



ANNO QUINQUAGESIMO

GEORGII III. REGIS.



Cap. 25.

An Act for lighting and watching the Town of *Bishop Wearmouth* and *Bishop Wearmouth Panns*, for cleansing, paving, and regulating the Foot-paths, and for removing and preventing Nuisances and Encroachments therein.

[6th April 1810.]

WHEREAS the Streets, Lanes, and publick Passages of the Town of *Bishop Wearmouth* and *Bishop Wearmouth Panns*, in the County Palatine of *Durham*, are not lighted, nor the Foot-paths thereof properly paved or cleansed, and are rendered very inconvenient by several Nuisances, Annoyances, Encroachments, and Obstructions, and several of them are very narrow, incommodious, and dangerous to Persons, Cattle, and Carriages passing through the same: And whereas it would be a great Convenience, Safety, and Accommodation, not only to the Inhabitants of the said Town, but to all Persons resorting thereto, if the Streets, Lanes, and publick Passages of the said Town were lighted, and the Foot-paths thereof were properly paved, cleansed, and regulated, and several of them widened and improved, and all Nuisances, Annoyances, Encroachments, and Obstructions removed therefrom, and prevented for the future, and a Nightly Watch established within the said Town: May it therefore please Your Majesty that it may be enacted; and

[*Loc. & Per.*]

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Commissioners Names.

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 *John Allan, Newark Andrew, Edward Aiskell, Edward Aiskell the younger, John Alcock, Anthony Almond, Thomas Ayre, Henry Blyth, Robert Bell, Tipping Brown, John Booth, John Burrell, Thomas Burn, William Bell, Solomon Chapman, John Croudace, William Reid Clanney, John Chrissp, Thomas Collin, Christopher John Cay, Thomas Cockerill, Thomas Cooper, William Crafs, Samuel Clark, Hugh Dixon, Robert Davidson, Matthew Davison, James Dobson, William Dobson, John Davison, John Davison the younger, Edward Davison, Robert Davison, John Davison Lambton Street, Thomas Ellerby, John Elstob, William Eden, William Ettrick, Marmaduke Featherstonehaugh, George Fenwick, Addison Fenwick, George Fenwick the younger, Robert Fenwick, William Fuller, William Ferguson, John Goodchild, John Goodchild the younger, Robert Gray, D.D. John Grimshaw, Hendry Hopper, John Hancil, Thomas Harrison, Robert Hodgson, Robert Hutton, John Lipton Hutton, William Hayton, Nathan Horn, Thomas Hudson, Edward Hinde, Ralph Hills, Hilkiab Hall, Thomas Horn, Thomas Jones, John Pexall Kidson, John George Lambton Esquire, Ralph John Lambton Esquire, John Frederick Lumley, John Lotherington, Sir Ralph Milbank Baronet, Jacob Maude, George Wilson Meadley, John Mounsey, William Masterman, Richard Markham, Thomas Nesbitt, John Nefs, Matthew Nesham, Thomas Nicholson, Robert Nicholson, Robert Ord, Richard Pemberton, John Pemberton, Thomas Pemberton, Stephen Pemberton, George Pemberton, George Robinson, John Wall, Christopher Robinson, Ralph Robinson, Robert Reay, John Rain, Thomas Richardson, Thomas Richardson the younger, Henry Rudd, Thomas Rudd, John Raw, John Richardson, Thomas Sanderson, William Smith, Robert Swan, James Stonehouse, William Spence, Charles Simpson, Joseph Simpson, the Reverend George Stephenson, John Spence, Sir Henry Vane Tempest Baronet, Christopher Thornhill Thornhill, Thomas Thompson, John Vaux, Richard Wharton Esquire, Rowland Webster, George Wylam, John Wright, John Waugh, Richard White, John White, Thomas Wilkinson, and Thomas Young, shall be and they and their Successors, to be elected in Manner herein-after mentioned, are hereby appointed Commissioners for putting this Act and the several Powers therein contained in Execution.*

Qualification of Commissioners.

II. Provided always, and be it enacted, That no Person shall be capable of acting as a Commissioner in the Execution of this Act, unless he shall, either in his own Right or in Right of his Wife, at the Time of his acting, be seised of or entitled to, and be in the actual Possession or Receipt of the Rents and Profits of Messuages, Lands, Tenements, or Hereditaments, either for his own Life or the Life of another Person, or for some greater or better Estate of the clear yearly Value of Fifty Pounds above Reprizes, or be possessed of and entitled in his own Right to a clear Personal Estate of the Value of One thousand five hundred Pounds clear of all Deductions; and if any Person not being so qualified shall presume to act as a Commissioner, except in administering the Oath or Affirmation herein-after mentioned, every such Person shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered by Action of Debt, or on the Case, or by Bill, Suit, or Information in any Court of Record; and every Person so prosecuted

Secuted shall prove that he is qualified as aforesaid, or otherwise shall pay the Penalty on Proof given of his having acted as a Commissioner in the Execution of this Act.

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

Commissioners to take an Oath.

‘ I *A. B.* do swear [*or, affirm*], That I am truly and *bona fide*, in my own Right, or in the Right of my Wife, seised of or entitled to, and am in the actual Possession and Receipt of the Rents and Profits of Messuages, Lands, Tenements, or Hereditaments, either for my own Life or the Life of some other Person, or of some other greater or better Estate therein, of the clear yearly Value of Fifty Pounds above Reprizes, or am possessed of or entitled in my own Right to a Personal Estate of the Amount of One thousand five hundred Pounds clear of all Deductions, and that I will, truly and impartially, according to the best of my Skill and Judgement, execute and perform all and every the Powers and Authorities reposed in me, by virtue of an Act passed in the Fiftieth Year of the Reign of His present Majesty King *George the Third*, intituled, *An Act for lighting and watching the Streets, Lanes, and publick Passages of the Town of Bishop Wearmouth and Bishop Wearmouth Panns, for cleansing, paving, and regulating the Foot-paths of the said Streets, Lanes, and publick Passages, and for removing and preventing Nuisances, Annoyances, Encroachments, and Obstructions therein, and for widening and rendering more commodious several of the said Streets, Lanes, and publick Passages.*

Oath.

‘ So help me GOD.’

IV. Provided always, and be it further enacted, That all Acts and Proceedings by any Person touching the Execution of this Act, previous to his being convicted of acting without being qualified as aforesaid, shall, notwithstanding such Conviction, be as valid and effectual as if such Person had been duly qualified according to the Direction of this Act.

V. And be it further enacted, That the said Commissioners, or any Five or more of them, are required to meet at the Vestry in *Bishop Wearmouth Church* on the First Day of *May*, between the Hours of Ten of the Clock in the Forenoon and Two of the Clock in the Afternoon, and shall then and there proceed to put this Act into Execution, and shall at such Meeting adjourn themselves, and afterwards meet from Time to Time at the Place aforesaid, or some other convenient Place within the said Town of *Bishop Wearmouth*, as the said Commissioners, or any Five or more of them, shall from Time to Time appoint, and that not less than Three Days previous Notice in Writing, signed by the Clerk to the said Commissioners, shall be given of every such Meeting, and Notice be affixed on the principal Door of the Parish Church of *Bishop Wearmouth*; and that if it shall happen that there shall not be Five Commissioners present at any such Meeting, then and in such Case the Clerk to the Commis-

Commissioners to meet and put this Act in Execution, &c.

Proceedings to be had at publick Meetings, and no Commissioner to vote where interested, nor if accused of any Offence.

On Death or Disqualification, &c. of Commissioners, new ones to be appointed.

Commissioners not to vote in the Appointment or Removal of Officers unless have acted within 12 Months. Commissioners being Justices may act as such.

Appointment and Removal of Officers, &c.

tioners shall appoint the said Commissioners to meet at the same Place where the last Meeting was appointed to have been holden as aforesaid, at the End of Three Weeks then next following, or on any other Day before the Expiration of the last Fourteen Days of the said Three Weeks, and that the said Commissioners shall at all their said Meetings pay their own Expences, and that no Commissioner shall be capable of being appointed or employed as an Officer under the said Commissioners, or of holding or enjoying, or of acting in any Office under them, either by himself or any other Person in Trust for him; and that all Proceedings of the said Commissioners under this Act shall be had and determined by the Majority of the Commissioners present at such publick Meetings, and actually voting, and that no Commissioner shall be capable of acting or voting in any Case wherein he is accused before the said Commissioners, at any publick Meeting to be holden in pursuance of this Act, of any Offence against this Act, or where his Interest is concerned.

VI. And be it further enacted, That at any Time after the Death of any of the said Commissioners, or Notice of his or their Disqualification, Incapacity, or Refusal to act in the Execution of the Powers and Authorities hereby in them vested, it shall be lawful for the other of the said Commissioners, or any Seven or more of them, from Time to Time, and they are hereby required to elect and appoint such other Person or Persons, duly qualified as aforesaid, to be a Commissioner or Commissioners in the Place or Places of such Commissioner or Commissioners so dying, or becoming disqualified or incapable, or refusing to act as aforesaid, as they shall think fit; such Election to be entered in a Book to be kept for that Purpose, and that every such Commissioner so from Time to Time elected and appointed shall have the same Powers and Authorities in all respects as if he had been originally nominated and appointed a Commissioner in and by this Act.

VII. Provided always, and be it further enacted, That no Commissioner shall vote for the Removal or Appointment of the Treasurer or Clerk, to be appointed or employed by virtue of this Act, unless he shall have acted as a Commissioner at One Publick Meeting of the said Commissioners, at least within Twelve Calendar Months next before such Removal, or next before such Office or Offices shall have become vacant.

VIII. Provided also, and be it further enacted, That it shall be lawful for such of the Commissioners, for the Purposes of this Act, as shall be in the Commission of the Peace for the County of *Durham*, to act as Justices in the Execution of this Act, in the same Manner as if he or they had not been nominated or appointed a Commissioner or Commissioners by virtue hereof.

IX. And be it further enacted, That the said Commissioners, or any Seven or more of them, shall and may and they are hereby empowered, by Writing under their respective Hands, to appoint a Treasurer and Clerk; and also that the said Commissioners, or any Five or more of them, shall and may and they are hereby empowered, by Writing under their respective Hands, to appoint a Collector or Collectors, Surveyor or Surveyors, and all such other Officer and Officers, as they the said Commissioners, or any Five or more of them, shall think proper for carrying into Execution

cution and Effect the Purposes of this Act; and that they the said Commissioners; or any Seven or more of them, shall and may and they are hereby empowered, from Time to Time, to remove such Treasurer or Clerk, and any Five or more of them, to remove such Collector or Collectors, Surveyor or Surveyors, and other Officers so to be appointed, or any of them, (every such Treasurer and Clerk so to be removed having Twenty Days Notice, and every Collector or Collectors, Surveyor or Surveyors, or other Officer, Seven Days Notice duly given him or them, or left at his or their usual Place of Abode, before the Time of voting for his Removal,) and to appoint any other Person or Persons in the Room of such of them as shall be so removed, or shall die or relinquish or discontinue such Office, and out of the Money to be raised by virtue of this Act to make such Allowances to the said Officers so to be appointed, and to all other Persons by them the said Commissioners to be employed in the Execution of this Act, as they the said Commissioners, or any Five or more of them, shall think reasonable; and the said Commissioners, or any Five or more of them, shall and may and they are hereby empowered to take sufficient Security from the Treasurer, and any other Officer or Officers so to be appointed, or from some other Person or Persons, as his or their Surety or Sureties for the due Execution of their respective Offices.

X. And whereas it is expedient that the Boundary or Limit of the said Boundaries.
Town of *Bishop Wearmouth*, and *Bishop Wearmouth Panns*, shall be precisely fixed and ascertained so far as the same is made subject to the Provisions and Regulations of this Act; be it therefore enacted, That from and after the passing of this Act, the Boundary or Limit of the said Town of *Bishop Wearmouth*, and *Bishop Wearmouth Panns*, shall be deemed and taken for all the Purposes of this Act, to be as follows; (that is to say,) beginning at the Foot of *Russel Street*, and running Westward along the South Side of the River *Wear* to the *Burn* in the *Rector's Gill*, and from thence Southwards by *Wearmouth Burn* as far as the *Water Gate* in the Road leading to *Durham*, and from thence South-Eastwards to the Houses at the Foot of *Tunstall* and *Ryhope Lanes*, belonging to Mr. *Richard White*, and from thence Eastwards on the South Side of the *Back Lane* to the Houses called the *Field Houses*, and from thence Northwards on the East Side of *Sans Street* to the *High Street* leading from *Bishop Wearmouth* to *Sunderland*, and from thence continuing Northwards along the Boundary between the Townships of *Bishop Wearmouth* and *Bishop Wearmouth Panns* and Parish of *Sunderland*, to the River *Wear* at the Foot of *Russel Street* aforesaid: Provided always, that nothing in this Act contained shall extend or be taken or construed to alter or in any Manner affect the present Boundaries or Limits of the Townships of *Bishop Wearmouth*, and *Bishop Wearmouth Panns*, or either of them respectively, otherwise than for the Purpose of this Act; but that in all other Respects, and for all other Purposes whatsoever, the present Boundaries and Limits of the said Townships of *Bishop Wearmouth* and *Bishop Wearmouth Panns* respectively, shall continue and be the same as they respectively were at and immediately before the passing of this Act: Provided always, that in case any new Street or Streets, Square or Squares, shall hereafter be made or built within the Township of *Bishop Wearmouth*, but without the Limits or Boundary herein-before mentioned, all and every such new Street or Streets, Square or Squares, shall be deemed and taken to be within the

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Limits

Limits or Boundary of *Bishop Wearmouth*, for all the Purposes of this Act, in the same and as ample Manner as if the same Street or Streets, Square or Squares, had, at the Time of passing this Act, been actually situated within the Boundary or Limits herein-before particularly described.

Commissioners to fix
Gross
Amount of
Assessment
to be made
for the Year.

XI. And be it further enacted, That the said Commissioners, or any Five or more of them, shall and they are hereby authorized and required, on the First Day of *May* in every Year after the passing of this Act, to settle and fix the Gross Amount of the Assessment which they shall deem necessary to be made for the ensuing Year upon the Occupiers of Glasshouses, Docks, and Lime Kilns, within the said Townships and Boundaries aforesaid, not exceeding Sixpence in the Pound, and upon Houses, Shops, Workshops, Workhouses, and other Manufactories, except as aforesaid, Warehouses, Lofts, Cellars, Maltings, Brewhouses, Wharfs, and Quays, or other Tenements or Hereditaments (save and except as herein-after mentioned), within the said Townships and Boundaries aforesaid, not exceeding One Shilling in the Pound upon the full improved yearly Value of such respective Premises, such yearly Value to be from Time to Time settled according to the respective Value at which such Hereditaments and Premises shall be respectively rated for the Relief of the Poor of the said Townships respectively; and shall and do at the same Time, or at any other Time or Times, as Occasion may require, nominate and appoint, by Writing under their Hands, One or Two able and sufficient Inhabitants of the said Town of *Bishop Wearmouth* and *Bishop Wearmouth Panns*, to be Assessor or Assessors within the same, and in like Manner to nominate and appoint Two able and sufficient Inhabitants of the said Town of *Bishop Wearmouth* and *Bishop Wearmouth Panns* to be Collectors within the same for the Purposes of this Act; and in case any Person or Persons so to be appointed Assessor or Assessors, or Collectors as aforesaid, shall neglect or refuse to take upon himself or themselves such Office or Offices respectively, shall, for every such Offence, forfeit and pay any Sum not exceeding Ten Pounds, to be recovered before any One of His Majesty's Justices of the Peace for the said County of *Durham*, in like Manner as other Penalties are herein-before directed to be recovered.

For altering,
varying, and
reducing the
Rates, &c.

XII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, or any Five or more of them, and they are hereby empowered from Time to Time, at any General Meeting to be convened for that Purpose, to alter, vary, or reduce such Rates, or any of them, as they shall from Time to Time think fit, reasonable, and just, so that such Sum or Sums shall not exceed upon the Occupiers of Glasshouses, Docks, and Lime Kilns, Sixpence in the Pound, and upon Houses, Shops, Workshops, Workhouses, and other Manufactories, (except as aforesaid,) Warehouses, Lofts, Cellars, Maltings, Brewhouses, Wharfs, and Quays, or other Tenements or Hereditaments, not exceeding One Shilling in the Pound, upon the full improved yearly Value of such respective Premises.

Assessors to
make Assessment
from
the Pooers'
Rate.

XIII. And be it further enacted, That the said Assessor or Assessors shall and they are hereby empowered and required to make an equal yearly Pound Rate upon all and every Occupier or Occupiers of any House, Shop, Workshop, Workhouse, Manufactory, Warehouse, Loft, Cellar, Malting, Brewhouse, Glasshouse, Dock, Wharf, and Quay, or
other

other Tenements or Hereditaments, or any Part of any House, Shop, Workshop, Workhouse, Manufactory, Warehouse, Loft, Cellar, Malting, Brewhouse, Glasshouse, Dock, Wharf, and Quay, or other Tenements or Hereditaments, situate within the said Townships and Boundaries aforesaid, (save and except any Farm, Meadow, Pasture, or Arable Land or Garden, not attached or immediately contiguous to any Dwelling House, whether such Occupier or Occupiers do or shall reside within the said Townships and Boundaries aforesaid or elsewhere, according to the respective full annual Rents or Values at which the same Premises respectively shall from Time to Time be actually rated to the Poores' Rate.

XIV. And be it further enacted, That the said Assessor or Assessors shall sign their said Rate or Assessment, and deliver the same to the said Commissioners, at such Time as the said Commissioners appointing such Assessor or Assessors shall direct in that Behalf; and also, at the Time of delivering his or their said Rate or Assessment to the said Commissioners, shall make Oath, (which Oath the said Commissioners, or any Two or more of them, are hereby authorized and required to administer,) that the Rate or Assessment so delivered by him or them upon all and every Occupier and Occupiers of any House, Shop, Workshop, Workhouse, Manufactory, Warehouse, Loft, Cellar, Malting, Brewhouse, Glasshouse, Dock, Wharf, and Quay, or other Tenements or Hereditaments (except as aforesaid), situate within the said Townships and Boundaries aforesaid, is made according to the full Value or Rental at which such Premises are respectively actually rated to the Poores' Rate in the said Townships respectively; and the said Rate or Assessment so to be made as aforesaid shall be allowed and signed by the said Commissioners, or any Five or more of them, and no Rate or Assessment shall be valid until the same shall be so allowed and signed as aforesaid.

Assessors to deliver Assessments to Commissioners.

XV. And be it further enacted, That the First Year for which such Rate or Assessment shall be made shall commence and be computed from the First Day of *May* next, and for the better enabling the said Commissioners and Assessor or Assessors respectively to fix and make such Assessments, the Churchwardens and Overseers of the Poor of the said Townships of *Bishop Wearmouth* and *Bishop Wearmouth Panns* respectively, shall and they are hereby required, at all reasonable Times, to permit the said Commissioners, or any of them, or their Treasurer, Clerk, Collector, Assessor or Assessors, or any other Person or Persons to be appointed by them the said Commissioners, or any Five or more of them, to peruse and inspect the Rates and Assessments made at any Time within Seven Years then next preceding for the Relief of such Poor, and to take a Copy or Copies thereof; and that every such Churchwarden or Overseer so refusing or neglecting to permit any such Perusal or Inspection, or the taking of any such Copy or Copies, shall for every such Refusal or Neglect, forfeit and pay any Sum not exceeding Forty Shillings, to be recovered before any One of His Majesty's Justices of the Peace for the said County of *Durham*, in like Manner as the other Penalties are herein-after directed to be recovered.

Commencement of Rate.

XVI. And be it further enacted, That if the Occupier or Occupiers of any House, Shop, Workshop, Workhouse, Manufactory, Warehouse, Loft, Cellar, Malting, Brewhouse, Glasshouse, Dock, Wharf, and Quay, or other

Power to distrain for Recovery of Rate.

other Tenements or Hereditaments (except as aforesaid), upon or in respect of which any Rate or Assessment shall be charged or imposed by virtue of this Act, shall neglect or refuse to pay the Rates and Sums of Money which shall be so rated or assessed as aforesaid for the Space of Seven Days after the same shall be due, and Demand thereof made by Notice in Writing under the Hand and Hands of the Collector or Collectors of the said Rates, to be delivered to such Occupier or Occupiers, or left at his, her, or their Dwelling House or usual Place of Abode, in case such Occupier or Occupiers shall reside within the said Townships and Boundaries aforesaid, or otherwise left upon the Premises, in respect of which such Rate or Assessment shall be made; then upon Proof thereof upon Oath before any Justice of the Peace for the said County of *Durham*, (which Oath such Justice is hereby required and empowered to administer,) the same shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of every such Occupier or Occupiers, by Warrant under the Hand and Seal of such Justice, rendering the Overplus, if any, upon Demand, to the Owner of such Goods and Chattels, after deducting all reasonable Costs and Charges attending such Distress and Sale.

Excused from paying Rates on Account of Poverty.

XVII. Provided always, and be it further enacted, That if any Occupier or Occupiers hereby directed to be rated or assessed as aforesaid, by reason of his, her, or their Poverty, be excused from Payment of the Rates made for the Relief of the Poor of the said Townships of *Bishop Wearmouth*, or *Bishop Wearmouth's Panns* respectively, wherein he, she, or they shall reside, or if he, she, or they shall not on that Account be charged therewith, then and in every such Case the Tenant, Occupier or Occupiers so to be rated or assessed as aforesaid, shall be excused from paying the Rates or Assessments under this Act.

Commissioners may regulate Rates.

XVIII. Provided always, and be it further enacted, That if the said Assessor or Assessors shall at any Time or Times hereafter, in any Rates or Assessments by him or them to be made by virtue or in pursuance of this Act, neglect or omit to rate or assess himself or themselves, or any other Person or Persons liable to pay or be charged to such Rates or Assessments, or shall under-rate or over-rate in such Assessment any Person or Persons so liable to such Rates or Assessments, then and in every such Case it shall be lawful for the said Commissioners, or any Five or more of them, at any Meeting to be holden in pursuance of this Act, to rate and assess such Person or Persons so omitted to be rated or assessed, and raise such Person or Persons so under-rated, and to reduce such Person or Persons so over-rated, according to the true Intent and Meaning of this Act; and that the said Commissioners, or any Five or more of them, shall and may and they are hereby empowered to strike out the Name or Names of any Person or Persons whom they shall find on sufficient Proof to have been excused on Account of Poverty from the Payment of the Rates made for the Relief of the Poor, and that all such Additions to, or Alterations in, or Exemptions from the old Rates or Assessments, shall be as valid and effectual, to all Intents and Purposes whatsoever, as if the same had been Part of the original or old Rates or Assessments; any Statute Law, Usage, or Custom to the contrary in anywise notwithstanding.

Alterations to be valid.

After Rate signed, &c. Collectors

XIX. And be it further enacted, That after any such Rate or Assessment shall be so made, allowed, and signed as aforesaid, the Money thereby made

made payable shall be collected and received by the Collector or Collectors to be appointed as aforesaid, as soon as may be of and from the respective Persons who shall be so rated, charged, or assessed; and the said Commissioners, or any Five or more of them, shall from Time to Time, as soon as may be after such Rate or Assessment shall be made, allowed, and signed as aforesaid, transmit a Duplicate thereof under their Hands to the said Collector or Collectors; and they the said Commissioners, or any Five or more of them, shall also issue their Order to the said Collector or Collectors, requiring him or them to collect and receive the respective Sums of Money made payable by such Rate or Assessment; and such Collector and Collectors is and are hereby authorized to collect and receive the same accordingly by equal Monthly Instalments, and every such Collector or Collectors shall and is hereby required to pay the Money or Monies so to be collected and received by him or them by virtue of this Act to such Person or Persons, and at such Times as the said Commissioners, or any Five or more of them, shall appoint to receive the same, to be applied for the Uses and Purposes herein-after mentioned; and all and every such Collector or Collectors shall, at the Time of making every such Payment of the Money collected by him or them as aforesaid, and upon the Request of the Person or Persons empowered to receive the same, deliver to him or them a true and exact Copy or Duplicate of the Rate or Assessment whereby the same was collected, together with an Account of all and every Sum and Sums of Money rated and assessed in such Rate or Assessment which shall remain uncollected (if any such there be), together with the Reasons why the same had not been collected, to the End that it may appear whether such Nonpayment happen through the Insolvency of the Party rated, or through the Default of the Collector or Collectors, or otherwise.

may receive once in a Month; who shall pay over such Monies to the Persons appointed, and shall deliver to such Persons a Duplicate of Assessment.

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

How to be paid by Tenant quitting and entering.

XXI. Provided also, and be it further enacted, That if any Person or Persons shall think himself or herself aggrieved by any Rate or Assessment which shall be made in pursuance of this Act, it shall be lawful for such Person or Persons to apply for Relief to the said Commissioners at any Meeting to be holden within Twenty-one Days next after Demand of

Persons aggrieved by Rate may apply to Commissioners.

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such

such Rate or Assessment, but if no Meeting shall be holden within such Time, then at the next Meeting which shall be afterwards holden; and the said Commissioners, or any Five or more of them, are hereby authorized and empowered, if they shall think such Person or Persons aggrieved, to give such Relief in the Premises as to them may seem reasonable.

Commissioners may exempt poor Persons from Payment of Rate.

XXII. And be it further enacted, That it shall be lawful for the said Commissioners, or any Five or more of them, from Time to Time, at any Meeting to be held in pursuance of this Act, to exempt and discharge at their Discretion the Occupier or Occupiers of any House, Shop, Cellar, Building, Garden, or other Tenement, from the paying of the Rate or Rates, Assessment or Assessments, or any Part thereof, by this Act authorized to be laid upon such House, Cellar, Building, Garden, or other Tenement, in case such Occupier or Occupiers shall in the Judgement of the said Commissioners, or any Five or more of them, be deemed unable by reason of his, her, or their Poverty to pay the same.

Power to compel Payment of Rate, and Officers to account, &c.

XXIII. And be it further enacted, That such Person or Persons as is or are by this Act made liable to pay the several Rates or Assessments hereby granted, shall pay the same to such Officer or Officers as shall from Time to Time be so appointed as aforesaid to collect and receive the same, according to the true Intent and Meaning of this Act; and also that all such Officers so collecting or receiving the said Rates or Assessments, shall, under their respective Hands, (at such Time and Times, and in such Manner as the said Commissioners, or any Five or more of them, shall direct,) deliver to such Commissioners, or such other Person or Persons as they, or any Five or more of them, shall for that Purpose appoint, true and perfect Accounts in Writing of all the Receipts and Payments of them the said Officer or Officers, and of all other Matters committed to their Charge by virtue of this Act, and particularly how much of the said Rates or Assessments have been expended, and for what Purpose, together with the proper Vouchers for such Payments, and such Officers shall pay all such Money or Balance as shall remain in their respective Hands to the said Commissioners, or any Five or more of them, or to such Person or Persons as they shall for that Purpose appoint; and all the said Officers shall upon Oath, if thereunto required by the said Commissioners, or any Five or more of them, (which Oath the said Commissioners, or any Two or more of them, are hereby empowered to administer,) verify their said Accounts; and that if any such Officer shall not make and render, or shall refuse to verify upon Oath such his or their Account, or to produce or deliver to the said Commissioners, or any Five or more of them, or to such Person or Persons as they shall for that Purpose appoint, within Ten Days after being thereunto required by any Five or more of such Commissioners, all Books, Papers, and Writings in his or their Custody or Power relating to the Execution of this Act, or shall refuse or neglect to pay such Money as upon the Balance of his or their said Account or Accounts shall appear to be in his or their Hands to the said Commissioners, or any Five or more of them, or as they shall direct or appoint, then and in any of the Cases aforesaid such Commissioners, or any Five or more of them, may and they are hereby authorized and empowered to bring or cause to be brought any Action or Actions in any of His Majesty's Courts of Record at *Westminster*, or Court of Pleas at *Durham*, against the Officer or Officers so neglecting or refusing as aforesaid, or against his

or their Surety or Sureties, in order to recover the Money or Balance which shall be in the Hands of such Officer or Officers respectively, or that if Complaint shall be made by the said Commissioners, or by any Five or more of them, or by such Person or Persons as they shall appoint for that Purpose, of any such Refusal or Neglect as aforesaid to any Two or more of the Justices of the Peace for the County of *Durham*, such Justices may, and they are hereby authorized and required, by a Warrant or Warrants under their respective Hands and Seals, to cause such Officer or Officers so refusing or neglecting as aforesaid to be brought before them, and upon his or their appearing or not appearing, being first duly summoned for that Purpose, to hear and determine the Matter in a summary Way; and that if upon the Confession of the Party or Parties, or by the Testimony on Oath of any One or more credible Witness or Witnesses, (which Oath such Justices are hereby empowered to administer,) it shall appear to such Justices that any of the Money which shall have been collected and raised by virtue of this Act, shall be in the Hands of such Officer or Officers, such Justices may, and they are hereby authorized and required upon Nonpayment thereof, by Warrant or Warrants under their Hands and Seals, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Officers; and if no Goods and Chattels of such Officer or Officers can be found sufficient to answer and satisfy the said Money, and the Charges of distraining for the same, then and in any of the Cases aforesaid, such Justices shall and may, and they are hereby empowered to commit every such Officer or Officers to the Common Goal or House of Correction for the said County, there to remain without Bail or Mainprize, until he or they shall give and make up a true and perfect Account and Payment as aforesaid, or until he or they shall compound with the said Commissioners, or any Five or more of them, and shall have paid such Composition in such Manner as they shall appoint, which Composition the said Commissioners, or any Five or more of them, are hereby empowered to make, and until he or they shall deliver up such Books, Papers, and Writings as aforesaid, or give Satisfaction in respect thereof to the said Commissioners, or any Five or more of them: Provided always, that no such Officer or Officers shall be detained or kept in Prison by virtue of this Act, for Want of sufficient Distress only, for any longer Space of Time than Six Calendar Months.

XXIV. Provided always, and be it further enacted, That when and as often as any Collector or Collectors of the Money to be raised by virtue of this Act shall die, or be incapable of performing his or their Duty or Duties, it shall be lawful for any Five or more of the said Commissioners, although they shall not be assembled at any publick Meeting pursuant to this Act, by any Writing or Writings under their Hands, to appoint any other Person or Persons of sufficient responsibility to collect such Money; and such Person or Persons shall continue to collect the same until the Commissioners shall, at a publick Meeting to be holden in pursuance of this Act, duly appoint a Collector or Collectors of such Money to succeed him or them, any Thing herein contained to the contrary notwithstanding.

Collectors dying or resigning, Commissioners may appoint others, although not at a publick Meeting.

XXV. And be it further enacted, That if any Person or Persons employed by the said Commissioners as a Clerk, Treasurer, Assessor, Collector, or Surveyor, or in any other Office or Capacity for carrying this Act, or any of the Powers thereof into Execution, shall over and above

such Officers not to take any Fees or Rewards, except as allowed by this Act,

nor be concerned in any Bargain or Contract.

such Salary, Allowance, and Reward, as shall be appointed, allowed, and approved of by the said Commissioners, or any Five or more of them, and over and above such Fees and Charges as may accrue or belong to the Clerk of the said Commissioners, acting in the Capacity of a Solicitor, Attorney, or Conveyancer, for the Purposes of this Act, exact, take, or accept, any Fee or Reward whatsoever, for or on Account of any Thing done or to be done by virtue of this Act, or on any Account whatsoever relative to the Execution thereof, or shall be in any Manner concerned in, or interested in any Bargain or Contract made or to be made by the said Commissioners, or any Five or more of them, for the Purpose of carrying this Act into Execution, every such Person so offending shall be incapable of ever serving or being employed under this Act, and shall also forfeit the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, by Action of Debt, Bill, Plaint, or Information, in any of His Majesty's Courts of Record at *Westminster*, or Court of Pleas at *Durham*, in which Suit no Essoign, Protection, or Wager of Law, or more than One Imparlance, shall be allowed.

Proceedings to be entered in a Book.

XXVI. And be it further enacted, That the said Commissioners shall provide and keep, or cause to be provided and kept, a proper Book or Books, and shall enter or cause to be entered in such Book or Books, in a fair and regular Manner, the Names of all the Commissioners who shall duly qualify in pursuance of this Act; and all their Acts, Orders, and Proceedings, relative to the Execution of this Act, and the Names of all such Commissioners as shall be present at their respective Meetings; and Three or more of the said Commissioners shall always subscribe their Names, at the End of the Proceedings of the said Commissioners, at every such Meeting; and that all Entries, Orders, and Proceedings entered and signed in such Book or Books as aforesaid, shall be deemed good and legal Evidence in all Cases, Suits, and Actions, relative to any Matter therein mentioned and expressed; and that such Book or Books shall, at any of the Meetings of the said Commissioners, and at all other convenient and seasonable Times, under the Direction of the Commissioners, be open to the Inspection of all and every the said Commissioners, and all and every the Persons rated and assessed for the Purposes of this Act, and of all and every the Creditors on the Rates and Assessments hereby granted and made payable.

Treasurer to pay Money as Commissioners direct, and keep an Account of such Payment.

XXVII. And be it further enacted, That the Treasurer for the Time being appointed by the said Commissioners shall and may, and he is hereby authorized and required, out of the Monies to be received by him by virtue of this Act, to pay all Sums of Money which the said Commissioners, or any Five or more of them, shall from Time to Time draw upon him for, or order him to pay; and the said Treasurer shall and he is hereby required to keep regular and clear Entries in a Book or Books to be by him for that Purpose provided and kept, of all and every his Receipts and Payments, under or by virtue or in pursuance of this Act; and his Accounts shall, on the First *Wednesday* in the Month of *January*, and the First *Wednesday* in the Month of *July* in every Year, or at the First Meeting of the said Commissioners then next following, be audited; and in case the same appear to be just and true, shall be allowed by the said Commissioners, or any Five or more of them, and be so certified under their Hands; and after the Accounts shall have been so audited, allowed, and

and certified, such Allowance and Certificate shall be valid, and a full Discharge to the Treasurer for all Monies therein stated to have been by him received, paid, and applied for the Purposes of this Act.

XXVIII. And be it further enacted, That it shall be lawful for the said Commissioners, or any Seven or more of them, and they are hereby empowered from Time to Time, when they shall judge necessary for the Purpose of carrying this Act into Execution, to borrow and take up at Interest any Sum or Sums of Money upon Security of the Rates and Assessments hereby granted or made payable, and by any Writing or Writings under their Hands and Seals to mortgage, demise, grant, or assign such Assessments, or any Part or Parts thereof, to the Person or Persons who shall advance and lend such Money, or his, her, or their Trustee or Trustees, as a Security or Securities for the Money so to be borrowed, together with Interest for the same; and every such Mortgage or Security shall be in the Words and to the Effect following; (*videlicet*),

‘ BY virtue of an Act passed in the Fiftieth Year of the Reign of His Majesty King George the Third, intituled, *An Act for lighting and watching the Streets, Lanes, and publick Passages of the Town of Bishop Wearmouth and Bishop Wearmouth Panns, for cleansing, paving, and regulating the Foot-paths of the said Streets, Lanes, and publick Passages, and for removing and preventing Nuisances, Annoyances, Encroachments, and Obstructions therein, and for widening and rendering more commodious several of the said Streets, Lanes, and publick Passages*, we
 ‘ being
 ‘ Seven of the said Commissioners appointed by and in pursuance of the said Act, in Consideration of the Sum of
 ‘ this Day advanced and lent by upon
 ‘ the Credit and for the Purposes of this Act, do grant, bargain, sell, and demise unto the said his, [*her*]
 ‘ Executors, Administrators, and Assigns, such Proportion of the Assessments arising by virtue of the said Act, as the said Sum of
 ‘ doth or shall bear to the whole Sum, which may at any
 ‘ Time be borrowed or become due and owing, or charged upon the
 ‘ Credit of the Assessments granted by the said Act, to be had and holden
 ‘ from this Day of in the Year
 ‘ until the said Sum of with Interest
 ‘ at *per Centum per Annum*, for the same shall be repaid and satisfied.
 ‘ In witness whereof, we have hereunto set our Hands and Seals, the
 ‘ Day of in the Year of our Lord

And all Persons to whom such Mortgages or Securities shall be made, or who shall be entitled to the Money thereupon due, shall, in proportion to the Sums thereby respectively secured, be Creditors on the said Assessments equally one with another, without any Preference in respect of the Priority of advancing any such Money, or the Dates of any such Mortgages or Securities: Provided nevertheless, that before any Money shall be borrowed as aforesaid, Fourteen Days Notice at least shall be given, (signed either by the said Commissioners, or any Five or more of them, or by their Clerk or Treasurer for the Time being,) by Advertisement in one of the Newspapers published at *Newcastle-upon-Tyne*, of the Time and Place of the Commissioners Meeting for the Purpose of borrowing such Money.

[*Loc. & Per.*]

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XXIX. And

Transfer of
Mortgages.

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

‘ I being entitled to the Sum of
 ‘ secured to me, my Executors, Administrators, and Assigns, by
 ‘ virtue of a Mortgage or Security, bearing Date the Day of
 ‘ under the Hands and Seals of
 ‘ being Seven of the Commissioners acting in the Execution of a certain
 ‘ Act made in the Fiftieth Year of the Reign of His Majesty King George
 ‘ the Third, intituled, *An Act for lighting and watching the Streets, Lanes,*
 ‘ *and publick Passages of the Town of Bishop Wearmouth and Bishop*
 ‘ *Wearmouth Panns, for cleansing, paving, and regulating the Foot-paths*
 ‘ *of the said Streets, Lanes, and publick Passages, and for removing and*
 ‘ *preventing Nuisances, Annoyances, Encroachments, and Obstructions therein,*
 ‘ *and for widening and rendering more commodious several of the said Streets,*
 ‘ *Lanes, and publick Passages, upon the Credit of the said Assessments granted*
 ‘ *by the said Act,* do hereby transfer all my Right and Title in and to the
 ‘ same, and all Interest or other Money now due and owing thereupon,
 ‘ unto his or her Executors, Administrators, and
 ‘ Assigns. Witness my Hand and Seal, the Day of
 ‘ in the Year

And all Mortgages or Securities which shall be made in pursuance of this Act, and all Transfers thereof shall be entered by the Clerk to the said Commissioners in a Book to be kept for that Purpose, which Entry shall specify and contain the Dates of such Securities, Names of the Parties, and the Sums of Money thereby secured, to which Book any Person or Persons shall at all seasonable Time have Access, and he, she, and they shall have free Liberty to inspect the same without Fee or Reward; and for the Entry of every such Transfer, the said Clerk shall be paid by the Person to whom such Transfer shall be made the Sum of One Shilling, and no more; and after such Entry made, and not till then, every such Transfer shall entitle the Person to whom the same shall be made, and his, her, or their respective Executors, Administrators, and Assigns, to the Benefit of the Security thereby transferred, and it shall not be in the Power of such Person or Persons who shall have made such Transfer to make void, release, or discharge the same, or any Money due thereon.

All Monies
raised by this
Act vested in
Commission-
ers.

XXX. And be it further enacted, That all Monies to be raised or collected by virtue or under the Authority of this Act, shall be and the same are hereby vested in the said Commissioners, and out of the first Money arising from the Rates and Assessments which shall be collected by virtue of this Act, or out of the Money which shall be borrowed on the Credit of the said Rates and Assessments, the said Commissioners, or any Five or more of them, shall, in the first Place, pay and discharge all the Expences and Charges of procuring and passing this Act; and in the next Place, shall pay and discharge the Interest of the Principal Money which shall be borrowed in pursuance of this Act, and shall apply the Remainder of the Money so raised in paying and defraying the necessary Costs, Charges, and Expences

Expences attending the Execution of the Powers and Authorities in this Act contained, and to such other Purposes as are hereby directed.

XXXI. And be it further enacted, That for the Purpose of making the narrow Parts of the said Streets, Lanes, and other publick Passages, safe and commodious for Carriages and Passengers, and for opening proper Communications between any of the said Streets, Lanes, and other publick Passages and Places, or any of them, and for altering, widening, and improving the present Communications between the said Streets, Lanes, and other publick Passages and Places, or any of them, and for otherwise improving the said Town of *Bishop Wearmouth* and *Bishop Wearmouth Panns*, in Manner by this Act directed, it shall be lawful for the said Commissioners to treat and agree with such Person or Persons, or Body or Bodies Politick or Corporate, Spiritual or Lay respectively, as shall be or be deemed to be Owner or Owners of or interested in any such Houses, Buildings, Erections, Projections, Encroachments, Lands, Tenements, or Hereditaments within the said Town of *Bishop Wearmouth* and *Bishop Wearmouth Panns*, as they the said Commissioners shall think right and proper to be taken or used for the Purposes of this Act, for the absolute Purchase thereof respectively, or for the Damage to be done thereto respectively in the Execution or for the Purposes of this Act; and to take down or alter all or any of such Houses, Buildings, Erections, Projections, Encroachments, Tenements, or Hereditaments, to be so purchased, or any Part or Parts of the same respectively, and to appropriate all or any of the Ground or Scites thereof respectively, and also to appropriate all or any of the Lands to be so purchased for all or any of the Purposes aforesaid, as they the said Commissioners shall think fit.

Commissioners empowered to purchase Houses.

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

Notice to be given in Newcastle Papers of Meetings to purchase Houses.

XXXIII. And be it further enacted, That in case any House or Building shall be damaged or injured by or in the taking down of any of the Houses or Buildings to be taken down for the Purposes aforesaid, the said Commissioners, or any Five or more of them, shall and may, and they are hereby required out of the Money to be raised by virtue of this Act, to make the Owners and Occupiers of such Houses and Buildings so damaged and injured such Compensation and Satisfaction for such Damage as they the said Commissioners shall in their Judgement think reasonable; and in case the Owners or Occupiers shall think the said Satisfaction not sufficient, then the same to be settled by a Jury in Manner herein-after provided for ascertaining the Value of Premises taken and used for the Purposes of this Act.

To make Satisfaction to the Owners of Houses which shall be damaged.

XXXIV. And

Power to sell
Houses.

XXXIV. And be it further enacted, That it shall be lawful for all Bodies Politick or Corporate, and all other Persons whomsoever who are or shall be seised or entitled in their own Right, or as Trustees and Feoffees in Trust; and to and for all Femes Covert, Guardians, and Committees for Lunaticks or Ideots, Executors, and Administrators, and all Guardians whomsoever, not only on Behalf of themselves, their Heirs and Successors, but also for and on Behalf of the Cestuique Trusts, whether Infants or Issue unborn, Lunaticks, Ideots, Femes Covert, or other Persons whomsoever, who are or shall be seised or possessed of or interested in any such Houses, Buildings, or Grounds, to contract for, sell, convey, or surrender to the said Commissioners, or any Five or more of them, or to any Person or Persons they shall appoint in Trust for them, all such Houses, Buildings, or Grounds, or any of them, or any Part thereof; and that all such Contracts, Agreements, Bargains, Sales, Assignments, Surrenders, and other Conveyances which shall be so made as aforesaid, shall be good and valid in the Law to all Intents and Purposes whatsoever, not only to convey the Estate, Term, and Interest of the Person or Persons conveying, but also all the Right, Estate, Interest, Use, Property, Claim, and Demand whatsoever, of their several and respective Cestuique Trusts, whether Infants or Issue unborn, Lunaticks, Ideots, Femes Covert, or other Persons whomsoever, and all Persons claiming or to claim by, from, or under them; any Statute, Law or Usage to the contrary thereof in anywise notwithstanding.

To ascertain
value by a
Jury.

XXXV. And be it further enacted, That if any such Bodies Politick or Corporate, or other Person or Persons as aforesaid, interested in such Houses, Buildings, or Grounds, upon due Notice to them given or left in Writing at the Place of Abode of such Person or Persons, or of the Head Officer or Officers of such Bodies Politick or Corporate, or at the House of the Tenant or Tenants in Possession of the Houses, Buildings, or Grounds, so to be taken down and made or converted into, or made Parts of the said Streets, Lanes, or Alleys, publick Ways, and Passages, shall, at the Expiration of One Calendar Month next after such Notice given or left as aforesaid, neglect or refuse to treat, or shall not agree for the Sale of the Premises, or by reason of Absence shall be prevented from treating, then and in every such Case the said Commissioners, or any Seven or more of them, shall cause to be enquired into and ascertained by and upon the Oath of a Jury of Twelve indifferent Men of the County of *Durham*, (which Oath any Two or more of the said Commissioners hereby appointed, or any Justice of the Peace for the County of *Durham*, is hereby empowered to administer,) what Recompence or Satisfaction shall be made to such Owner or Owners, Occupier or Occupiers, Proprietor or Proprietors, or other Persons, for or on Account of the said Houses, Buildings, or Grounds, to be taken or used for the aforesaid Purposes of this Act; and in order to ascertain such Recompence and Satisfaction, the said Commissioners, or any Seven or more of them, are hereby empowered and required from Time to Time, as often as Occasion shall be, to summon and call before the said Jury and examine upon Oath, all and every Person and Persons whomsoever who shall be thought necessary and proper to be examined as a Witness or Witnesses, touching or concerning the Premises (which Oath any Two or more of the said Commissioners, or any Justice of the Peace for the said County of *Durham*, is hereby required and empowered to administer); and they the said Commissioners shall also

also order and cause the said Jury to view the said Houses, Buildings, or Grounds (if they shall think proper), and use all other lawful Ways and Means, the better to enable the said Jury to adjudge and determine in the Premises; and after the said Jury shall have so enquired of and ascertained and settled such Recompence and Satisfaction, they the said Commissioners, or any Seven or more of them, shall thereupon order, adjudge, and determine the Sum or Sums of Money so ascertained by the said Jury to be paid to the Owners or Proprietors of or Persons interested in the said Houses, Buildings, or Grounds accordingly; which said Verdict, Judgement, Order, or Determination so had and made, shall be final and conclusive to all Intents and Purposes whatsoever, against all Parties and Persons whomsoever claiming in Possession, Reversion, Remainder, Expectancy, or otherwise, their Heirs and Successors, as well absent as present, Infants, Females Covert, Ideots, Lunaticks, Cestuique Trusts, and Persons under any Disability whatsoever, Bodies Politick or Corporate, and all and every Person and Persons interested in such Houses, Buildings, or Grounds, shall, upon Payment or Tender of the Sum or Sums of Money so ascertained as aforesaid, be thereby and from thenceforth to all Intents and Purposes divested of all Right, Title, Claim, Interest, or Property of, in, to, or out of the same.

XXXVI. And be it further enacted, That for the summoning and returning of such Jury or Juries, the said Commissioners, or any Five or more of them, are hereby empowered to issue their Warrant or Warrants to the Sheriff of the County of *Durham*, thereby requiring him to impanel, summon, and return an indifferent and disinterested Jury of Forty-eight Persons to appear before the said Commissioners, or any Five or more of them, at such Time and Place as in such Warrant shall be appointed; and the said Sheriff is hereby required to impanel, summon, and return Forty-eight such Persons as aforesaid, and the Names of the Forty-eight so returned shall be written upon Pieces of Paper, and put into a Box, and the first Twelve Persons drawn of the Forty-eight attending shall be Jurymen; and the said Commissioners, or any Five or more of them, shall cause such Jurymen to be sworn before them the said Commissioners, or any Five or more of them, (which Oath they shall have full Power to administer,) or before a Justice of Peace for the said County of *Durham*, and which Twelve Jurymen shall be the Jury for the Purposes aforesaid; and for Default of a sufficient Number of Jurymen, the said Sheriff shall return other indifferent and disinterested Men of the Standers-by, or that can speedily be procured to attend that Service, so as to compose the Number of Twelve: Provided nevertheless, that the said Commissioners, or any Five or more of them, and also the Parties interested in the Houses, Buildings, or Grounds so to be purchased, may have their lawful Challenges against any of the Jurymen when they come to be sworn, but shall not challenge the Array of the Pannel: Provided nevertheless, that if instead of forming the Jury to be drawn by Lot as aforesaid, the Owners or Proprietors of the Grounds or Tenements to be purchased for the Purposes of this Act, or any Person on their Behalf, shall elect and choose Six out of the Forty-eight Persons to be returned by the Sheriff as aforesaid, and the said Commissioners, or any Five or more of them, shall elect and choose other Six out of the same Forty-eight Persons, in such Case the Twelve Persons so to be elected as last-

Warrant to
summon Jury.

Challenge of
Jurymen.

[*Loc. & Per.*]

6 L

mentioned

mentioned shall be the Jury, and shall be sworn for the Purposes and in Manner aforesaid.

Penalty of
5l. on Sheriff
not returning
Jury.

XXXVII. And be it further enacted, That it shall and may be lawful for the said Commissioners, or any Five or more of them, from Time to Time to impose any reasonable Fine, not exceeding the Sum of Five Pounds for one Offence, on such Sheriff making default in the Premises, and on any of the Persons, after being duly summoned and returned shall not appear, or who shall refuse to be sworn on any such Jury, or being sworn thereon shall refuse to give or shall not join in giving a Verdict therein, or in any other Manner neglect his Duty therein, contrary to the true Intent and Meaning of this Act; and the said Sheriff shall be allowed the Sum of Ten Shillings for impanelling and returning the said Jury, and each Juryman shall be paid the Sum of Two Shillings and Sixpence for his Attendance each Day in Manner herein-after mentioned; and if any Person or Persons who being required to give Evidence before the said Jury touching the Premises shall refuse to be examined or to give Evidence accordingly, the said Commissioners, or any Five or more of them, shall and may impose such Fine or Fines, Penalty or Penalties, not exceeding the Sum of Five Pounds on each Person so refusing, as they shall think fit to be levied, recovered, and applied, in Manner herein-after mentioned.

How the Ex-
pences of the
Jury, &c. are
to be paid.

XXXVIII. And be it further enacted, That in case any Jury or Juries, to be summoned and sworn pursuant to the Authority of this Act, shall give in and deliver a Verdict for more Money, as a Recompence or Satisfaction for the Right, Interest, or Property of any Person or Persons in any such Houses, Buildings, or Grounds, than shall have been agreed to be given, and shall have been offered by the said Commissioners, or any Five or more of them, before the summoning and returning of the Jury and Witnesses, the Costs and Expences of summoning and returning the said Jury, and attending the hearing and determining of the Matter in Question, shall be borne and paid by or under an Order of the said Commissioners, or any Five or more of them, out of the Money to be collected by virtue of this Act; but if any Jury or Juries to be summoned and sworn as aforesaid shall give in and deliver a Verdict for no more or for less Money than shall have been agreed to be given, and shall have been offered by the said Commissioners, or any Five or more of them, before the summoning and returning of the said Jury or Juries, as a Recompence or Satisfaction for any such Right, Interest, or Property in the Premises, that then the Costs and Expences herein-before mentioned shall be borne and paid by the Person or Persons with whom the said Commissioners shall have such Controversy or Dispute, to be recovered as herein-after mentioned: Provided always, that in all Cases where any Person or Persons shall by reason of Absence have been prevented from treating with the said Commissioners, such Costs and Charges shall be borne and paid by such Commissioners as aforesaid.

Provision for
Application
of Compen-
sation when
equal to 200l.

XXXIX. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used by virtue of the Powers of this Act for the Purposes thereof, which shall belong to any Body Politick, Corporate or Collegiate, Feoffee in Trust, Executor or Administrator, Husband, Guardian, Com-
mittee,

mittee, or other Trustee, for or on Behalf of any Infant, Lunatick, Idiot, Females Covert, or other Cestuique Trusts, or to any Person whose Lands, Tenements, or Hereditaments are limited in strict or other Settlement, or any Person under any other Disability or Incapacity whatsoever, such Money shall, in case the same shall be equal to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there *ex parte* the said Commissioners, to the Intent that such Money may be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase or Redemption of the Land Tax, or towards the Discharge of any Debt or Debts, or other Incumbrances or Part thereof, affecting other Lands, Tenements, or Hereditaments standing settled therewith, to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled, to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, and Hereditaments which shall be purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance or Settlement shall be existing, undetermined, and capable of taking Effect; and in the mean Time, and until such Purchase shall be made, the said Money shall, by Order of the Court of Chancery upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated Bank Annuities, or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time, and until the said Bank Annuities shall be ordered by the said Court of Chancery to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

XL. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed or be equal to the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner herein-before directed, or otherwise the same shall be paid, at the like Option, to Two Trustees to

Provision for Application of Compensation when less than 200l. and exceed-20l.

Provision for Application of Money when less than 20l.

be nominated by the Person or Persons making such Option, and approved by Five or more of the said Commissioners, such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties, in order that such Principal Money, and the Dividends arising therefrom, may be applied in Manner herein-before directed, so far as the Case may be applicable, without requiring or being required to obtain the Direction or Approbation of the said Court of Chancery: Provided also, that where such Money so agreed or awarded to be paid as last before mentioned shall be less than the Sum of Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Commissioners shall direct; or in case of Infancy or Lunacy, then such Money shall be paid to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of not making out Titles. If Persons cannot be found, Purchase Money to be paid into the Bank; subject to the Order of the Court of Chancery on Motion.

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

When any Question shall arise touching the Title to Mo-

XLII. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery in pursuance of this Act, for

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

ney to be paid, the Person who shall be in Possession of the Lands, &c. at the Time of such Purchase shall be deemed entitled thereto, &c.

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

The Court of Chancery may order reasonable Expences of Purchasers to be paid to Trustees.

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

Form of Conveyance.

‘ I *A. B.* of _____ in Consideration of the Sum of _____
 ‘ to me paid by the Commissioners for
 ‘ improving the Town of *Bishop Wearmouth* and *Bishop Wearmouth Panns*,
 ‘ acting by virtue of an Act of Parliament made in the Fiftieth Year of
 ‘ the Reign of King *George* the Third, intituled, [*here insert the Title of*
 ‘ *this Act,*] do hereby grant and convey to the said Commissioners and
 ‘ their Successors all [*here describe the Premises to be conveyed*] and all my
 ‘ Right, Title, and Interest, to and in the same and every Part thereof,
 ‘ to hold to the said Commissioners and their Successors for ever. In
 ‘ Witness whereof, I have hereunto set my Hand and Seal, this
 ‘ Day of _____ in the Year of our Lord

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

[*Loc. & Per.*]

6 M

ever;

ever; any Law, Statute, Usage, or Custom to the contrary thereof notwithstanding.

Payment being made, Commissioners may enter into Possession.

XLV. And be it further enacted, That from and immediately after Payment made for the Houses, Buildings, and Grounds to be purchased as aforesaid, or depositing the Money for such Payment in the Bank of *England* in Manner herein-before directed, it shall be lawful for the said Commissioners, or any Five or more of them, to enter upon the Premises and every Part thereof, and to convert the same to the Purposes of this Act.

Commissioners may contract for Purchase of whole House where Part only wanted, if Owner desirous to sell the Whole.

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

Power for Commissioners to cause Buildings to be taken down to be formed into Streets.

XLVII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners to cause all and every the Houses and other Buildings, Erections, Projections, and Encroachments, which shall at any Time be purchased under the Powers and for the Purposes of this Act, or any of them, or any Part of them to be appropriated to the Purposes of this Act, or otherwise to be taken down, and to cause so much of the Scites thereof, and of any other Lands to be purchased under the Powers and for the Purposes of this Act, to be added to or laid into the Streets, Lanes, or other publick Passages or Places, or to be formed and made into any new Streets or Lanes, or publick Passages or Places, for the Purpose of making Communications between any of the present Streets, Lanes, or other publick Passages or Places, in such Manner as the said Commissioners shall judge proper; and the Land so added to or laid into the respective Streets, Lanes, or other publick Passages or Places respectively, shall for ever afterwards be deemed Part thereof, and the same, and also such as shall be formed and made into any new Streets, Lanes, or other publick Passages or Places as aforesaid, shall be used as common publick Highways: Provided always, that it shall and may be lawful to and for the said Commissioners to sell or otherwise dispose of such Part or Parts of any Houses, Buildings, Lands, Tenements, or other Hereditaments which may have been purchased under the Authority of this Act, for the Purpose of making such Alterations or Improvements as aforesaid, as may afterwards be found unnecessary for the Purpose first intended to any Person or Persons willing to purchase the same, and that all Monies to be raised by any Sale or Sales as aforesaid, shall be considered as Part of the general Fund applicable to the Purposes of this Act.

Persons from whom Lands shall have

XLVIII. Provided always, and be it further enacted, That the said Commissioners before they shall sell and dispose of any such Lands, Tenements,

ments, or Hereditaments, shall first offer the same for Sale to, the Person or Persons respectively from whom they shall have purchased, such Lands, Tenements, or Hereditaments, and in case such Person or Persons shall not then and thereupon agree, or shall refuse to re-purchase the same, then and in every such Case an Affidavit to be made and sworn before a Master Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the said County of *Durham*, by some Person or Persons no way interested in the said Lands, Tenements, or Hereditaments, stating that such Offer was made by or on the Behalf of the said Commissioners, and that such Offer was not then and thereupon agreed to, or was refused by the Person or Persons to whom the same was so offered, shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made, and was not agreed to, or was refused by the Person or Persons to whom it was made, as the Case may be.

been purchased, to have the first Offer of the Re-purchase thereof.

XLIX. And be it further enacted, That it shall be lawful for the said Commissioners, or any Five or more of them, from Time to Time, and at all Times when and so often as they shall think proper, to cause, order, and direct all or any of the present or future Pavements of the Footpaths of the said Streets, Lanes, or publick Passages to be taken up, and the said Footpaths to be paved, repaired, raised, lowered, or altered, or to be laid with Flag or broad Paving Stones, or partly to be paved and partly to be laid with Flag or broad Paving Stones, as to them shall seem fit; and also to make Common Sewers, Drains, or Watercourses in any of the Streets within the said Townships and Boundaries aforesaid, for the Purpose of carrying or conveying from off the said Streets any Water, and to cleanse, alter, and amend the same in such Manner as they shall from Time to Time think proper, and also to cause, order, and direct the said several Streets, Lanes, Alleys, and publick Passages to be lighted, and all Annoyances, Obstructions, Nuisances, and Incroachments to be removed.

Commissioners may order Footpaths to be paved and flagged, and Sewers and Drains made and Streets lighted.

L. And be it further enacted, That the Money to be raised and made payable by virtue of this Act in Manner herein-before directed, after paying the Expences of obtaining this Act as aforesaid, shall from Time to Time, and at all Times hereafter, be in the first Place applicable to and applied for the lighting, watching, and cleansing of the said Town of *Bishop Wearmouth* and *Bishop Wearmouth Panns*, within the Boundaries aforesaid, and of removing Nuisances therein, and that the Residue thereof only shall be applied to the repairing and amending of the present and future Pavement of the Footpaths of the said Town within such said Boundaries, in aid of the usual and regular Highway Rate, levied on Property in the said Parish of *Bishop Wearmouth*; and that nothing in this Act shall extend, or be construed to extend, to alter, change, or vary the Highway Rate paid and collected, and the Statute Work performed for and in respect of Property in the said Parish of *Bishop Wearmouth*, and the usual Application and Performance thereof.

Money raised after paying Expences of Act, first applicable to lighting and watching.

LI. And be it further enacted, That it shall and may be lawful for the said Commissioners, or any Five or more of them, and they are hereby directed to cause all and every the Works done in pursuance of this Act to be inspected by their Surveyor or Surveyors, or by such other Person or Persons as they shall from Time to Time appoint, and in case the same

Commissioners empowered to bring Actions against Persons not performing Contracts.

shall not be well and sufficiently performed according to the true Intent and Meaning of any Contract or Contracts, or shall not be finished at or within the Time or Times at which the same are agreed to be completed by the said Contract or Contracts, the said Commissioners shall and may bring an Action in any of His Majesty's Courts of Record at *Westminster*, or Court of Pleas at *Durham*, against any Person or Persons so contracting and neglecting to perform such Contract or Contracts; and upon proving the signing of the said Contract or Contracts, and the Non-performance thereof, the said Commissioners shall be entitled to and shall recover such Penalty or Penalties as therein expressed, and Damages, with Costs of Suit; which Penalties and Damages, when recovered, shall be applied for the Purposes of this Act.

Power to dig
Gravel and
get Materials.

LII. And be it further enacted, That the said Commissioners, or their Surveyor, or such other Person or Persons as they or he shall employ or appoint, having an Order in Writing under the Hands of the said Commissioners, or any Five or more of them, for that Purpose, may and is and are hereby empowered to search for, dig, gather, take, and carry away any Stones, (Flag Stones and Kirb Stones, and Stones in use excepted,) Gravel, Sand, or other Materials proper for the raising and repairing of the said Footpaths, out of and from the Sea Beach or Shore, or any River, Rivulet, or Brook, or any Waste Ground or Common in any Parish, Township, or Place adjoining to the said Town of *Bishop Wearmouth* and *Bishop Wearmouth Panns*, without making Compensation for the same.

Penalty for
interrupting
Workmen.

LIII. And be it further enacted, That if any Person or Persons shall at any Time or Times obstruct, hinder, or molest any Surveyor or Surveyors, or other Officer or Officers, Workman or Workmen, and Person or Persons whomsoever, who is or shall be employed in the Performance or Execution of their Duty under this Act, every such Person so offending shall for the First Offence forfeit any Sum not exceeding Twenty Shillings, for the Second Offence any Sum not exceeding Thirty Shillings, and for every other Offence any Sum not exceeding Three Pounds.

No Person
to make
Alteration in
the Form of
Footpath,
without Con-
sent of the
Commission-
ers.

LIV. And be it further enacted, That no Person shall at any Time make, or cause to be made, any Alteration in the Form of the Pavement of any Footpath within the said Townships and Boundaries aforesaid, without the Consent and Approbation of the said Commissioners, or any Five or more of them, assembled at some of their Meetings first had and obtained, upon pain of forfeiting any Sum not exceeding Ten Pounds for every such Offence.

Branches into
Drains not to
be made with-
out Leave.

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

LVI. And

LVI. And be it further enacted, That all private Drains which now are, or by Permission of the said Commissioners shall hereafter be made within any of the publick Streets, Lanes, or Alleys, publick Ways and Passages within the said Townships and Boundaries aforesaid, and which do or shall issue into or communicate with 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 Houses, Lands, or Tenements to which the said private Drains do or shall respectively belong.

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

LVII. And be it further enacted, That all and every Person and Persons within the said Townships and Boundaries aforesaid shall, as soon as the Foot Pavement in Front of and adjoining to his, her, or their Houses, Buildings, Walls, and Premises respectively, is by virtue of this Act made and completed, sweep, scrape, and cleanse, or cause to be swept, scraped, and cleansed Three Times at least in every Week, on different Days, the whole Footpaths or Pavements in Front of and adjoining to his and their respective Houses, Buildings, Walls, and Premises, between the Hours of Six and Nine in the Forenoon (*Sundays* excepted), and shall clear away all Ice and Snow, upon Pain of forfeiting a Sum not exceeding Five Shillings.

Footpaths to be swept.

LVIII. And be it further enacted, That it shall and may be lawful for the said Commissioners, or any Five or more of them, to contract with or supply Scavengers or other Persons to cleanse and sweep the publick Streets, Lanes, Alleys, publick Ways and Passages within the said Townships and Boundaries aforesaid, and the said Person or Persons so contracted with for cleansing the said Streets, Lanes, or Alleys, publick Ways and Passages, shall sweep, cleanse, and carry away, or cause to be swept, cleansed, and carried away, all the Dirt, Dung, and Soil, out of and from all the said Streets, Lanes, or Alleys, publick Ways and Passages within the said Townships and Boundaries aforesaid, not less than Twice in every Week, on such Days as shall be appointed by the said Commissioners, or any Five or more of them, and shall clear away all Ice and Snow, upon Pain of forfeiting any Sum not exceeding Ten Shillings for every Neglect therein; and such Person or Persons so contracted with as last mentioned, or the said Commissioners, or any Five or more of them, shall and may sell and dispose of such Dirt, Dung, or Soil, and the Money therefrom arising shall be applied to and for the Purposes of this Act.

Commissioners to appoint Scavengers to cleanse the Streets.

LIX. And be it further enacted, That no Person or Persons (excepting the Person or Persons to be appointed for this Purpose in pursuance of this Act) shall take or carry away, or cause to be taken or carried away, any Ashes, Dust, Dirt, Mire, Dung, or Manure which shall be made in any of the said Streets, Lanes, or Alleys, publick Ways and Passages, from or out of the same, upon Pain of forfeiting any Sum not exceeding Twenty Shillings for every such Offence.

No Persons to take away Dirt but Contractor.

LX. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to any Ashes, Dust, Dirt, Mire, Soil, Dung, or Rubbish which any of the Inhabitants within the said Townships and Boundaries aforesaid shall think fit to preserve and keep within their own respective Houses, Gardens, or Yards, but the

Persons taking Dirt must preserve the same.

same shall respectively belong to the Person or Persons so reserving the same, so as such Ashes, Dust, Dirt, Mire, Soil, Dung, or Rubbish be not laid down or placed in any of the said Streets, Lanes, or Alleys, publick Ways and Passages within the said Townships and Boundaries aforesaid, for any longer Time than shall be necessary for the Loading of Carts or Carriages with and carrying away the same; but in case such Person or Persons so reserving such Ashes, Dust, Dirt, Mire, Soil, Dung, or Rubbish, shall continue to keep and reserve the same for One Day after Notice in Writing given to her, him, or them, under the Hands of the said Commissioners, or any Five or more of them, or of their Surveyor, or left at such Person or Persons Place of Abode, to remove the same, every such Person shall forfeit any Sum not exceeding Ten Shillings a Day for every Day such Ashes, Dust, Dirt, Mire, Soil, Dung, or Rubbish, shall be permitted to remain next after such Notice given as aforesaid: Provided, that no Person shall be subject to the last mentioned Penalty for any Rubbish or Dirt lying in the said Streets, Lanes, or Alleys, publick Ways and Passages, or any of them, before the House or Tenement of such Person which shall be occasioned by the repairing or pulling down of such House or Tenement, or rebuilding the same, so as there be convenient Room left in the Street, Lane, or Alley, publick Way and Passages where such Rubbish or Dirt shall lie, for Carriages to pass and repass, and a sufficient Way kept clean for Foot Passengers by the Person laying or occasioning such Dirt or Rubbish; nor for the making up of any Lime into Mortar in any of the said Streets, Lanes, or Alleys, publick Ways and Passages, so as sufficient and convenient Room be left for Foot Passengers and Carriages, and so as such Lime be enclosed before such House or Building about which the same shall be used, and so as the Owner or Owners of such House or Tenement before which such Rubbish or Lime shall be made, cause the same to be removed therefrom at his or their own Costs and Charges within a reasonable Time, or upon Notice to be given to him, her, or them, or left at his, her, or their Place of Abode for that Purpose in Writing, to be signed by the said Commissioners, or any Five or more of them, or their Surveyor or Surveyors; and so as that whilst the same shall be so lying in the Street, Lane, or Alley, publick Way or Passage, such Owner or Owners shall set up a Rail or Fence, and maintain a sufficient Light upon or against the same every Night during the whole Night, from the Time it becomes dark, to prevent any Mischief happening thereby to Passengers.

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

Penalty for breaking Lamps.

LXI. And be it further enacted, That if any Person or Persons shall wilfully break, throw down, or otherwise damage any of the Lamps which shall be erected by virtue of this Act, or any of the Posts, Irons, or other Furniture thereof, or any other Materials used for the lighting of the said Town, and flagging or paving of the said Footpaths, and Complaint thereof shall be made to the said Commissioners, or any Five or more of them, or by their Surveyor, or any other Person, to any Justice or Justices of the Peace acting for the said County of *Durham*, it shall be lawful for such Justice or Justices, and he and they are hereby required, on Oath made of the Commission of any such Offence, which Oath the said Justice or Justices is and are hereby required and empowered to administer, to issue a Warrant or Warrants for apprehending the Party or Parties accused; and that it shall be lawful for any Person or Persons whatsoever, who shall see such Offence committed, to apprehend, and also for any other Person

or Persons to assist in apprehending the Offender or Offenders, and by the Authority of this Act to convey him, her, or them before the said Justice or Justices, to be dealt with as herein-after is directed, and the Party or Parties so accused being brought before such Justice or Justices, or on Oath being made before such Justice or Justices that such Offender or Offenders cannot be found or apprehended, which Oath the said Justice or Justices is and are hereby required and empowered to administer, the said Justice or Justices shall proceed to examine upon Oath any Witness or Witnesses who shall appear or be produced to give Information touching such Offence; and if the Party or Parties accused shall be convicted of such Offence, either by his, her, or their own Confession, or upon such Information as aforesaid, he, she, or they so convicted shall, for the first Offence, forfeit and pay a Sum not exceeding Twenty Shillings over and above the Damage done, and for the Second Offence any Sum not exceeding Thirty Shillings, and for the Third and every other subsequent Offence any Sum not exceeding Forty Shillings, and full Satisfaction shall also be made to the said Commissioners by such Offender or Offenders for the Damage so by him, her, or them done as aforesaid.

LXII. And be it further enacted, That in case any Person or Persons shall carelessly or accidentally break, throw down, or damage any of the said Lamps so to be set up as aforesaid, or the Posts, Irons, or other Furniture thereof, and shall not immediately upon Demand make Satisfaction for the Damage done thereto, then and in every such Case, it shall and may be lawful for any One Justice of the Peace for the said County of *Durham*, upon Complaint made to him upon Oath by One or more credible Person or Persons, to summon the Person or Persons so complained of to appear before him to answer to such Complaint; and upon hearing the Allegations and Proofs on both Sides, or upon the Non-appearance of the Person or Persons so complained of and summoned, without sufficient Excuse being alledged for such Non-appearance, such Justice shall award such Sum and Sums of Money as he shall think reasonable, not exceeding the Sum of Thirty Shillings for any One Offence; and in case of Refusal or Neglect to pay any Sum or Sums of Money so awarded within Three Days after Demand thereof, the same shall be levied and recovered in Manner herein-after mentioned.

LXIII. And be it further enacted, That if any Person or Persons shall kill, slaughter, singe, scald, or dress any Beast, Pig, Swine, Calf, Sheep, Lamb, or other Cattle, in any Street, Lane, Alley, or publick Way within the said Townships and Boundaries aforesaid, (other than and in such Streets, Lanes, Alleys, and Places as shall be allowed, and for which Leave shall be given by the said Commissioners, or any Five or more of them,) or shall hoop, fire, cleanse, wash, or scald any Cask, or hew or saw, or cause to be hewn and sawn, any Stone, Wood, or Timber, or bind, make, or repair any Wheel, or shoe, bleed, or farry any Horse, Mare, or Gelding, in any of the Streets, Lanes, Alleys, or publick Ways within the said Townships and Boundaries aforesaid, every Person so offending shall, for every such Offence, forfeit any Sum not exceeding Ten Shillings.

LXIV. And be it further enacted, That it shall be lawful for the said Commissioners, or any Five or more of them, at any Time after the said First

Carelessly
breaking
Lamps.

Penalty on
Persons kill-
ing any
Beasts, &c.
in the Streets.

Commission-
ers to cause
the Names of
Streets to be

painted, &c.
and to re-
move all
Sign Posts
and Projec-
tions.

First Day of *May* One thousand eight hundred and ten, to cause the Houses in the several Streets to be regularly numbered, and Names of the several Streets, Lanes, Alleys, publick Ways and Passages, within the said Townships and Boundaries as aforesaid, to be painted in large Characters on a conspicuous Part of some House, Building, or Wall, at the Entrance of the same Streets respectively, and to take down, remove, alter, and regulate, in such Manner as they shall think proper, all the projecting Signs, and other Emblems used to denote the Profession, Trade, Occupation, or Calling of any Person or Persons; and all the Projections, Signs, Sign Posts, Sign Irons, Pent Houses, Shew Boards, Spouts, Gutters, Stalls, Porches, Sheds, Butchers' Gallows and Crooks, Projecting Windows, Cellar Windows, Flaps, Dwarf Walls, Posts, Rails, Palliades, and Frames of Wood, Iron, Brick, Stones, and other Materials, Steps, and all other Erections, Projections, Incroachments, Nuisances, and Annoyances whatsoever within the said Townships and Boundaries aforesaid, which they the said Commissioners, or any Five or more of them, shall adjudge to obstruct or incommode, or render inconvenient the Footpaths of or in all or any of the said Streets, Lanes, Alleys, publick Ways and Passages, within the said Townships and Boundaries aforesaid, and to leave the Materials so to be taken down or removed, or the Residue of such Materials in case of regulating the same only on the Spot, or as near thereto as conveniently may be, for the Use of the Person or Persons who may be entitled to the same; and the Expences attending the taking down, removing, altering, or regulating of the same, shall be borne and defrayed out of the Money to be raised by virtue of this Act.

Houses to be
spouted.

LXV. And be it further enacted, That the Water from the Roofs of all Houses, or other Buildings within the said Townships and Boundaries aforesaid, fronting the publick Streets and Passages, shall be conveyed in Lead or other Pipes reaching within Six Inches of the Ground, and affixed against or on the Sides or Front of such Houses or Buildings; and in case the Owner, Proprietor, or Occupier of any House or Building, shall not convey the Water from their Houses and Buildings by Pipes in Manner aforesaid, he, she, or they so offending, shall for every such Offence forfeit a Sum not exceeding Five Pounds.

Persons not
to erect Sign
Posts, &c.

LXVI. And be it further enacted, That if any Person or Persons shall, after the said First Day of *May* One thousand eight hundred and ten, hang, place, erect, build, or make any Sign, Sign Post, or other Post, Sign Iron, Pent House, Shew Board, Spout, Gutter, Stall, Bow Window, Window Shutter, Projecting Window Blind, Porch, Shed, Butchers' Gallows, Crook, Cellar Window, or Dwarf Wall, Shamble, Post, or other Erection, Projection, Incroachment, Nuisances, or other Annoyance whatsoever, or cause or permit the same to be done, every Person so offending shall for every such Offence forfeit a Sum not exceeding Five Pounds; and it shall be lawful for the said Commissioners, or any Five or more of them, to order the same to be taken down, removed, carried away, altered, or regulated in such Manner as they, or any Five or more of them, shall think proper; and the Person or Persons so ordered shall and may take down, remove, carry away, alter, or regulate the same accordingly, after Ten Days Notice or Warning given to the Owner or Owners, Tenant or Tenants, Occupier or Occupiers, to take down, remove, carry away, alter, or regulate the same; and the Expence thereof shall

shall be borne by the said Owner or Owners, Tenant or Tenants, Occupier or Occupiers of the Premises respectively.

LXVII. And be it further enacted, That if, after the said First Day of *May* One thousand eight hundred and ten, any Cart, Dray, Waggon, or other Carriage, shall be left, remain, stand, or continue in any Street, Lane, Way, publick Passage or Place, within the said Townships and Boundaries aforesaid, with or without Horses or other Cattle; or if any Stage Coach, Diligence, Fly, Post Chaise, or other Carriage let to Hire, shall be left or stand or remain in any of the Streets, Lanes, Alleys, publick Ways and Passages aforesaid, with or without Horses, for any longer Time than shall be necessary for the taking up and setting down of the Passengers, and for the loading and unloading their Baggage; or if any Asses, Pigs, Swine, or other Beast or Cattle, shall be permitted to wander, or be driven or found at large in or about any of the said Footpaths, Streets, Lanes, Alleys, publick Ways and Passages; or if any Timber, Lime, Mortar, Sand, Stones, Slate, Hay, Straw, Wood, Faggots, Tiles, Coals, Boards, Tubs, Manure or Dung, Goods, Wares, Merchandizes, or other Materials or Things whatsoever, shall be laid or placed, and left to remain in any of the Footpaths, Streets, Lanes, Alleys, publick Ways and Passages, for any longer Time than shall be necessary for moving and housing the same; or if any Coals, Coal Ashes, Rubbish, or other Nuisance or Annoyance whatsoever, shall be thrown, cast, or laid in any of the said Footpaths, Streets, Lanes, Alleys, publick Ways and Passages, then and in every such Case the Owner or Driver of any such Waggon, Cart, Dray, Coach, Diligence, Fly, Post Chaise, or other Carriage, and the Owner of any such Asses, Pigs, Swine, or other Beast or Cattle, and of any such Bricks, Manure or Dung, Goods, Wares, Merchandizes, Materials or Things, which shall be left, found at large, or suffered to remain in any of the said Streets, Lanes, publick Ways and Passages; and the Person or Persons who shall throw, cast, or lay, or cause to be thrown, cast, or laid any Coals, Coal Ashes, Rubbish, or other Nuisance or Annoyance whatsoever as aforesaid, shall for every such Offence forfeit and pay any Sum not exceeding Twenty Shillings over and above the Expences of removing the same, and the same shall be deemed Nuisances.

Penalty on
Carts, &c.
standing in
Streets.

LXVIII. And be it further enacted, That if any Person or Persons shall, at any Time after the said First Day of *May* One thousand eight hundred and ten, run, drive, or draw, or cause to be run, driven, or drawn, on any Foot Pavement within the said Townships and Boundaries aforesaid, any Wheel or Wheels, Sledge, Wheelbarrow, or Carriage whatsoever, or shall roll any Cask, or wilfully ride, drive, or lead, or cause to be ridden, driven, or led, any Horse or other Cattle, on any of the said Footpaths, other than in cases of absolute Necessity, or shew, or expose to view, any Stallion in the said Streets, Alleys, publick Ways and Passages, or any of them, excepting such Streets, Lanes, Ways, Passages, or other Places, as shall for that Purpose be appointed by the said Commissioners, or any Five or more of them, in pursuance of this Act, or shall permit or suffer any Bull Dog or Mastiff Dog to go or be at large unmuzzled in the said Streets, Lanes, Alleys, publick Ways and Passages, every such Person shall forfeit and pay for the First Offence any Sum not exceeding Five Shillings, for the Second Offence any Sum not exceeding Ten Shillings,

No Wheel-
barrow to
run on Foot-
path, or
Horse to be
rode on Foot-
path.

[Loc. & Per.]

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lings,

lings, and for the Third and every other Offence any Sum not exceeding Twenty Shillings: Provided that no Person or Persons shall be liable to such Penalties for rolling any Cask on the Foot Pavement, unless the same shall have been rolled thereon for the Space of Ten Yards.

No Person to drive any Cart, &c. for the Conveyance of Goods, without leading the Shaft Horse.

LXIX. And be it further enacted, That if any Person or Persons shall, at any Time after the said First Day of *May* One thousand eight hundred and ten, drive any Cart, Dray, Waggon, Truck, or other Carriage, for the Conveyance of Goods in or through any of the Streets, Lanes, Alleys, publick Ways or Passages within the said Townships and Boundaries aforesaid, and without some Person on Foot leading the Shaft or Thill Horse by a Halter or Rein fixed to the Head of such Horse, every such Person shall, for every such Offence, forfeit and pay any Sum not exceeding Ten Shillings.

Leaving Hatchways open.

LXX. And whereas in some of the Houses or Tenements within the said Townships and Boundaries aforesaid there are Cellars, Coal Holes, Vaults, and subterraneous Apartments communicating with the Streets, which, when the Doors, Port Holes, Hatches or Hatchways thereof are left open, are very dangerous to Passengers; be it therefore further enacted, That every Occupier of any House or Tenement having a Cellar, Coal Hole, Vault, or subterraneous Apartment under or communicating with the Street, who shall leave the Door, Port Hole, Hatch Hole or Hatchway thereof open, between Sun-set and Sun-rise, or in the Day Time, without being sufficiently guarded, shall forfeit and pay to any Person who shall become the Informer against such Person or Persons for any such Offence any Sum not exceeding Ten Shillings, to be recovered upon the Proof thereof before any One or more Justice or Justices of the Peace for the County of *Durham*, upon the Oath of One or more Witnesses or Witnesses (which such Justice or Justices are hereby empowered and required to administer).

Appointing Watchmen.

LXXI. And be it further enacted, That the said Commissioners, or any Five or more of them, shall and may, and they are hereby authorized and required to appoint such a Number of able bodied Watchmen and Night Constables respectively, as they shall judge necessary to be employed to watch within the said Townships and Boundaries aforesaid, or any Part or Parts thereof, for and during such Periods in every Year, and for such Wages as the said Commissioners, or any Five or more of them, shall think fit; and the said Commissioners, or any Five or more of them, shall likewise direct and appoint how and where the several Watchmen and Night Constables shall be stationed, and in what Manner they shall be armed, how often they shall go their Rounds, and the Limits of the same, and how long they shall continue upon Duty; and shall and may erect and provide proper Places, and Boxes and Watch Houses, for the Reception of such Watchmen and Night Constables as aforesaid, and shall make all such Orders and Regulations as the Nature of the respective Services shall to the said Commissioners, or any Five or more of them, appear to require, and as shall be necessary for preserving and maintaining Peace and Order, and an effective Police within, and for the Safety of the Inhabitants of the said Townships within the Boundaries aforesaid, and shall cause all such Orders and Regulations as shall be made by them from Time to Time, for the better Direction and Government of such Watchmen and Night Constables, and for the other Purposes last mentioned,

tioned, to be printed, and Copies of them signed by the said Commissioners, or their Clerk for the Time being, to be distributed throughout the said Townships within the Boundaries aforesaid; and such Watchmen and Night Constables shall, and they are hereby authorized and required to keep Watch and Ward within the said Townships and Boundaries aforesaid, and to arrest, apprehend, and detain in the Watch House, or some other convenient Place or Places of Security within the said Townships and Boundaries aforesaid, to be provided and appointed by the Commissioners, all disorderly Persons, Vagrants, Beggars, and all Disturbers of the publick Peace, and such Watchmen and Night Constables shall take them within Twenty-four Hours, or as soon after as conveniently may be, before any One of His Majesty's Justices of the Peace for the said County of *Durham*, to be examined and dealt with according to Law.

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

Penalty on Watchmen not performing Duty.

LXXIII. Provided always, and be it further enacted, That no Person who shall be appointed or employed as a Watchman by virtue or in pursuance of this Act, by Means or on Account of his being so employed, and acting in that Service or Duty, gain or be entitled to any Settlement in the said Townships of *Bishop Wearmouth* or *Bishop Wearmouth Panns*.

Watchmen not to gain Settlement.

LXXIV. And be it further enacted, That it shall be lawful for the said Commissioners, or any Five or more of them, from Time to Time to compound and agree with any Person or Persons against whom any Action or Actions, Suit or Suits, shall be brought or prosecuted for any Penalty or Penalties, in any Contract or Contracts hereafter to be entered into on Account of any Breach or Nonperformance of any such Contract or Contracts, for such Sum or Sums of Money as they, or any Five or more of them, shall think proper, and also to mitigate and compound or lessen any other of the Forfeitures incurred under this Act.

Power to Commissioners to compound Penalties.

LXXV. And be it further enacted, That all Penalties and Forfeitures by this Act imposed, the Manner of levying and recovering whereof is not hereby otherwise particularly directed, shall be levied and recovered by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal of any One Justice of the Peace for the said County of *Durham*, which Warrant such Justice is hereby empowered to grant upon the Confession of the Party or Parties, or upon the Information of any One or more credible Witness or Witnesses upon Oath, which Oath such Justice is hereby empowered to administer, and the Penalties and Forfeitures when recovered shall be paid to the Treasurer, or such other Person as the said Commissioners, or any Five or more of them, at any of their Meetings shall appoint for that Purpose, and be applied towards the Purposes of this Act; and in case sufficient Distress shall not

Manner of levying and Application of all Penalties not otherwise directed.

be found, or such Penalties or Forfeitures shall not be paid forthwith, it shall be lawful for such Justice, and he is hereby authorized and required by Warrant under his Hand and Seal, to cause the Offender or Offenders to be committed to the Common Goal or House of Correction, there to remain without Bail or Mainprize, for any Time not exceeding Three Calendar Months, unless such Penalties and Forfeitures, and all reasonable Charges, shall be sooner paid and satisfied.

Power to
give whole
Penalty to
Informers.

LXXVI. Provided always, and be it further enacted, That it shall be lawful for the said Commissioners, or any Five or more of them, when and so often as they shall think fit, to give all or any Part of the Penalties and Forfeitures which shall be incurred by reason of any Offence or Offences against this Act, to the Informer or Informers of such Offence or Offences.

Limitation of
informing to
One Month.

LXXVII. Provided always, and be it further enacted, That no Person or Persons shall be subject or liable to the Payment of the Penalties or Forfeitures inflicted by virtue of this Act, nor any Offence or Offences against this Act, unless Information be given of such Offence or Offences within One Calendar Month next after the Offence committed, save and except the Penalties in and by this Act inflicted for Nonpayment of the Rates or Assessments in and by this Act directed to be made.

Commission-
ers may sue
and be sued
in the Name
of their
Clerk.

LXXVIII. And be it further enacted, That the said Commissioners may and shall in all Cases sue or be sued in the Name of their Clerk, and that no Action which may be brought or commenced, or Indictment which may be preferred or prosecuted by or against the said Commissioners, or any of them by virtue or on Account of this Act in the Name of their Clerk, shall abate or be discontinued by the Death or Removal of such Clerk, or by the Act of such Clerk, without the Consent of the said Commissioners, or any Five or more of them, but the Clerk to the said Commissioners for the Time being shall always be deemed Plaintiff, Prosecutor, or Defendant, in such Action or Indictment as the Case may be, except as herein-before is provided: Provided always, that every such Clerk in whose Name any Action, Indictment, or Suit shall be commenced, preferred, prosecuted, or defended in pursuance of this Act, shall always be reimbursed and paid out of the Monies to be raised by virtue of this Act, all such Costs and Charges as by the Event of any such Proceedings he shall be put to, or become chargeable with, by reason of his being made Plaintiff or Defendant therein.

No Action
to be com-
menced or
Indictment
preferred, but
by Order of
Commission-
ers.

LXXIX. Provided always, and be it further enacted, That no Action shall be commenced or proceeded in, or Indictment preferred or prosecuted by Order of the Commissioners, unless Seven or more of the said Commissioners do make and sign an Order for the commencing and proceeding in the said Action or Actions, or preferring such Indictment or Indictments.

Inhabitants
may be Wit-
nesses.

LXXX. And be it further enacted, That in all Actions, Prosecutions, Informations, Causes, and Proceedings whatsoever, relating to or concerning the Execution of this Act, no Inhabitant within either of the Townships of *Bishop Wearmouth* and *Bishop Wearmouth Panns*, shall be deemed incompetent to give Evidence by reason of his or her being charged

charged with and liable to pay and paying any Rate or Assessment by virtue of this Act.

LXXXI. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Rate or Assessment to be made, or Penalty imposed by this Act, or by any Rule, Regulation, or Bye Law made in pursuance thereof, or in the Removal of any alledged Nuisance, such Person or Persons may appeal to the Justices at the First General Quarter Sessions of the Peace to be holden for the said County of *Durham*, next after the Expiration of One Calendar Month from the Time such Matter of Appeal shall have arisen, the Person or Persons appealing having first given Ten Days Notice at the least of his, her, or their Intention to bring such Appeal, and of the Matter thereof, to the Clerk to the said Commissioners; and the Justices in such Session are hereby authorized and required to hear and determine the Matter of such Appeal in a summary Way, and to make such Determination therein as they shall judge proper, and such Determination shall be final, binding, and conclusive to all Parties, to all Intents and Purposes whatsoever.

Persons aggrieved may appeal to the Quarter Sessions.

LXXXII. And be it further enacted, That all and every Justice and Justices, before whom any Person or Persons shall be convicted of any Offence against this Act, shall and may cause such Conviction to be drawn in the Form or to the Effect following; *videlicet*,

Form of Conviction.

‘ **B**E it remembered, That on the _____ Day of _____
 ‘ in the Year of our Lord _____ P. Q. is convicted
 ‘ before _____ of His Majesty’s Justices
 ‘ of the Peace for the _____ of having [here state the
 ‘ Offence] and I [or, we] the said Justice [or, Justices] do adjudge him,
 ‘ her, or them to forfeit and pay the Sum of _____
 ‘ Given under my Hand and Seal [or, Hands and Seals] the Day and
 ‘ Year aforesaid.’

LXXXIII. And be it further enacted, That where any Distress shall be made for any Sum of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers on Account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers, *ab initio* on Account of any Irregularity which shall be afterwards done by the Party or Parties so distraining, but the Person or Persons so aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damage in an Action of Trespass upon the Case: Provided always, that no Plaintiff or Plaintiffs shall recover in any such Action for such Irregularity, or for any Trespass or other wrongful Proceedings, unless Notice in Writing shall be given Twenty-one Days before such Action shall be commenced of such intended Action, signed by the Attorney to the Plaintiff or Plaintiffs, specifying the Cause of such Action, nor shall the Plaintiff or Plaintiffs recover in such Action, if Tender of sufficient Amends hath been made to him, her, or them, or his, her, or their Attorney, by or on the Behalf of the Defendant or Defendants, before such Action brought; and in case no such Tender shall have been made, it shall and may be

Distress not to be deemed unlawful for Want of Form.

Notice to be given before commencing Action.

[Loc. & Per.]

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lawful

lawful to and for the Defendant or Defendants in any such Action, by Leave of the Court after such Action shall have been brought, at any Time before Issue joined, to pay into Court such Sum of Money as he or they shall think fit, whereupon such Proceedings, Order, and Judgement shall be made and given in and by such Court, as in other Actions where the Defendant is allowed to pay Money into Court.

Proceedings
not to be
quashed for
Want of
Form.

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

Limitation of
Actions.

LXXXV. Provided always, and be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of this Act until Twenty-one Days Notice thereof be given to the Clerk to the said Commissioners, or after sufficient Satisfaction or Tender thereof hath been made to the Party or Parties aggrieved, or after Six Calendar Months next after the Fact committed; and every such Action or Suit shall be brought and tried in the said County of *Durham*, and not elsewhere; and the Defendant or Defendants in every such Action or Suit shall or may at his or their Election plead specially, or the General Issue, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if the same shall appear to be so done, or if such Action or Suit shall be brought before Twenty-one Days Notice shall be given as aforesaid, or after the Time limited for bringing the same as aforesaid, or shall be brought in any other County than as aforesaid, then the Jury shall find for the Defendant or Defendants; and upon such Notice, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Suit after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgement shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall recover Treble Costs, and have such Remedy for the same as any Defendant or Defendants hath or have in any other Cases by Law.

Publick Act.

LXXXVI. 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 whomsoever, without being specially pleaded.

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