Plaintiff or Plaintiffs shall not have Costs given against the Defendant or Defendants therein, unless the Judge before whom the Trial shall be had shall certify his Approbation of the Action or Suit, and the Verdict thereupon obtained.

Application of Penalties.

LXX. And be it further enacted, That all respective Penalties, and Residue or remaining Parts of all Penalties and Forfeitures imposed by this Act or the said recited Acts (where the Application of any such Penalties or Forfeitures is not otherwise directed) shall, when recovered, be paid to the Treasurer to be appointed under this Act, for the time being, and be wholly applied to the Purposes of this Act, and to or for no other Use or Purpose whatsoever.

Mayor and Justices at Quarter Sessions to fix the Salaries of Night Constables and Watchmen.

LXXI. And whereas in and by the said recited Act of the Twenty-eighth Year of the Reign of His late Majesty King George the Second, it is enacted, "that the Mayor and Justices of the said City, in their General or Quarter Sessions, shall and may and they are hereby empowered and required, between the First Day of *October* One thousand seven hundred and fifty-five and the First Day of *November* following, and so in every Year ensuing between the First Day of *October* and the First Day of *November* in each succeeding Year, to order and appoint what Number of Watchmen they shall judge necessary and proper to be kept within each of the several Wards of the said City and Liberties thereof, and to nominate and chuse such and so many honest and able-bodied Men to be employed as Watchmen within the several Wards of the same City and Liberties as they shall think best qualified for the same; and to order and set down in Writing at what Stands it is fit for the said Watchmen to be placed, in what Manner, and how often it is required of them to go their Rounds; how they ought to be armed, how long they are to Watch, and to settle and ascertain what Salary or Wages they are to be paid, so as the Salary or Wages to each of the said Watchmen do not exceed the Sum of Seven Shillings *per Week*: And also to order and appoint what Salary or Wages are to be paid or given to the Night Constables for their Attendance and Service, and so as such Salary or Wages do not exceed double the Sum that shall be paid or allowed to

either of the Watchmen to be appointed as aforesaid:” And whereas it hath been found that the several Sums authorized and allowed in and by the said recited Act, to be paid and given as the respective Salaries of Watchmen and Night Constables within the said City and Liberties thereof, are inadequate and insufficient for the Labour performed; be it therefore enacted, That it shall be lawful for the Mayor and Justices of the said City, and they are hereby empowered and required, from Time to Time, at their General or Quarter Sessions of the Peace, to settle and ascertain such reasonable Salary or Wages to be paid respectively to the Watchmen and Night Constables within the said City and Liberties thereof, as they the said Mayor and Justices of the said City shall in their Discretion think fit to order and appoint.

LXXII. And whereas in and by an Act, passed in the Thirty-third Year of the Reign of His late Majesty King George the Second, intituled, *An Act for rebuilding, widening, and enlarging the Bridge over the River Avon in the City of Bristol, and erecting a temporary Bridge adjoining; and for widening the Streets, Lanes, Ways, and Passages leading thereto; and for building another Bridge over some Part of the said River within the said City, if necessary; and for opening proper Ways and Passages thereto,* it was enacted, that as soon as the several Purposes of the said recited Act should be carried into Execution, and the Money borrowed upon the Credit thereof be repaid, with Interest for the same, then and from thenceforth all the Tolls, Rates, and Duties thereby granted, should absolutely cease and determine; and if, after the paying and satisfying all Debts as aforesaid, any Surplus Money arising from the said Tolls, Rates, and Duties should remain in the Hands of any Collector or Collectors, Receiver or Receivers of the said Tolls, Rates, or Duties, or of any other Person or Persons, whatsoever, the same should be paid into the Chamber of *Bristol*, and from Time to Time be extended and applied to, for, and towards lighting the said Bridge or Bridges, and amending and repairing the Roads or Passages over the same: And whereas in and by an Act, passed in the Twenty-sixth Year of the Reign of His present Majesty King George the Third, intituled, *An Act to amend and render more effectual an Act, made in the Thirty-third Year of the Reign of His late Majesty King George the Second, for rebuilding, widening, and enlarging the Bridge over the River Avon in the City of Bristol, and erecting a temporary Bridge adjoining; and for widening the Streets, Lanes, Ways, and Passages leading thereto; and for building another Bridge over some Part of the said River within the said City (if necessary), and for opening proper Ways and Passages thereto, and for making a Way from the Bridge already built to Temple Street in the said City;* reciting Part of the said hereinbefore recited Clause of the said Act; passed in the Thirty-third Year of His late Majesty's Reign; and reciting also, that it was impossible but that some Surplus must at that Time remain in the Hands of the Treasurer, or of some other Person or Persons, to which therefore it was expedient, as far as the Nature of the Case would admit, to put some Limit and Bound; and further reciting, that the Sum of Two thousand Pounds was calculated to be sufficient to place out at Interest as a Fund for the Purpose of lighting, amending, and repairing the then new erected Bridge, and the Roads or Passages over and belonging to the same, it was therefore enacted, that the Trustees named in the said Act should use their best Endeavours, that when the Purposes of the said hereinbefore first recited Act, and of the Act now in recital, should have been

For vesting a certain Bridge crossing the River Avon in the Commissioners for executing this Act.

carried into Execution, and the Debts incurred in pursuance thereof should be satisfied and paid, the Surplus Money arising from the Tolls, Rates, and Duties thereby imposed, then to remain in the Hands of any Person or Persons whomsoever, should not exceed the said Sum of Two thousand Pounds, which Sum, or whatever the Balance might appear to be upon closing the final Account of their Trust, the said Trustees, or any Fifteen or more of them, should vest in the Hands of the Chamber or Corporation of *Bristol*, and of the Corporation of Merchant Venturers within the same City, to be by them placed out at Interest, and the Interest thereof to be by them applied to and for the Purpose of lighting, amending, and repairing the said new-erected Bridge, and the Roads and Passages over and belonging to the same; an Account of which Trust should be kept by the Chamberlain of the said City, to be by him made up annually to the Thirty first Day of *December*, and yearly published in One of the *Bristol* Newspapers; for the keeping, making out, and publishing which Account, the said Chamberlain might and should charge therein, to his own Use, the Sum of Twenty Shillings: And whereas the Purposes of the said recited Acts have been carried into Execution, and the Debts incurred in pursuance thereof satisfied and paid, and a Surplus of Two thousand two hundred and thirty Pounds Capital, Three Pounds *per Centum* Consolidated Annuities transferrable at the Bank of *England*, hath been and now stands invested in the Names of the Mayor, Burgeses, and Commonalty of the City of *Bristol*, and of the Master, Wardens, and Commonalty of Merchant Venturers within the same City, but upon an implied Trust, for the Purpose of lighting, amending, and repairing the said Bridge, and the Roads and Passages over and belonging to the same: And whereas it is expedient that the Commissioners for the Time being for paving, pitching, lighting, and cleansing the said City of *Bristol*, should have the Direction and Management of paving, pitching, lighting, cleansing, amending, and repairing the said Bridge called *Bristol Bridge*; and the said Mayor, Burgeses, and Commonalty of the City of *Bristol*, and the Master, Wardens, and Commonalty of Merchant Venturers within the same City, are desirous of transferring the said Surplus, so as aforesaid vested in their Names, to the Treasurer to be appointed by the said Commissioners for carrying this Act into Execution, in Trust to and for the several Purposes in and by the said recited Acts contained and declared; be it therefore further enacted, That it shall and may be lawful to and for the said Mayor, Burgeses, and Commonalty of the said City of *Bristol*, and the said Master, Wardens, and Commonalty of Merchant Venturers within the same City, and they are hereby authorized and required, within Six Calendar Months next after the Appointment of a Treasurer, by virtue of the Powers in this Act contained, to assign and transfer in the Books of the Governor and Company of the Bank of *England* to such Treasurer, the said Two thousand two hundred and thirty Pounds Capital, Three Pounds *per Centum* Consolidated Bank Annuities, which said Capital of Two thousand two hundred and thirty Pounds Three Pounds *per Centum* Consolidated Bank Annuities shall and may be expended by the said Commissioners in carrying the Provisions of this Act into Execution, in any Manner as to them shall seem meet; and from thenceforth for ever thereafter the sole Power of paving, pitching, cleansing, lighting, amending, and repairing the said Bridge, and the Roads and Passages over and belonging to the same, shall be vested, in and executed by the Commis-
sioners

tioners for the Time being, elected and appointed under and by virtue of this Act, in such Manner as to them in their Discretion shall seem meet, and the Expence of doing the same shall be paid out of the Monies to be raised by virtue of this present Act.

LXXIII. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to compel or make liable the Commissioners for executing this Act, to pave, pitch, cleanse, or light all or any of the Streets, Squares, Courts, Yards, Lanes, Passages, and Places, or to order, design, make, enlarge, widen, deepen, raise, alter, remove, repair, cleanse, and scour any of the Common Sewers, Drains, and Vaults within such Parts of the said City of Bristol and Liberties thereof, as were heretofore Parts of the Counties of Somerset and Gloucester, and were in and by an Act, passed in the Sixteenth Year of the Reign of His present Majesty, intituled, *An Act to remove the Danger of Fire amongst Ships in the Port of Bristol, by preventing the landing certain Commodities on the present Quays; and for providing a convenient Quay and proper Places for landing and storing the same, and for regulating the said Quay, and the Lighters, Boats, and other Vessels carrying Goods for Hire, within the said Port of Bristol, and for other Purposes therein mentioned;* and also in and by an Act, passed in the Forty-third Year of His said present Majesty, intituled, *An Act for improving and rendering more commodious the Port and Harbour of Bristol, included and made Part of the said City of Bristol, for the Purposes of Jurisdiction only.*

Commissioners under this Act not liable to pave, etc. certain Parts of the City of Bristol.

LXXIV. And be it further enacted, That the Costs, Charges, and Expences of obtaining and passing this Act, and all incidental Expences attendant thereon, shall be paid out of the Monies to be received by virtue of this Act, before and in preference to all other Payment whatsoever.

Expences of obtaining Act to be first paid.

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

Publick Act.

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