



ANNO QUINQUAGESIMO SECUNDO

GEORGI III. REGIS.

Cap. 51.

An Act for paving, cleansing, and otherwise improving the Town of *Guildford*, in the County of *Surrey*.
[20th April 1812.]

WHEREAS the several Streets, Lanes, and other Public Passages and Places, within the Town of *Guildford*, in the County of *Surrey*, are very ill paved and not sufficiently cleansed, and are much incommoded by various Encroachments, Nuisances, and Annoyances, and it would tend greatly to the Safety, Accommodation, and Convenience, not only of the Inhabitants of the said Town, but also of all Persons resorting to or travelling through the same, if the said Streets, Lanes, and other Public Passages and Places were properly paved, and well and sufficiently cleansed, and all Encroachments, Nuisances, and Annoyances removed; but, as the same cannot be done without the Authority of Parliament; may it therefore please Your Majesty, That it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Mayor, the Recorder, and those who have been Mayors, the Town Clerk, the Bailiff, and those who have been Bailiffs of the said Town, for the Time being, *William Attfield, John Attfield, Charles Betts, Thomas Bonner, James Batchelor, James Bogue, Morris Birkbeck, Jesse Boxall the Elder, Edmund Ball, Charles Booker, Nathaniel Clarkson, Thomas Chennell, Robert Cooke the Elder, Robert Cooke* Commissioners appointed.
[Loc. & Per.] 12 A the

the Younger, *Thomas Charrott, William Chandler, the Reverend William Hodgson Cole Clerk, Richard Carter, Richard Children, James Crooke, Thomas Dowlen, John Earl, William Elkins, Edmund Elkins, the Reverend Edward Fulham Clerk, John French, George Foster, Thomas Freakes the Elder, James Gunner, Richard Gabb the Younger, George Gilbert, John Hughes, Joseph Hockley the Elder, Joseph Hockley the Younger, William Haydon the Elder, William Haydon the Younger, Joseph Haydon, Thomas Holiday, James Holiday, James Hooker, Richard Herrington, John James the Elder, John James the Younger, William Johnson, John Kirby, William Killick, William Leggatt, John Leggatt, Anthony Lee, James Dawson Lassam, William Lockwood, John Martyr, James Moore, Thomas Mason, Edward Martin, John Matthews, Richard Newman, John Nealds, George Nealds, William Newland, Henry Pope Nye, Charles Niblett, Thomas Pullen, John Page the Elder, John Page the Younger, Thomas Piggott the Elder, the Reverend Henry Penny Clerk, Samuel Russell, William Russell, Samuel Robinson, Thomas Rennington, Samuel Roberts, John Sibthorpe, Ashby Smith, William Shaw, George Smallpeice, John Smallpeice, Job Smallpeice, John Peyto Shrub, Richard Sparkes, William Sparkes, Francis Skurray the Elder, Henry Skinner, Theophilus Smith, George Stovold, John Stedman, James Smither, John Tickner, Henry Tickner, John Trimmer, William Talmadge the Elder, John Talbot, Thomas Vincent, William Vanner, Thomas Vanner, Edmund Upton, George Waugh, William Winkworth, William Wakeford, William Walbancke, William Winstlade, Jesse Waller, Thomas Waller, Caleb Woodyer, the Reverend James Weller, D. D. James Wilkins the Elder, and their Successors to be elected as hereinafter mentioned, shall be and they are hereby appointed Commissioners for putting this Act into Execution; and when any of the Commissioners hereby appointed, or to be elected, as hereinafter mentioned, shall die, or refuse, or not be qualified to act in the Execution of this Act, then and in every such case it shall be lawful for the surviving or remaining Commissioners, or the major Part of them, assembled at any of their Meetings, to elect and appoint by Ballot such other Person, being an Inhabitant of and resident within the said Town, as they shall see fit, to be a Commissioner in the Place of every Commissioner, so dying or refusing to act, or ceasing to be qualified to act as a Commissioner in the Execution of this Act: Provided always, that at least Ten Days Notice in Writing of the Time and Place of Meeting for the Election of every such new Commissioner, signed by the Clerk to the said Commissioners, and of the Purpose thereof, shall be given by affixing the same on the Town Hall of the said Town, or such other conspicuous Place or Places within the said Town, as the said Commissioners shall at any of their Meetings appoint for that Purpose; and every Person so elected shall have and is hereby vested with the same Powers and Authorities for putting this Act in Execution, as if he had been named a Commissioner in and by this Act.*

New ones to
be elected.

Qualification
of Commis-
sioners.

II. Provided always, and be it further enacted, That no Person shall be capable of acting as a Commissioner in the Execution of this Act unless he shall be resident in the said Town of *Guildford*, and shall at the Time of his so acting be in his own Right, or in the Right of his Wife, in the actual Possession or Enjoyment and Receipt of the Rents and Profits of Lands or Tenements within the said Town of the clear yearly Value of Twenty-five Pounds, or be a Tenant or Occupier of Lands or Tenements within the said Town of the yearly Value of

Thirty-

Thirty-five Pounds, or be possessed of or entitled to a Personal Estate of the Amount or Value of Two thousand Pounds over and above the Amount of his Debts; and if any Person, not being qualified as aforesaid, shall presume to act as a Commissioner in the Execution of this Act, he shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person who shall sue for the same by Action of Debt, or on the Case, in any of His Majesty's Courts of Record at *Westminster*; and every Person so prosecuted shall prove that he is so qualified, or otherwise shall pay the said Penalty, upon proof being made of his having acted as a Commissioner in the Execution of this Act: Provided always, that no Person shall be capable of acting as a Commissioner in the Execution of any of the Powers given by this Act, (except the Power hereby given of appointing the first Meeting, and of administering the Oath or Affirmation hereinafter mentioned to the other Commissioners) until he shall have taken and subscribed the following Oath, or made and subscribed the following Affirmation; *videlicet*:

Commissioners to take an Oath.

I do swear, [*or*, being one of the People called Quakers, do solemnly affirm] That I am really and *bonâ fide* in my own Right [*or*, in the Right of my Wife] now in the actual Possession and Enjoyment or Receipt of the Rents and Profits of Lands or Tenements within the Town of *Guildford*, in the County of *Surrey*, of the clearly yearly Value of Twenty-five Pounds, or am Tenant or Occupier of Lands or Tenements within the said Town of the yearly Value of Thirty-five Pounds, or am possessed of or entitled to a Personal Estate of the Amount or Value of Two thousand Pounds over and above the Amount of my Debts; and that I will truly and impartially, according to the best of my Skill and Judgment, execute and perform all and every the Powers and Authorities reposed in me, in and by an Act of Parliament made in the Fifty-second Year of the Reign of King *George* the Third, intituled, *An Act* [*here insert the Title of this Act*] without Malice or Prejudice, Favour or Affection, to any Person or Persons whomsoever. So help me GOD.

Which Oath or Affirmation it shall be lawful for any one of the said Commissioners to administer at a Public Meeting to be holden by virtue of this Act, and they the said Commissioners are hereby required to administer the same to each other accordingly.

III. Provided always, and be it further enacted, That no Commissioner hereby appointed, or hereafter to be appointed as aforesaid, shall be capable of acting or voting as such, during the Time he shall enjoy any Office of Profit under the said Commissioners, or be concerned in any Contract made by virtue of this Act, or in any Case wherein he shall be personally interested; and that at all Meetings to be holden in pursuance of this Act, the Commissioners shall defray their own Expences, (except for the use of the Room or Apartment where such Meeting shall be held) but it shall and may be lawful to and for such of the said Commissioners as are or shall be Justices of the Peace for the said Town, to act as Justices of the Peace in the Execution of this Act.

No Commissioner to act while in Office or under Contract.

IV. And be it further enacted, That the said Commissioners shall hold their first Meeting at such House or Place within the said Town, and upon such Day as any Seven or more of the said Commissioners shall

Meetings of Commissioners.

shall appoint, by Notice signed by them, and affixed upon the Town Hall in the Town aforesaid, at least Fourteen Days before such Meeting, and shall proceed to put this Act into Execution; and shall and may then, and from Time to Time afterwards, adjourn to meet at the same Place, or at any other Place within the said Town, as they or the major Part of them present at such Meeting shall appoint; and if at any of the said Meetings the Commissioners present shall omit or neglect to adjourn such Meeting to another Day; or if there shall not appear a sufficient Number of Commissioners to adjourn (two Commissioners to be deemed sufficient for that Purpose), then, and in every such Case, every such Meeting or intended Meeting shall be and is hereby adjourned for Three Weeks; and shall be then holden at the same Place where the former Meeting was or was intended to have been holden, and so from Time to Time until a sufficient Number of the said Commissioners shall meet and adjourn, public Notice of every such Adjournment, signed by their Clerk, being given upon the said Town Hall, or on such other conspicuous Place or Places as the said Commissioners shall at any of their Meetings have appointed for that Purpose; and that no Act of the said Commissioners shall be valid (except that of appointing the First Meeting, or of Adjournment, as aforesaid), unless made or done at some Public Meeting to be held by virtue of this Act (except as may be herein excepted); and all Acts, Matters, and Things, by this Act authorized, directed, mentioned, or expressed to be done and performed by the said Commissioners, may be done or performed by the Majority of the said Commissioners present at their respective Meetings, the whole Number present at any such Meeting not being less than Seven, and the same shall be as valid as if done or performed by all the said Commissioners (except in Cases where a greater Number of Commissioners than Seven are required), and that at every such Meeting One of the said Commissioners shall be appointed Chairman or President by the Majority of those present; and that in all Cases, the said Commissioners shall vote by Ballot, in case the same shall be desired by any Three or more of the said Commissioners then present, and in case of an equal Number of Votes upon any Question, including that of the Chairman or President, such Chairman or President shall have the casting Vote; and that no Order shall be revoked unless at a subsequent Meeting where a greater Number of Commissioners than were present when such Order was made, and not being less than Nine, shall attend, and of which subsequent Meeting Seven Days Notice shall be given as aforesaid, expressing the Occasion of such Meeting: Provided nevertheless, that it shall and may be lawful for the said Commissioners to hold any special Meeting between their last Meeting and the Day to which any subsequent Meeting shall be adjourned as aforesaid, so that such Meeting shall be required by Seven at least of the said Commissioners, and Notice thereof given as aforesaid, at least Seven Days before the Time to be appointed for the same, signed by the Clerk to the said Commissioners, and specifying the Cause of such Meeting.

No act valid unless at a Meeting.

Commissioners to vote by Ballot.

Commissioners may hold special Meetings.

Proceedings to be entered in a Book.

V. And be it further enacted, That regular Entries shall be made in a proper Book or Books, to be provided for that Purpose, of the Names of the Commissioners who shall attend their respective Meetings, and of all their Acts, Orders, and Proceedings; and the Chairman or President of every such Meeting, or the Clerk of the said Commissioners, shall subscribe his Name

Name at the End of the Proceedings of every such Meeting; and all such Entries, being so signed, shall be deemed Originals, and shall be allowed to be read in Evidence in all Courts, Suits, and Actions, relating to any Thing done in pursuance of this Act, and that every such Book shall at any of the Meetings of the said Commissioners, and at all other reasonable Times, be open to the Inspection of every Person to be rated or assessed for the Purposes of this Act.

VI. And be it further enacted, That in the Month of *September* in every Year, a true Account shall be made and written of all Monies received and paid by virtue of this Act during the preceding Year, ending upon the Twenty-fourth Day of *June*, stating to and from whom the same have been paid or received, and for what Purposes; and a Copy or Duplicate of such Account shall be deposited with the Clerk of the said Commissioners, who shall permit any Person or Persons who shall be rated as hereinafter mentioned, or any Person or Persons on his, her, or their Behalf, to inspect the same at reasonable Times, paying One Shilling for such Inspection, and shall, upon Demand forthwith, give Copies of the same, or any Part thereof, upon being paid at the Rate of Sixpence for every One hundred Words, and so on in proportion for a less Number of Words. Yearly Accounts.

VII. And be it further enacted, That the said Commissioners shall and may, from Time to Time, whenever they think necessary, by Writing under their Hands, appoint and employ a Treasurer and Clerk, and Assessor or Assessors, Collector or Collectors, of the Rates or Assessments to be made as hereinafter directed, and also a Surveyor, and such other Officers and Persons as they shall think necessary to employ in the Execution of this Act, and shall from Time to Time take such Security from every such Treasurer and Collector, for the due Execution of their respective Offices, as the said Commissioners shall think proper; and the said Commissioners may remove and displace any such Officer and Person, from Time to Time, whenever they shall think proper; and shall and may, out of the Monies to be raised by virtue of this Act, allow and pay to every such Treasurer, Clerk, Surveyor, Assessor, or Collector, and other Officer or Person to be employed as aforesaid, such Salary or Allowance as they the said Commissioners shall think reasonable; and that every such Treasurer, Clerk, Surveyor, Assessor, Collector, and other Officer to be appointed as aforesaid, shall from Time to Time, as often as thereunto required by the said Commissioners, render and give to the said Commissioners; or to such Person as they shall appoint, a true, fair, and particular Account in Writing of all Monies which shall have been by him collected or received by virtue of this Act, and how, to whom, and on what Account any such Monies shall have been paid, together with the proper Receipts and Vouchers for such Payments, and shall pay all such Monies as upon the Balance of such Accounts shall appear to be in his Hands, to the said Commissioners, or to such Person, and at such Time, as they shall direct and appoint; and every such Officer so accounting, shall, upon Oath if required (which Oath the said Commissioners, or any Two or more of them, are hereby authorized to administer), verify his said Accounts, and the particular Items and Articles thereof, and the several Receipts and Payments which shall be therein contained; and if any such Officer shall refuse or wilfully neglect to render or give such Account as aforesaid, or

[*Loc. & Per.*]

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to

to produce and deliver up to the said Commissioners the Receipts and Vouchers relating to the same, or to verify the Items or Articles thereof upon Oath (if required), or to deliver up to the said Commissioners, or to such Person as they shall for that Purpose appoint, within Fourteen Days next after being thereunto required, by Writing under the Hands of any Seven or more of the said Commissioners (which Requisition shall be made once in every Year at least), all Books, Papers, and Writings in his Custody or Power relating to the Execution of his Office, or of this Act, or shall refuse or neglect to pay all such Money as upon the Balance of any such Account shall appear to be in his Hands, to the said Commissioners, or to such Person as they shall direct or appoint, and Complaint shall be made by the said Commissioners, or by such Person as they shall appoint for that Purpose, of any such Neglect or Refusal as aforesaid, to any Justice of the Peace for the said Town, or for the said County of *Surrey*, such Justice is hereby empowered to summon the Officer against whom such Complaint shall be made, to appear before him at a Time and Place in such Summons to be mentioned, and upon his appearing or non-appearing, the Service of such Summons being proved by the Oath of any credible Witness (which Oath such Justice is hereby empowered to administer), to hear and determine the Matter of such Complaint in a summary Way; and if upon the Confession of the Officer against whom such Complaint shall be made, or by the Oath of any credible Witness, it shall appear to such Justice that any of the Money which shall have been collected or raised by virtue of this Act, shall be due from such Officer, the said Justice may upon Non-payment thereof, within such reasonable Time as he may appoint by Warrant under his Hand and Seal, cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer, rendering the Overplus (if any) to such Officer upon Demand, after deducting the reasonable Charges of such Distress and Sale; and if sufficient Goods and Chattels of such Officer cannot be found to answer and satisfy such Money, and the Charges of levying and raising the same, or if such Officer shall not appear before the said Justice at the Time and Place by him to be appointed in such Summons, and it shall in Manner aforesaid appear to such Justice that such Officer shall have refused or wilfully neglected to render and give such Account, or to verify the same as aforesaid, or to produce the Vouchers relating thereto, or to deliver up such Books, Papers, and Writings as aforesaid, the said Justice is hereby authorized, by Warrant under his Hand and Seal, to cause such Officer to be committed to the Common Gaol or House of Correction, there to remain without Bail or Mainprize until he shall have delivered in his Account, and verified the same as aforesaid, and shall have produced and delivered up the Receipts and Vouchers relating thereto, or delivered up such Books, Papers, and Writings, or given Satisfaction to the said Commissioners concerning the same, and shall have paid all Monies which shall appear to be in his Hands, and the Charges attending the Recovery thereof, or shall have compounded with the said Commissioners for the same, which Composition the said Commissioners are hereby empowered to make and receive; but no such Officer, who shall be committed on Account of his not having sufficient Goods and Chattels as aforesaid, shall be detained in Prison for any longer Term than Three Calendar Months: Provided always, that if any Money shall remain due from such Officer, the Commitment of him to Prison shall not be deemed a Discharge for the same, nor exonerate his Surety or Sureties, but such

Officer

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

VIII. And be it further enacted, That the Property of and in all the present and future Pavements, both of the Carriageways and Footways of the several Streets, Lanes, and other Public Passages and Places within the said Town, already or hereafter to be set out or made, and the Stones, Gravel, and other Materials of which the said Carriageways and Footways do and shall consist, and all Implements and other Things thereto belonging, or which shall be purchased or provided by virtue of for the Purposes of this Act; shall belong to and be the Property of, and are hereby vested in the said Commissioners; and the said Commissioners shall and may cause to be brought any Action or Actions, or direct the preferring any Bill or Bills of Indictment, as the Case may require, against any Person or Persons who shall steal, take, or carry away, detain, spoil, injure, or destroy the several Articles and Things hereby vested in them, or any Part or Parts thereof; and in all such Actions and Bills of Indictment respectively, it shall be and be deemed and taken to be sufficient to state generally that the Article or Articles, Thing or Things, for or on account of which such Action or Actions shall be brought, or Bill or Bills of Indictment preferred, is or are the Property of the Commissioners for the Improvement of the Town of *Guildford*, in the County of *Surrey*, without particularly stating or specifying the Name or Names of all or any of the said Commissioners; and the said Commissioners shall have full Power and Authority, from Time to Time, to sell and dispose of, for the Purposes of this Act, all or any of the said Articles and Things, or any Part or Parts of the same respectively, to such Person or Persons, and in such Manner as they the said Commissioners shall think proper.

Property of Pavements, &c. vested in the Commissioners.

IX. And be it further enacted, That if any Person or Persons shall wilfully or maliciously break up, injure, destroy, or otherwise damage any of the Articles or Things hereby vested in the said Commissioners; or any of the Works done by them in pursuance of this Act, every Person so offending shall, for every such Offence, forfeit and pay any Sum not exceeding Ten Pounds.

Penalty on damaging Materials.

X. And be it further enacted, That during the Time any Street, Lane, Public Passage or Place, shall be new paving, flagging, altering, or repairing, the said Commissioners shall have Power to order the necessary Materials to be lodged in that or any adjoining Street, Lane, Public Passage, or Place, according to their Discretion, as also to stop up the Way through that or any adjacent Street or Lane, Public Passage, or Place so long as they shall judge necessary; and the said Commissioners, and all Persons acting under the Direction of the said Commissioners, are hereby indemnified from any Prosecution or Action whatsoever for so doing.

Where Materials for paving may be lodged.

XI. And be it further enacted, That it shall be lawful for the said Commissioners, from Time to Time, to cause the several Streets, Lanes, and other Public Passages and Places within the said Town, both in the Carriageways and Footways, to be payed, pitched, flagged, repaired, relaid,

Commissioners are empowered to pave.

relaid, amended, altered, and cleansed, and all Steps, Penthouses, Porches, Bow or other Windows, projecting over any Foot or Carriage Way so as to obstruct the Passage thereof, and other Encroachments, Obstructions, and Annoyances therein, to be removed, and Gutters, Sinks, Drains, Sewers, and Watercourses, to be cut or made in, through, or under any of the said Streets, Lanes, Public Passages, and Places, and any of the Gutters, Sinks, Drains, Sewers, and Watercourses already made therein, to be opened or widened, and the Form or Course thereof altered, and the Ground of any of the said Streets, Lanes, and other Public Passages and Places, to be raised, lowered, or altered, in such Manner as the said Commissioners shall think expedient, necessary, or proper, according to the true Intent and Meaning of this Act; and that if any Person or Persons shall take up, or cause to be taken up, or make or cause to be made any Alteration in the Form of the Pavement or Flagging, or of any Part thereof, within any of the said Streets, Lanes, Public Passages, or Places, without the Consent of the said Commissioners, or any Seven or more of them, every such Person so offending, shall, for every such Offence, forfeit and pay any Sum not exceeding Ten Pounds; and in case the Person or Persons so taking up or altering any such Pavement or Flagging, or any Part of the same respectively, shall not within Seven Days after Notice in Writing by the Surveyor to the said Commissioners, or by some other Person or Persons acting under their Direction, given to or left at the last or usual Place or Places of Abode of such Person or Persons, cause the same Pavement or Flagging respectively which shall have been so altered or taken up, to be re-instated and put into its former State, then, and in every such Case, the Surveyor to the said Commissioners shall cause the same to be so done, and the Costs and Charges thereof shall be borne and paid by the Person or Persons who shall have taken up or altered such Pavement or Flagging, or any Part thereof respectively; and in case of Non-payment thereof on Demand, to the said Surveyor or other Person by or under the Authority of the said Commissioners, such Costs and Charges shall and may be levied and recovered in such and the like Manner as any Penalty is by this Act directed to be levied and recovered.

Pavement
not to be
taken up
without leave.

Paviors and
Carters to be
appointed,
and Imple-
ments pur-
chased.

XII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners from Time to Time to appoint such and so many Paviors, Artificers, Workmen, Labourers, Carters, and others, and to provide such Tools, Implements, and Things, as they shall judge necessary for the Purpose of carrying this Act into Execution.

Materials
may be taken
from Com-
mons;

XIII. And be it further enacted, That any Person to be appointed by the said Commissioners may, and is hereby empowered to search for, dig, get, and carry away any Stone, Gravel, Sand, or other Materials fit and proper for the Purposes of this Act, in, out of, and from any Commons or Waste Grounds within the Limits of the said Town as aforesaid, without paying any Thing for the same, such Person filling up the Pits or levelling the Ground, and sloping down the Banks where or from whence such Materials shall be had or taken, or railing, or fencing such Pits, so as the same shall not remain in a dangerous State.

and from
other Places,
making Sa-
tisfaction for
Damages.

XIV. And be it further enacted, That such Person or Persons as the said Commissioners shall employ, having an Order in Writing for the Purpose,

Purpose, made at a Meeting of the said Commissioners and subscribed by their Clerk, is and are hereby authorized to search for, dig, cut, gather, take, and carry away any Stone, Gravel, Clay, Sand, or other Materials, for the Purpose of paving, flagging, mending, or repairing any of the said Streets, Lanes, Public Passages, or Places, out of, or from any other Lands or Grounds situate within the Limits of the said Town (not being a Yard, Garden, Orchard, Park, Paddock, Lawn, Pleasure Ground, or Nursery for Trees), such Person or Persons tendering to the Owners or Occupiers of such Lands and Grounds, for such Materials, and for Damage done thereto, such Recompence and Satisfaction as shall be agreed upon by the said Commissioners and such Owners or Occupiers, or (in case of any Difference touching the Amount of such Recompence or Satisfaction), as shall be settled and determined by the Justices assembled at a General Quarter Sessions of the Peace to be holden for the Town and Borough of *Guildford*, or for the said County of *Surrey*, who shall in a summary Way settle and determine the same, and award Costs to either Party, and the Judgment or Order of such Justices therein shall be final and conclusive to all Parties; and the said Commissioners shall have full Power and Authority to cause to be dug, carted, and carried out of, or brought into the said Streets, Lanes, Public Passages, and Places, such Gravel, Stones, Clay, Sand, and other Materials.

XV. Provided always, and be it further enacted, That it shall not be lawful for any Person under the Authority of this Act, to dig, gather, take, or carry away, any Materials, for any of the Purposes aforesaid, from any inclosed Lands, until Notice in Writing, under the Hands of Seven or more of the said Commissioners, shall have been given to the Occupier of such Lands, or left for him at his usual Place of Residence, to appear before the said Commissioners at such Time and Place as shall be mentioned in such Notice, to shew Cause why such Materials should not be had from such Lands; and in case such Occupier shall attend pursuant to such Notice, the said Commissioners shall, if they think fit, after having heard the Matter, authorize any such Person as aforesaid to dig, gather, take, and carry away such Materials, at such Time or Times as the said Commissioners shall think proper; and if such Occupier shall neglect or refuse to appear by himself or his Agent, the said Commissioners shall and may make such Order as they respectively shall think fit, as fully and effectually, to all Intents and Purposes whatsoever, as if such Occupier or his Agents had attended.

Notice to be given before Materials are taken.

XVI. And be it further enacted, That the respective Owners and Occupiers of Houses and other Buildings, within the said Town and Borough of *Guildford*, shall, and they are hereby required, at their own Costs and Charges, within such Time, and in such Manner, as the said Commissioners shall from Time to Time, by Notice in Writing signed by their Clerk, to be delivered to such Owners or Occupiers, or left at their respective Dwelling-houses, direct and appoint, to cause all Signs, or other Emblems used to denote the Trade, Occupation, or Calling of any Person or Persons which now are or hereafter shall belong to such respective Houses or other Buildings, to be removed and discontinued, or fixed, or placed flat on the Fronts thereof; and all Sign Irons, Sign Posts, and other Posts, Pillars, and Pilasters, Palisadoes, Pales and Rails, Barbers' Poles and other Poles, Trees, Sheds, Penthouses, Bow, or other Windows,

Owners and Occupiers of Houses to remove Signs and other Obstructions.

projecting over any Foot or Carriage Way so as to obstruct the Passage thereof, Spouts, Stairs, Steps, Shew Boards, Stall Boards, Cellar Windows and Doors, and Gates, and Steps into Cellars and Vaults, and all other Encroachments, Obstructions, Projections, and Annoyances, whether lately or anciently or at whatever Time projected or erected, not standing upon or projecting over private Property, which now do or hereafter shall belong to such respective Houses or other Buildings, requiring to be removed, altered, or reformed, and also to cause the Water to be conveyed from the Roofs, Cornices, and Penthouses of or belonging to such respective Houses and other Buildings, by proper and sufficient Pipes or Trunks, to be affixed on the Sides of such Houses and other Buildings; and in case any such Owner or Occupier shall neglect or refuse so to do, it shall be lawful for the said Commissioners to cause the same to be done, and to cause the Costs and Charges attending the same to be levied by Distress and Sale of the Goods and Chattels of such Owner or Occupier, by Warrant under the Hand and Seal of any Justice of the Peace for the said Town and Borough of *Guildford*, or for the said County of *Surrey*, (which Warrant such Justice is hereby authorized and required to grant,) rendering the Overplus (if any) when demanded, to the Person or Persons whose Goods and Chattels shall have been so distrained and sold; and if the Tenant of any such House or other Building shall remove, alter, or reform any such Encroachment, Projection, Obstruction, or Annoyance as aforesaid, it shall be lawful for him or her to deduct and retain the reasonable Charge and Expence thereof, and also any Money which shall or may have been levied upon his or her Goods and Chattels as aforesaid, out of his or her Rent; and the Owner, Proprietor, or Landlord of every such House or other Building is hereby required to allow the same accordingly: Provided, that nothing herein contained shall extend to the stopping up of any Cellar Window, the Curb whereof shall not exceed Four Feet from the Front of the House where there shall be no other way from the Street into such Cellar, unless the said Commissioners shall make or provide some other commodious and sufficient Way into such Cellar: Provided also, that nothing in this Act contained shall extend or be in anywise construed to extend to authorize or empower the said Commissioners, or any Officer or Officers acting under their Authority, to cause or require to be removed any Bow Windows or projecting Windows, Pillars, Pilasters, or Balconies, belonging or appertaining to any House or Houses in the said Town not on the Ground Floor of such House or Houses, nor any Bow Windows, projecting Windows, Shop Windows, Doors, Posts, Pillars, Pilasters, or Steps, belonging or appertaining to any such House or Houses that shall or may be on the Ground, or on the Ground Floor of such House or Houses, but so far only as is, or shall, or may be requisite and necessary for the duly and regularly paving such Streets, Lanes, and other Public Passages and Places, in Manner hereinbefore mentioned.

Protections
for Corners
of Buildings.

XVII. Provided always, and be it further enacted, That if the said Commissioners shall cause to be taken up or removed any Stumps, Posts, or other Guards, at the Corner of any House or Building, forming a Corner of any Street or Lane for the Protection of such House from Injury by Carriages, they the said Commissioners shall, by some other proper Ways or Means, sufficiently guard or protect the same from Damage as aforesaid; and in case any Damage shall at any Time happen to any such
House

House by reason of taking up or removing any such Stumps, Posts, or other Guards by the said Commissioners, they the said Commissioners shall from Time to Time make good such Damage out of the Monies to be raised by virtue of this Act.

XVIII. And be it further enacted, That no Surveyor, Master Carpenter, Mason, or other Workman, in rebuilding, new-fronting, or altering any House, Building, Wall, or Fence, situate in or near any Street, Lane, Public Passage, or Place within the said Town shall, under any Pretence whatsoever, carry the Foundation, or any Part of the Front thereof, beyond the Line of such Street, Lane, or Public Passage, but shall build the same perpendicularly from the Foundation thereof, upon Pain of forfeiting, for every Offence, the Sum of Ten Pounds; and the Owner of such House, Building, Wall, or Fence, shall forfeit and pay the Sum of Forty Shillings for every Month such Encroachment shall remain; and that it shall not be lawful for any Person hereafter, without the Consent of the said Commissioners, or any Seven or more of them, to build or make any Sign, Sign Iron, Sign Post, or other Post, Shed, Penthouse, Step, Stair, Bow, or other projecting Window, Window Shutter, Stump, Rail, Pale, Palisade, Porch, Bulk, Shew Glass, Shew Board, Pool, Cesspool, Cistern, or Reservoir of Water, or other Encroachment, Projection, or Annoyance, against or in the Front or Side of any House or other Building, so as to project into or over any of the Footways or Carriageways, upon Pain of forfeiting, for every such Offence, the Sum of Five Pounds; and it shall be lawful for the said Commissioners (whether any such Penalties or Forfeitures shall be levied or not) to cause all such Houses and other Buildings, Signs, Sign Irons, Sign Posts, Sheds, Penthouses, Steps, Stairs, Bow Windows, or other projecting Windows, Window Shutters, Stumps, Trees, Rails, Pales, Palisades, Porches, Bulks, Shew Glasses, Shew Boards, Pools, Cesspools, Cisterns and Reservoirs for Water, Spouts, Pipes, Trunks and other Encroachments, Projections or Annoyances, or any of them, to be taken down, removed, and taken away.

XIX. And be it further enacted, That the Occupier of every House or other Tenement in any of the said Streets, Lanes, Public Passages, and Places, to be paved and cleansed by virtue of this Act, shall, from and after the Foot Pavement in Front of or adjoining such House or Tenement shall be made and completed, sweep and cleanse, or cause to be swept and cleansed, the said Foot Pavement before such House or Tenement, upon such Days in every Week between the Hours of Six and Ten of the Clock in the Forenoon, as the said Commissioners shall order and direct by Writing to be affixed upon the said Town Hall, or on such other conspicuous Place as aforesaid, upon Pain of forfeiting the Sum of Five Shillings for each Neglect.

XX. And be it further enacted, That the Person or Persons who now are or hereafter shall be entitled to the Soil in or upon the Carriageways of the said Town, shall and they are hereby required to cause such Soil to be taken away, and the Carriageways to be properly cleansed, once in every Week or oftener, if the said Commissioners, or any Seven or more of them, shall so direct, under a Penalty of Forty Shillings for every such Neglect, to be recovered and applied in the same Manner as other Penalties are by this Act directed to be recovered and applied.

XXI. And

Pavement
taken up for
mending
Water Pipes.

XXI. And be it further enacted, That when and so often as any Part of the Pavement of the said Town shall be taken up for the Purpose of laying, altering, or amending any Water Pipe or Plug, or other Water-work, or for any other Purpose whatsoever, the Person or Persons so taking up such Pavement shall immediately give Notice thereof to the Surveyor of the said Commissioners, under the Penalty of Twenty Shillings, in order that the same may with all convenient Speed be laid down and repaired under the Direction of the said Surveyor, and the Expence thereof shall be paid by the said Commissioners, and they shall be reimbursed by the Proprietor or Proprietors of the Water-works, or other Person or Persons who shall take up, or cause to be taken up, the said Pavement or any Part thereof; and if the said Proprietor or Proprietors, or other Person or Persons so taking up such Pavement, shall not, within Ten Days after such Pavement shall be re-laid, reimburse and pay to the said Surveyor the Expence of laying down and repairing the said Pavement, the said Commissioners shall cause the same to be levied by Distress and Sale of the Goods and Chattels of such Proprietor or Proprietors, or other Person or Persons so taking up such Pavement, by Warrant under the Hand and Seal of any Justice of the Peace for the said Town of *Guildford*, or for the said County of *Surrey*; which Warrant such Justice is hereby empowered and required to grant, rendering the Overplus (if any) when demanded, to the Person whose Goods and Chattels shall have been so distrained and sold.

Situation of
Water Pipes
may be al-
tered.

XXII. And be it further enacted, That if for the Purposes of this Act it shall at any Time be deemed necessary or expedient to raise, sink, or otherwise alter the Situation or Position of any of the Water Pipes or Plugs, or other Waterworks, within the said Town, the said Commissioners are hereby empowered to do or cause the same to be done as often and in such Places as they shall think proper, so as the Water Pipes or the Conveyance of the Water be not thereby injured or prevented; and the Charges attending the same shall be paid out of the Money arising by virtue of this Act.

For prevent-
ing Annoy-
ances in the
Streets.

XXIII. And be it further enacted, That if any Person or Persons shall run, draw, drive, carry, or place on any of the Footpaths or Flag Pavements in any of the said Streets, Lanes, Public Passages, or Places, any Coach, Waggon, Cart, Dray, Wheel, Sledge, Wheelbarrow, Handbarrow, Truck, or other Carriage whatsoever, or roll any Cask or Tub for a greater Space than Ten Yards thereon, or shall wilfully ride, drive, or lead any Horse, or other Beast or Cattle, on any of the said Footpaths or Flag Pavements aforesaid; or shall kill, slaughter, singe, scald, dress, or cut up any Cattle, Swine, or other Beast, in any of the said Streets, Lanes, Public Passages, or Places, or cause or permit any Blood or Filth to run from any Slaughter-house, Butcher's Shop or Shamble, into the same, or any of them, or the Drain of any Sty, Cot, Court, or Yard, wherein any Sort of Swine shall be kept or fed, to run into any of the said Streets, Lanes, Public Passages, or Places, to the Annoyance of any of the Inhabitants of the said Town, or shall hoop, cleanse, wash, or scald any Cask, or hew, or saw, or cause to be hewn or sawn any Stone, Wood, or Timber, or bind, make, or repair the Wheel of any Carriage, or shoe, bleed, or farry any Horse, or other Beast or Cattle (except in Cases of Accident), or turn or drive loose any Horse in any of the said Streets, Lanes, Public Passages, or Places; or if any Person shall set,
place,

place, or expose to Sale, or cause to be set, placed, or exposed to Sale, any Goods, Wares, or Merchandizes whatsoever, or any Fruit, Vegetables, or Gardenstuff, Butcher's Meat, or other Matter or Thing, projecting over or upon the Footpaths or Carriage ways of any of the said Streets, Lanes, Public Passages, or Places (except in the Market-place or in the usual Place of holding the annual Fairs on the usual Days), or hang up or expose to Sale any Goods, Wares, Merchandizes, or other Matter or Thing, upon any Flap Window, or otherwise, so as to obstruct or incommode the Passage of any of the said Footpaths; or if any Person shall at any Time leave open any Cellar Door or Grate in any of the said Streets, Lanes, Public Passages, or Places, or shall make or assist in making any Fires commonly called Bonfires, or set fire to or let off any Gun, Pistol, Squib, Serpent, Cracker, or Fireworks within any of the said Streets, Lanes, Public Passages or Places; or if any of the Inhabitants of the said Town, in removing any Ashes, Cinders, Dust, Dirt, Filth, Soil, Dung, or Rubbish from any House, Shop, Building, Warehouse, or Yard within the said Town, shall wilfully or negligently permit or suffer the same to lie in any of the said Streets, Lanes, Public Passages, or Places in the said Town, for any longer Time than shall be necessary for the Purpose of loading and carrying away the same, or shall suffer the same to annoy his or their Neighbour or Neighbours, or permit or suffer the Soil or Contents of any Privy or Necessary-house to remain in any of the said Streets, Lanes, Public Passages, or Places, after the Hour of Eight in the Morning; every Person offending in any of the Cases aforesaid shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds.

XXIV. And be it further enacted, That if any Waggon, Cart, Dray, or other Carriage, shall be left or remain in any of the said Streets, Lanes, or other Public Passages or Places, with or without Horses or other Cattle, for any Time longer than shall be necessary for the loading or unloading thereof, or if any Stage Coach, Diligence, Post-chaise, or other Carriage let to hire, shall be left or remain in any such Street, Lane, or Public Passage or Place, with or without Horses, for any longer Time than shall be reasonable and necessary for the taking up or setting down the Passengers, or of loading or unloading their Baggage; or if any Stone Horse or Stallion shall be brought and exhibited in any of the Streets, Lanes, Public Passages or Places of the said Town; or if any sort of Swine shall be kept or fed in any Sty or Cot, Court, Yard, or Garden, adjoining to any of the said Streets, Lanes, Public Passages, or Places, not well and sufficiently walled in so as to prevent the same from becoming a Nuisance to the Inhabitants of the said Town, or if any Swine or other Beast shall be permitted to wander or be at large in any of the said Streets, Lanes, Public Passages, or Places; or if any Timber, Bricks, Stones, Dung, Wood, Goods, Wares, or Merchandizes, or other Materials or Things, shall be laid or placed, and left to remain in any of the said Streets, Lanes, Public Passages or Places, for any longer Time than shall be necessary for moving or housing the same; or if any broken Glass or Earthenware, Ashes, Rubbish, Dust, Dirt, Filth, or other Nuisance or Annoyance, shall be thrown, cast, or laid in any of the said Streets, Lanes, Public Passages, or Places (except Ashes, Sand, or Sawdust, in the Time of Frost only, and to prevent Accidents), and suffered to remain for any longer Time than shall be necessary for removing the same; then, and in every such Case, the

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Owner

Penalties on leaving Carriages in the Streets.

Owner or Driver of every such Carriage, and the Owner of any such Stone Horse or Stallion, Swine or other Beast, Timber, or other Things as aforesaid, and the Person who shall so throw, cast, or lay any Dung, Filth, Ashes, Rubbish, Dust, Dirt, or other Nuisance or Annoyance as aforesaid, shall forfeit and pay, for every such Offence, any Sum not exceeding Five Pounds; and it shall be lawful for any Person or Persons to impound any such Swine or other Beast so wandering or being at large as aforesaid, in the common Pound, and the same to detain in such Pound until the said Penalty shall be fully paid and satisfied; and if such Penalty shall not be paid within Six Days after such Swine or other Beast shall be so impounded, it shall be lawful for such Person or Persons as shall be appointed by the said Commissioners for that Purpose, to sell such Swine or other Beast, and the Overplus (if any) of the Money arising by such Sale, shall be paid to the Owner or Owners of such Swine or other Beast: Provided always, that no Person shall be subject to any Penalty by virtue of this Act, on account of any Rubbish and Dirt lying in any of the said Streets, Lanes, Public Passages, or Places, before the House, Tenement, or other Building of such Persons, which may be occasioned by the building, pulling down, or repairing of any such House, Tenement, or Building, so as convenient Room shall be left for Carriages to pass, and a sufficient Way kept clean for Foot Passengers, and so as the Owner or Occupier of such House, Tenement, or Building, shall cause such Rubbish or Dirt to be removed out of such Street, Lane, Public Passage, or Place, at his or their own Costs and Charges, within a reasonable Time after such building, pulling down, or repairing, shall be completed, and so as whilst the same shall be lying in such Street, Lane, Public Passage, or Place, such Owner or Occupier shall during the Night-time set up and maintain a sufficient Light upon or against, or properly inclose the same, in order to prevent any Accident happening to Passengers, Cattle, or Carriages.

Not to extend to Rubbish, &c. in the Streets for building or repairing Houses.

Names of Streets may be set up.

XXV. And be it further enacted, That the said Commissioners may, if they think fit, order and direct to be painted, engraved, or otherwise described, on a conspicuous Part of some House or other Building at or near the End or Corner of every such Street, Lane, Public Passage, and Place, the Name by which such Street, Lane, Public Passage, and Place, is now or shall hereafter be called or known, and may order and direct the several Houses, Shops, Warehouses, and Buildings within the said several Streets, Lanes, Public Passages, and Places, or any of them, to be numbered with Figures painted or placed on the Door of every such House, Shop, Warehouse, or other Building, or such other Part thereof as the said Commissioners shall think proper; and if any Person shall wilfully obliterate or deface any such Name or Numbers, or any Part thereof, or cause or procure the same to be done, every Person so offending, in any of the said Cases, shall forfeit and pay any Sum not exceeding Forty Shillings for each Offence.

Commissioners may contract for performing the Works.

XXVI. And be it further enacted, That the said Commissioners may and they are hereby authorized and empowered from Time to Time to contract with any Person or Persons for paving, flagging, repairing, and cleansing the said Streets, Lanes, Public Passages, and Places within the said Town, and for furnishing Materials therefore, and for doing or performing all or any other of the Works by this Act directed to be done

done or performed, in such Manner, and under such Penalties for the due Performance of such Contracts, as the said Commissioners shall think fit, giving Fourteen Days Notice of their Intention to enter into every such Contract, in order that any Person willing to undertake the same may make Proposals to the said Commissioners at the Time and Place to be mentioned in such Notice, and every such Contract shall be good, valid, and binding, as well upon the said Commissioners as upon the other Party or Parties thereto; and in case any such Work shall not be well and sufficiently done and performed according to such Contract, the said Commissioners may cause an Action or Suit to be brought in any of His Majesty's Courts of Law or Equity against every such Contractor, either for a specific Performance of such Contract, or for any Penalty contained therein, or for any Damage sustained by Reason of the Non-performance thereof: Provided always, that it shall be lawful for the said Commissioners (if they think fit) to compound and agree with any Contractor, for any Penalty incurred by him for the Breach or Non-performance of any such Contract, for such Sum of Money as the said Commissioners shall think proper, not being less than the Injury or Damage sustained by the Breach or Non-performance of such Contract, and of all Costs, Charges, and Expences which shall be occasioned thereby: Provided also, that no such Contract shall be made for a longer Space of Time than Three Years from the Time of entering into such Contract.

Contracts not to be made for more than Three Years.

XXVII. And for the Purpose of rendering the narrow Parts of the said Streets, Lanes, Public Passages, and Places safe and commodious, and for opening proper Communications between any of the said Streets, Lanes, Public Passages, and Places, and otherwise improving the said Town, and for carrying the Intentions of this Act into Execution; be it further enacted, That it shall and may be lawful to and for the said Commissioners to contract and agree with any Person or Persons, Bodies Politic, Corporate, or Collegiate, Corporations whether Aggregate or Sole, Spiritual or Lay, or Feoffees in Trust, as shall be deemed to be Owner or Owners, Proprietor or Proprietors, or otherwise interested in any Houses, Buildings, or Erections, Lands, Tenements, or Hereditaments, which the said Commissioners shall judge necessary or proper to be purchased for the before-mentioned Purposes, for the absolute Purchase thereof, or for any Damage to be done thereto, in the Execution of any of the Powers given by this Act, or for the Hire or Use of any temporary Carriageway during such Time as any of the said Streets, Lanes, Public Passages, or Places, shall be new paving, amending, or repairing, and in any of the said Cases to pay for such Purchase, Damage, or Hiring, such Sum or Sums of Money as shall be agreed upon by the said Commissioners, and the Person and Persons respectively so interested in the Premises, out of the Monies to be raised by virtue of this Act, and to take down such Houses, Buildings, or Erections, and throw the Scites thereof, and the Lands, Tenements, and Hereditaments so purchased, or such Parts thereof as the said Commissioners shall think proper, into the said Streets, Lanes, Public Passages, and Places.

Commissioners empowered to contract for the Purchase of Buildings, &c.

XXVIII. And be it further enacted, That it shall and may be lawful to and for all Bodies Politic, Corporate, or Collegiate, Corporations whether Aggregate or Sole, Spiritual or Lay, and all Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees of or for Lunatics

Enabling incapacitated Persons to sell.

Lunatics and Idiots, and other Trustees whomsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of their respective *Cestuique* Trusts, whether Infants or Issue unborn, Lunatics, Idiots, or Femmes Covert, or other Person or Persons, and also to and for all Femmes Covert who are or shall be seised in their own Right, and to and for all Persons whether Tenants for Life or Tenants in Tail General or Special, or for Years determinable on any Life or Lives, and to and for all and every Person and Persons whomsoever, who are or shall be seised, possessed of, or interested in any such Houses, Buildings, or Erections, Lands, Tenements, or Hereditaments, or any Part thereof, which shall be thought necessary to be purchased for the Purposes aforesaid, or for any other of the Purposes of this Act, to treat, contract, and agree with the said Commissioners for the Sale thereof, or of any Part thereof, and to sell, convey, surrender, and assure all or any Part thereof, and all his, her, or their Estate, Right, Title, and Interest whatsoever, of, in, and to the same, to the said Commissioners and their Successors, or to such Person or Persons, and his, her, or their Heirs for ever, as the said Commissioners shall direct, in Trust for them the said Commissioners for any of the Purposes of this Act, or to agree with the said Commissioners for any Recompence to be made for the Damage which may be done to any such Houses, Buildings, Erections, Lands, Tenements, or Hereditaments, in the Execution of any of the Powers of this Act; and that all Contracts, Agreements, Bargains, Sales, and Conveyances, Assignments, Surrenders, and Assurances, which shall be so made by virtue and in pursuance of this Act, shall be good, valid, and effectual to all Intents and Purposes whatsoever, not only to convey the Estate and Interest of the Person or Persons conveying, but also to convey all Right, Estate, Interest, Use, Property, Claim, and Demand whatsoever, of the said several and respective *Cestuique* Trusts, and all claiming or to claim by, from, or under them, any Law, Statute, Usage, or any other Matter or Thing whatsoever to the contrary thereof in anywise notwithstanding; and all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Spiritual or Lay, and all Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, Trustees, and all other Persons whomsoever, are and shall be hereby indemnified for what they shall do by virtue and in pursuance of this Act.

Application
of Compen-
sation Money
if amounting
to 200l.

XXIX. And be it further enacted, That if any Money shall be agreed to be paid for any Lands, Tenements, Buildings, or other Hereditaments, purchased, taken, or used by virtue of the Powers of this Act, for the Purposes thereof, which shall belong to any Corporation, Femme Covert, Infant, Lunatic, or Person or Persons, under any Disability or Incapacity as aforesaid, such Money shall, in case the same shall amount to the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there, *ex parte* the Commissioners for executing this Act, to the Intent that such Money shall be applied under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, Buildings, or other Hereditaments, in the Purchase or Redemption of the Land Tax, or towards the Discharge of any Debt

or

or Debts, or such other Incumbrance or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, Buildings, or Hereditaments, or affecting other Lands, Tenements, Buildings, or other Hereditaments standing settled therewith, to the same or like Uses, Intents, and 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, Buildings, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Intents, and Purposes, and in the same Manner as the Lands, Tenements, Buildings, or other Hereditaments which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing, undetermined, and capable of taking Effect; and in the mean Time, and until such Purchase shall be made, the said Money shall, by Order of the Court of Chancery, upon Application thereto, be invested by the said Accountant General in his Name, in the Purchase of Three Pounds *per Centum* Consolidated, or Three Pounds *per Centum* Reduced Bank Annuities; and in the Meantime, and until the said Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and Annual Produce of the said Consolidated or Reduced Bank Annuities, shall, from Time to Time, be paid, by Order of the said Court, to the Person or Persons who would, for the Time being, have been entitled to the Rents and Profits of the Lands, Tenements, Buildings, or other Hereditaments, so hereby authorized to be purchased, in case such Purchase or Settlement were made.

XXX. Provided always, and be it further enacted, That if any Money Application so agreed to be paid for any Lands, Tenements, Buildings, or other Hereditaments, purchased, taken, or used, for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons, under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount to or exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, Buildings, or other Hereditaments, so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy, Idiocy, 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 said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner hereinbefore directed, or otherwise the same shall be paid at the like Option to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by Seven 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 any Manner hereinbefore directed, so far as the Case be applicable, without obtaining, or being required to obtain, the Direction or Approbation of the Court of Chancery.

XXXI. Provided also, and be it further enacted, That where such Money so agreed to be paid as next before mentioned, shall be less than the Sum of Two hundred 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, Buildings, or other Hereditaments, so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy, Idiocy, 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 said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner hereinbefore directed, or otherwise the same shall be paid at the like Option to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by Seven 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 any Manner hereinbefore directed, so far as the Case be applicable, without obtaining, or being required to obtain, the Direction or Approbation of the Court of Chancery.

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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, Buildings, or other Hereditaments, so purchased, taken, or used, for the Purposes of this Act, in such Manner as the said Commissioners shall think fit, or in case of Infancy, Idiocy, 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;

or if Persons cannot be found, the Purchase Money to be paid into the Bank;

subject to the Order of the Court of Chancery on Motion or Petition.

XXXII. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be so ordered to be paid as aforesaid, shall not be able to make a good Title to the Premises to the Satisfaction of the said Commissioners, or any Seven or more of them, or shall refuse to execute such Conveyance or Conveyances, or in case such Person or Persons to whom such Sum or Sums of Money shall be so ordered to be paid 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 be lawful for the said Commissioners, or any Seven or more of them, to order the said Sum or Sums of Money so awarded, to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant-General of the said Court of Chancery, to be placed to his Account, to the Credit of the Parties interested in the said Lands, Tenements, and Hereditaments [*describing them*] subject to the Order, Controul, and Disposition of the said Court of Chancery, which said Court, on the Application of any Person or Persons making Claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be, and is hereby empowered, in a summary Way of proceeding or otherwise, as to the said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, or to order Distribution thereof, or Payment of the Interest 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.

Where any Question shall arise touching the Title to Money to be paid, the Person who shall be in Possession of the Lands, &c. shall be entitled.

XXXIII. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant-General of the Court of Chancery, in pursuance of this Act, for the Purchase of any Lands, Tenements, Buildings, or Hereditaments, or of any Estate, Right, or Interest, in any Lands, Tenements, Buildings, 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, Buildings, 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

shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, Buildings, 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 same Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, Buildings, or Hereditaments, or to some Estate or Interest therein.

XXXIV. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or Corporations entitled to any Lands, Tenements, Buildings, 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, Buildings, 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 Expence of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the 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.

Court of Chancery may order reasonable Expences of Purchases to be paid by the Commissioners.

XXXV. And be it further enacted, That the Surrender or Conveyance of any such Estate or Interest of any Feme Covert to the said Commissioners, or any Person or Persons in Trust for them, by Indenture or Indentures of Bargain and Sale, sealed and delivered by such Feme Covert in the Presence of and attested by Two credible Witnesses, and to be duly enrolled in His Majesty's High Court of Chancery, or with the Clerk of the Peace for the said County of *Surrey*, within Six Calendar Months next after the making thereof, shall as effectually and absolutely convey the Estate and Interest of such Feme Covert in the Premises, as any Fine or Fines, Recovery or Recoveries, would or could do if levied or suffered thereof in due Form of Law; and further that all Bargains and Sales whatsoever to be made of any such Lands, Tenements, Buildings, and Hereditaments, as shall be purchased by the said Commissioners by virtue and for the Purpose of this Act, and enrolled as aforesaid, shall have the like Force, Effect, and Operation in Law, to all Intents and Purposes, as any Fine or Fines, Recovery or Recoveries whatsoever, would have had if levied or suffered by the Bargainer or Bargainers, or any Person or Persons seised of any Estate in the Premises in Trust for such Bargainer or Bargainers, in any Manner or Form whatsoever.

Bargains and Sales to have the Operation of Fines and Recoveries.

XXXVI. And whereas some Part or Parts of the said Houses, Buildings, Lands, Tenements, or Hereditaments, so to be purchased as aforesaid, may happen to be more than is necessary to be made use of for this Act; be it therefore further enacted, That it shall be lawful for the said Commissioners, or any Seven or more of them, and they are hereby authorized and required, to sell or dispose of, and to convey, surrender, and assure, or cause to be sold or disposed of, and conveyed, surrendered, and assured,

Commissioners empowered to sell Ground, &c. not necessary for the Purposes of the Act.

such

such Parts of the said Houses, Buildings, Lands, Tenements, or Hereditaments, to any Person or Persons willing to contract, agree for, or purchase the same, and the Money arising therefrom shall be paid and applied for the Purposes of this Act.

Commissioners to make Rates for paving and cleansing.

XXXVII. And be it further enacted, That from and after the passing of this Act and afterwards, when and as soon as conveniently may be in each and every Year after the said Commissioners shall have ascertained such Sum or Sums of Money as they in their Discretion shall think sufficient for the current Year, to answer all the Ends and Purposes of paving and cleansing the said Streets, Lanes, Public Passages, and Places, and other Expences incurred by this Act in relation to such paving and cleansing (subject to the Regulations hereinafter mentioned), it shall and may be lawful to and for the said Commissioners, and they are hereby required to make, in each of the Parishes hereinafter mentioned, one equal Pound Rate or Assessment once in every Year, or oftener if necessary, for repairing and cleansing the said Streets, Lanes, Public Passages, and Places (so as no such Rate or Assessment shall in One Year exceed, within the Parish of the *Holy Trinity* in the said Town, the Sum of One Shilling and Nine Pence in the Pound, within the Parish of the *Blessed Virgin Mary* in the said Town, the Sum of Two Shillings and Three Pence in the Pound, and within the Parish of *Saint Nicholas* in the said Town, the Sum of One Shilling and Sixpence in the Pound, of the Annual Value of the Messuage, Tenement, Hereditament, and Premises, in respect of which such Rate shall be so made), upon all and every Person or Persons who do or shall inhabit, hold, use, occupy, possess, or enjoy, any Land, Ground, House, Shop, Warehouse, Coach-house, Stables, Cellar, Vault, Building, Tenement, or other Hereditament, within the said Town, according to the Yearly Rent or Value thereof; or according to a proportionate and comparative Value thereof, which Rates so to be made and assessed by virtue of this Act, shall be entered in Books to be provided for that Purpose, in which Books there shall be separate Columns, One Column for the Arrears standing out the preceding Year, One other Column for the Names of the several Persons to be charged in the said Rates or Assessments, and One Column for the Arrears standing out and unpaid at the End of the Year, in order to be carried on to the next succeeding Account; and such Rates and Assessments shall commence on the Twenty-fourth Day of *June* in each and every Year.

How the Yearly Value of Houses is to be ascertained.

When Rates are to commence and when payable.

XXXVIII. And be it further enacted, That the Annual Value of all such Lands, Grounds, Houses, Shops, Warehouses, Coach-houses, Stables, Cellars, Vaults, Buildings, Tenements, or other Hereditaments so to be respectively rated and assessed as aforesaid, shall be settled and ascertained according to the real Rack Rent or full Yearly Value thereof, or according to a proportionate and comparative Value thereof, as the said Commissioners shall think proper; and that the first of the said Rates and Assessments, hereinbefore authorized to be made, shall commence at and upon the Twenty-fourth Day of *June* One thousand eight hundred and twelve, and shall be made for One Year, and thereafter the said Rates shall be made for One Year commencing upon the Twenty-fourth Day of *June* in every Year, and the Money so to be raised and assessed shall from Time to Time be levied and paid by Four Quarterly Payments, to such Person or Persons as the said Commissioners shall nominate and appoint

to be Collector or Collectors of the same; and all such Sum and Sums of Money shall be paid over by such Collector or Collectors to the Treasurer to the said Commissioners, at such Times and in such Manner as the said Commissioners shall from Time to Time direct; Provided, that no Rate or Assessment to be made in pursuance of this Act shall be valid until the same shall be signed by Seven or more of the said Commissioners; and the said Commissioners are hereby empowered to amend any such Rate or Assessment, after the same shall have been so signed, by inserting the Name of any Person who ought to have been rated or assessed, or striking out the Name of any Person who ought not to have been so rated or assessed, or to raise or lower the Assessment or Assessments on any Person or Persons who shall be under-rated, or over-rated, in the said original Rate or Assessment.

Rates may
be amended.

XXXIX. And be it further enacted, That in all Cases where any Person shall remove from or quit any House, Building, or Tenement, which shall be rated or assessed by virtue of this Act, such Person shall be liable to such Rate or Assessment in Proportion to the Time that he or she occupied the same; and in all Cases where any Person shall come into or occupy any House, Building, or Tenement, rated or assessed as aforesaid, out of or from which any other Person who shall have been rated or assessed for the same shall be removed, or which at the Time of making any Rate or Assessment was empty or unoccupied, the Person coming into or occupying the same shall be liable to pay such Rate or Assessment in respect thereof, in Proportion to the Time that he or she occupied the same: which said respective Proportions, in case of dispute, shall be settled and ascertained by the said Commissioners.

Proportion of
Rates to be
paid by Per-
sons remov-
ing.

XL. And be it further enacted, That where any House, Building, or Tenement, which shall be rated or assessed by virtue of this Act, shall be let or demised to more than one Tenant, any One or more of such Tenants shall be deemed the Occupier or Occupiers thereof for the Purposes of this Act, and the said Rates or Assessments shall be levied by Distress and Sale, in Manner hereinafter mentioned, of all or any of the Goods and Chattels in such House, Building, or Tenement: Provided always, that no House, Building, Garden, Tenement, or Hereditament, hereby made liable to be rated or assessed, shall be charged or chargeable with any Rate or Assessment as aforesaid, during the Time the same shall be empty or unoccupied: Provided also, that no such Tenant or Occupier shall be liable or subject to, or be required to pay for or in respect of such Rates or Assessments, or any of them, or any Arrears thereof, any Sum or Sums of Money beyond the Amount of the Rent which shall be then actually due, in respect of the said Premises, from him, her, or them respectively, to the Landlord or Landlords, Owner or Owners, Lessee or Lessees, of the Premises so occupied by him, her, or them.

If more than
one Tenant
any one liable
to pay the
Rates.

Houses, &c.
unoccupied,
not to be
rated.

XLI. And be it further enacted, That in case any Person or Persons whomsoever who shall be rated, or be liable to pay any Rate or Assessment by virtue of this Act, shall refuse or neglect to pay any such Rate or Assessment to any Collector or Collectors to be appointed as aforesaid, for the Space of Seven Days next after personal Demand thereof made, or Demand in Writing left at the usual Place of Abode of such Person or Persons, it shall be lawful for any Justice of the Peace for the said

Recovery of
Rates.

[Loc. & Per.]

12 F

Town,

Town, or for the County or Place wherein such Person or Persons so neglecting or refusing shall be or reside, upon proof made upon Oath of such Demand and Non-payment (which Oath such Justice is hereby empowered and required to administer gratis), by Warrant under his Hand and Seal to authorize and direct such Collector or Collectors to levy such Rate or Money so in Arrear, together with the Costs and Charges attending the same (such Costs and Charges to be ascertained by such Justice), by Distress and Sale of the Goods and Chattels of the Person so neglecting or refusing to pay as aforesaid, rendering the Overplus (if any) to the Owner of such Goods and Chattels on Demand.

Payment of Rates not to gain a Settlement.

XLII. And be it further enacted, That no Person or Persons shall gain any legal Settlement in any or either of the said Parishes of *The Holy Trinity*, *The Blessed Virgin Mary*, and *Saint Nicholas* in the said Town, by reason only of his, her, or their being rated and assessed to, or paying any Rate or Assessment, to be made as aforesaid, or by reason only of his or their being appointed to or accepting or holding any Office or Place of Employment whatsoever, under or by virtue of this Act.

Directing how Rates shall be collected and applied, &c.

XLIII. Provided nevertheless, and be it further enacted, That the several Rates and Assessments hereinbefore directed to be made upon the Lands, Grounds, Houses, Shops, Warehouses, Coach-houses, Stables, Cellars, Vaults, Buildings, Tenements, or other Hereditaments, within the said Town, and the Money to be borrowed upon the Credit of such Rates and Assessments, shall be separately collected and raised in each of the said Parishes, called "*The Holy Trinity*," "*The Blessed Virgin Mary*," and "*Saint Nicholas*," and shall be separately applied by the said Commissioners in paying the Interest of the Money borrowed, and in paving, cleansing, and improving the Streets, Lanes, Passages, and Places, within the respective Parish in which such Rates and Assessments shall be so made and collected; and that the Money to be borrowed upon the Credit of such Rates and Assessments within the Parish called "*The Holy Trinity*" shall not exceed the Sum of Two thousand Pounds; within the Parish called "*The Blessed Virgin Mary*" the Sum of Three thousand Pounds; and within the Parish called "*Saint Nicholas*" the Sum of Three hundred Pounds; which said respective Sums of Money shall be borrowed upon Mortgages or Securities as hereinafter mentioned, of One hundred Pounds, Fifty Pounds, and Twenty-five Pounds each, bearing an Interest of Five Pounds *per Centum per Annum*, exclusive of the Property Tax.

Appropriation of part of Rates as a Sinking Fund for paying off the Money borrowed.

XLIV. And be it further enacted, That the said Commissioners shall, and they are hereby required, yearly and every Year, to appropriate and set apart, by and out of the Monies and Rates to be received within each of the said Parishes, the following Sums; *videlicet*, in the said Parish of *The Holy Trinity*, a Sum not exceeding Forty Pounds; in the said Parish of *The Blessed Virgin Mary*, a Sum not exceeding Sixty Pounds; in the said Parish of *Saint Nicholas*, a Sum not exceeding Ten Pounds; and that such Sums of Money shall be placed out at Interest in the Public Funds, and separately managed as a Sinking Fund for the Discharge of all such Monies as shall be borrowed by way of Mortgage upon the Credit of the Rates to be raised within the said respective Parishes by virtue of this Act; and that such yearly Appropriations shall continue until the Purposes for which

which they are intended shall have been effected: Provided always, that if a greater Appropriation can at any Time or Times be made consistently with the other objects of this Act, the said Commissioners are hereby authorized and empowered to appropriate, in such Proportions as aforesaid, such further Sum or Sums of Money within all or any of the said Parishes, whether yearly or otherwise accordingly.

XLV. And whereas by certain Articles of Agreement, bearing Date the Seventh Day of *March* in the Three and twentieth Year of the Reign of King *Charles* the Second, and in the Year of our Lord one thousand six hundred and seventy, made between *Thomas Cressley* of the Parish of *S^t Andrews Holborne* in the County of *Middlesex*, Gentleman, and *Thomas Tindall* of *Westminster* in the said County of *Middlesex*, Esquire, on the one Part; and *Arthur Onslow*, of *West Clanden* in the County of *Surrey*, Esquire, and *Thomas Dalmahoy*, of the Friory in or near *Guilford* in the said County, Esquire, Burgesses for the said Town of *Guilford* in the then present Parliam^t *Sir Edward Thurland* Knight, Recorder of the said Town, and *Roger Duncumbe*, of *Alberry* in the said County, Esquire, Trustees for the Mayor and approved Men of the said Town of *Guilford*, and the Inhabitants of the said Town of *Guilford* for the Time being, on the other Part; it is amongst other Things recited as follows:

Directing certain Annual Payments to be applied towards the Expences of paving, &c.

AND whereas the said *Thomas Cressley* and *Thomas Tindall* have endeavoured to obtaine and procure an Act of Parliam^t for settling the Navigat^on of the said River *Wye*, but have not yet obtained the same, and severall differences hath arisen and were like to arise betweene the said *Thomas Cressley* and *Thomas Tindall* and the said Corporat^on and Inhabitants of the said Towne of *Guilford* aforesaid for that the said Corporat^on and Inhabitants have bin put unto great charges and expences in repaying their Streets and Highwayes and Bridges, by the carrying of great and heavy carriages to the Wharves and other places belonging to the said River *Wye* which much improves the trade and proffitts of the said River, but is very expencefull to the said Corporat^on and Inhabitants of the said Towne; and the said Corporat^on and Inhabitants are thereby much impoverished and likewise are at greater charges with Poore then before the said River was made navigable by Bargemen and their Families and other Poore by means thereof prove chargeable to them, all which was informed and alleadged by their said Burgesses before the Ensealing of these Presents: And the said *Thomas Cressley* and *Thomas Tindall* thereupon are satisfied therewith; for preventing and settling of wth differences it is hereby coven^ted concluded and agreed by and betweene the said *Thomas Cressley* and *Thomas Tindall* and the said *Arthur Onslow*, *Thomas Delmahoy*, *Sir Edward Thurland* and *Roger Duncumbe*, Trustees as aforesaid for and on the behalfe of the Mayor and approved Men of the said Corporat^on and Inhabitants of the said Towne of *Guilford*, that the said Maior and approved Men and Corporat^on and Inhabitants shall not at any time hereafter make any opposition to or against the passing or procuring any Act of Parliam^t soe as aforesaid endeavoured to be obtained by the said *Thomas Cressley* and *Thomas Tindall* to passe for settling the Navigat^on of the said River and thereupon the said *Thomas Cressley* and *Thomas Tindall* for the Considerat^ons in these Presents ment^oned doe and each of them doth

for him and themselves joyntly and severally and for their respective
 Heires Exec^{rs} and Adm^{rs} covenant promise graunt and agree to and
 with the said Arthur Onflowe, Thomas Dalmahoy, Sir Edward Thur-
 land and Roger Duncumbe, Trustees for the said Mayor and approved
 Men and Corporat'on and Inhabitants afore said, and the Survivors or Sur-
 vivor of them and the Heires Exec^{rs} Administrators and Assignes of such
 Survivors or Survivor by these Presents that they the said Thomas
 Cressley and Thomas Tindall, their Heires Exec^{rs} Adm^{rs} or Assigns shall
 and will well and truly pay or cause to be paid out of the proffitts of the
 said River to the said Arthur Onflow, Thomas Dalmahoy, Sir Edward
 Thurland and Roger Duncumbe, Trustees as afore said, and their
 Heires Executors Adm^{rs} or Assignes for ever, to be accompted ime-
 diately from and after the King's Maj'tie's Assent shall be given to such
 Act of Parliam^t so to be passed for settling the Navigation of the said
 River, and after the Landowners and others shall be paid and satisfied
 for their Land Cutt and other Damages and Labourers or Workemen
 for worke done in or upon the said River, by cutting or digging the
 said River or in repaying the Banckes Locks Turnepikes or Tumbling
 Bayes of the said River before the passing of the said Act, for and dur-
 ing so long time as the said River shall continue navigable or be fitt for
 Navigation, or by their appointm^t to the Mayor of the said Towne of
 Guildford for the time being from time to time the yearly Sume or Pay-
 ment of one Penny for every Load of Wyne Timber Meale Wood Hay
 and for every Chaldron of Coales one Penny, and for every Load of
 Corne Graine Mault on any other Things or Comodities that shall in any
 Boate Lighter Barge Wherry or other Vessel of them the said Thomas
 Cressley and Thomas Tindall or either of them, their or either of their
 Heires Executors Administrators or Assignes or of any other Person or
 Persons whatsoever be carried passe or repasse over or upon the said River
 of Wye or any part thereof, and after that rate for every lesser or greater
 Quantity then a Tun Chaldron or Load for every time that the same
 shall be soe carried passe or repasse to be accounted for imediately from
 and after the King's Maj'ties Assent shall be given to such Act of Par-
 liament for settling the said Navigat'on and the Land Owners and others
 Laborers and Workemen afore said paid and satisfied as afore said, the
 w^{ch} Paym^t or Paym^{ts} of one Penny for every Tunn Chaldron and Load
 as afore said, shall be accounted for and paid at the fower most usuall
 Feasts or Termes in the Yeare, that is to say, at the Feast of the Birth
 of our Lord God, the Anunciat'on of our Lady the Blessed Virgin
 Mary, S^t John the Baptist and S^t Michael the Archangell, or within One
 and Twenty Dayes after such Feast Dayes, the first Paym^t to be made
 at such of the said Feasts as shall first and next happen after the King's
 Maj'ties Assent shall be given to the said Act of Parliam^t, and the Land
 Owners or Land Proprietors or others, and Laborers or Workemen
 afore said shall be paid and satisfied as afore said, or within One and
 Twenty Dayes after such Feast Dayes, w^{ch} said Sum'es of Money or
 Paym^t or Paym^{ts} soe to be raised and paid as afore said, upon a true
 Account given to the Mayor and approved Men of the said Towne of
 Guildford for the time being from time to time on every of the said Feast
 Dayes, or within One and Twenty Dayes after every of the said Feast
 Dayes yearly and every yeare in writing out of their Account Bookes
 or otherwise to the said Mayor and approved Men of the said Towne of
 Guildford for the time being from time to time or such others as the said
 Trustees

Trustees shall appoint as aforesaid as followeth, that is to say, Twelve
 Pounds thereof yearly and every year to and for the Life of the Poore
 of the Parish of the Holy Trinity in Guildford aforesaid, and re-
 payreing their Streets Highways and the said Towne Bridges, Twelve
 Pounds more thereof yearly and every yeare to and for the use of the
 Poore of the Parish of the Blessed Virgin Mary in Guild-
 ford aforesaid, and for the Repayring their Streets Highways and the
 said Towne Bridges, & Six Pounds thereof to be imployed to the use
 of the Poore of the Parish of Saint Nicholas in Guildford aforesaid,
 and for the Repayring their Streets Highways and the said Towne
 Bridges, and after that proportion for a greater or lesser Sum'e or
 Sumes' as the same shall arise out of the Payment or Paym^{ts} of One
 Penny for every Tunn Chaldron or Load as aforesaid, the same to
 be proport'oned by the Mayor and approved Men of the said Towne
 of Guilford or the major part of them, how much thereof shall be im-
 ployed yearly for the use of the Poore of the said Parishes and how
 much thereof for the Repayre of the Streets Highways and Towne
 Bridges to be proportioned betweene every Parish according to the
 proport'ons aforesaid, w^{ch} said Moneys to be imployed to the use of the
 Poore as aforesaid shall be imployed in such manner and forme as the
 severall and respective Churchwardens and Overseers of the Poore of
 the said severall and respective Parishes for the time being from time to
 time shall thinke fitt, and the Receipt and Receipts of the said Mayor
 or other Person or Persons appointed to receive the same as aforesaid
 is hereby declared and agreed shall be from time to time a good Receipt
 and discharge to the said Thomas Cressley and Thomas Tindall, their
 Exec^{rs} Adm^{rs} or Assignes, and to the said Trustees their Executors
 Administrators or Assignes, & the Receipt & Receipts of the respec-
 tive Churchwardens and Overseers of the Poore of each Parish respec-
 tively or any two of them shall be a good Receipt and discharge to the
 said Maior and his Successors for every such Sum'e and Sum'es of
 Money as shall be to him or them severally and respectively paid as
 aforesaid.

XLVI. And whereas an Act of Parliament was passed in the Twenty-
 second and Twenty-third Years of King Charles the Second, intituled,
*An Act for settling and preserving the Navigation of the River Wey, in
 the County of Surrey,* by which the said Articles of Agreement were
 fully ratified and confirmed, and the said Payments have from Time to
 Time been yearly made to the Mayor of the said Town of *Guildford*,
 for the Purposes therein expressed; and, in order that the said Payments
 should continue to be applied for the like Purposes as the same are now
 applicable, be it further enacted, That out of the annual Payments
 which shall hereafter be received by the said Mayor, so much and such
 Parts thereof as are by the said Articles of Agreement directed to be
 appropriated towards repairing the Streets, Highways, and Bridges within
 the said Town, shall be by him paid over from Time to Time to the
 said Commissioners, to be by them so appropriated in Aid of the Rates
 hereby authorized to be collected within each of the said Parishes of the

[Loc. & Per.]

12 G

Holy

Holy Trinity, the Blessed Virgin Mary, and Saint Nicholas, for defraying the Expences of carrying this Act into Execution.

Power to raise
Money by
Loan.

XLVII. 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 to borrow and take up at Interest, in the Manner hereinafter mentioned, any Sum or Sums of Money as they shall think necessary for the Purposes of this Act, upon the Credit of the said respective Rates or Assessments to be made for the respective Parishes, so as the Sums borrowed shall not at any one Time exceed for the said Parish of the *Holy Trinity* the Sum of Two thousand Pounds, and for the said Parish of the *Blessed Virgin Mary* the Sum of Three thousand Pounds, and shall not exceed in the whole for the said Parish of *Saint Nicholas* the Sum of Three hundred Pounds; and that the said Commissioners shall and may, by Writing under their Hands and Seals, mortgage or assign over all or any Part of such Rates or Assessments so to be made, raised, levied and collected within the respective Parish, for which the said respective Sums shall be borrowed, to the Person or Persons who shall advance or lend the Money so to be borrowed, or his, her or their Trustee or Trustees, as a Security for such Money, together with Interest for the same; and the Charges and Expences of such Mortgage, or Assignment thereof, to be made as hereafter mentioned, shall be from Time to Time defrayed by the said Commissioners out of the Monies so borrowed; and every such Mortgage or Assignment shall be in the Words or to the Effect following; *videlicet,*

WE of the Commissioners, acting in Execution of an Act of Parliament made in the Fifty-second Year of the Reign of King George the Third, intituled, [*here set forth the Title of this Act*] in Consideration of the Sum of advanced and lent by to the Treasurer appointed in pursuance of the said Act, upon the Credit and for the Purposes of the said Act, do, grant and assign unto the said [or, to his Trustee or Trustees, as the Case may require] his Executors, Administrators and Assigns, such Proportion of the Rates or Assessments to be raised, levied and collected by virtue of the said Act, in the Parish of [the *Holy Trinity*, or the *Blessed Virgin Mary*, or *Saint Nicholas*, as the Case may require] in the said Town, 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 be charged upon the Credit of the said Rates or Assessments to be made in the said Parish of to be had and holden from this Day of until the said Sum of with Interest at the Rate of per Centum per Annum, shall be repaid and satisfied. In Witness whereof, we the said Commissioners have hereunto set out Hands and Seals, the Day of in the Year

And every such Mortgage or Assignment shall be good, valid and effectual in Law, and entitle the Person or Persons to whom the same shall be made, his, her, or their Executors, Administrators and Assigns, to the Payment

Money for the said Parish of *Saint Nicholas*, after the said Sum of Three hundred Pounds, or any Part thereof, shall be paid off and discharged.

Application
of Money.

L. And be it further enacted, That all the Money to arise by the Rates or Assessments, and other Money hereby granted or to be levied or received by virtue of this Act, and which may be borrowed on the Credit thereof as aforesaid, shall be paid to the Treasurer to the said Commissioners, or to such Person or Persons as they shall appoint; and shall be applied and disposed of, in the first place, in paying and defraying the Charges and Expences which shall be incident to and attending the obtaining and passing of this Act, in the Proportions following; (that is to say), Four Eleventh Parts of such Charges and Expences out of the Money to arise and be borrowed for the said Parish of the *Holy Trinity*, Six Eleventh Parts thereof out of the Money to arise and be borrowed for the said Parish of the *Blessed Virgin Mary*, and the remaining Eleventh Part thereof out of the Money to arise and be borrowed for the said Parish of *Saint Nicholas*; and in the next place, from Time to Time, in defraying the Charges and Expences of widening, improving, regulating, paving, repairing and cleansing the Streets, Lanes, and other Public Passages and Places of and in the said Parishes of the *Holy Trinity*, the *Blessed Virgin Mary*, and *Saint Nicholas*, within the said Town, and in paying and defraying all Expences which the said Commissioners and their Officers shall necessarily sustain or be put unto in carrying this Act into Execution, or in prosecuting or defending any Prosecutions, Actions, or Suits, in any Manner relative to the Execution of this Act, or of any Thing to be done under or by virtue thereof, and in paying the Interest of the Principal Money to be borrowed as aforesaid, and in paying off the said Principal Money in Manner hereinafter mentioned, and for such other Uses and Purposes as are herein expressed, and for no other Use, Intent or Purpose whatsoever.

Creditors to
be paid off
by Ballot.

LI. And in order that no undue Preference may be given to any of the Persons entitled to the Principal Money which shall be borrowed as aforesaid, in discharging and paying off the same, be it further enacted, That whenever the said Commissioners think proper to pay off any of the Principal Money to be borrowed as aforesaid, they shall cause all the Mortgages or Assignments to be granted or made, and then in Force, for securing the Principal Monies borrowed within each respective Parish, to be numbered, and the Numbers to be written upon distinct Pieces of Paper of an equal Size, and all such Papers to be rolled up in the same Manner as near as may be, and put into a Box or Glass, and One Number of the said Mortgages or Assignments shall be drawn out of the said Box or Glass, by the Clerk to the said Commissioners, in the Presence of Three or more of the said Commissioners, and the Person or Persons holding the Security, the Number of which shall be so drawn out shall be entitled to receive the Sum so to be paid off, or so much thereof as may be due upon such Security; provided always, that if it shall happen that any Mortgage or Assignment, the Number whereof shall be drawn out as aforesaid, shall be for
a greater

a greater Sum than Fifty Pounds, no more than Fifty Pounds shall be discharged in consequence of such Number being so drawn; and if more than One Fifty Pounds shall at any such Time be intended to be paid off, then and in such Case the said Ballot is and shall be repeated.

LII. Provided always, That after any Ballot shall be had as afore- Notice to be said, the said Commissioners shall cause a Notice, signed by their Clerk, given to the to be given to or left at the usual Place of Abode of the Person or Per- Persons whose Mort- gages are to gages are to Ballot, which Notice shall express the Sum to be paid; together with be paid off. the Interest due thereon, and that the same will be paid at the Place to be mentioned in such Notice at the Expiration of Six Calendar Months from the Day of giving or leaving such Notice as aforesaid; and the Interest of the Principal Money so to be paid off shall, from and after the End of the said Six Calendar Months, cease and be no longer paid or payable, unless such Principal Money shall be demanded pursuant to such Notice, and not paid; but the Principal Money in respect whereof such Notice shall be given, and also the Interest thereof to the End of the said Six Calendar Months, shall nevertheless be payable on Demand.

LIII. And be it further enacted, That the said Commissioners may sue and be sued in the Name of their Clerk for the Time being, and that all Actions or Suits that may be necessary or expedient to be brought for the Recovery of any Penalty or Sum of Money due or payable by virtue of this Act; or for or in respect of any other Matter or Thing relating to this Act; may be brought in the Name of the said Clerk; and that no Action or Suit which may be brought, commenced 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, Suspension or Removal of such Clerk, or by any Act or Default of such Clerk done or suffered, without the Consent or Direction of the said Commissioners, but the Clerk to the said Commissioners for the Time being shall be always deemed Plaintiff or Defendant in every such Action or Suit (as the Case may be), except in such Action or Actions as shall be prosecuted between the said Commissioners and their Clerk for the Time being, in which Action or Suit any one of the said Commissioners shall or may be Plaintiff or Defendant (as the Case may be): Provided always, that every such Clerk or Commissioner in whose Name any Action or Suit shall be commenced, prosecuted or defended in pursuance of this Act, shall always be reimbursed and paid out of the Monies to arise by virtue of this Act, all such Costs, Charges and Expences as such Clerk or Commissioner shall be put to or become chargeable with by reason of his being so made Plaintiff or Defendant therein; and no such Clerk or Commissioner shall be personally answerable for or liable to the Payment of the same, or any Part of the same, unless such Action or Suit shall arise in consequence of his own wilful Neglect or Default; or have been brought or commenced without the Order or Direction of the said Commissioners, or any Seven or more of them.

Justices em-
powered to
administer
Oaths.

LIV. And be it further enacted, That in all Cases where Cognizance is given to any Justice or Justices of the Peace by this Act, it shall and may be lawful to and for such Justice and Justices of the Peace to administer an Oath to any Person for his, her, or their more certain Information in the Matter then depending; and if any Person or Persons shall upon his, her, or their Examination on Oath before the said Commissioners, or before any Justice or Justices, wilfully and corruptly give false Evidence, such Person and Persons so offending, and being thereof duly convicted, shall be and is and are hereby declared to be subject and liable to such Pains and Penalties as by any Law in Force and Effect, Persons convicted of wilful and corrupt Perjury are subject and liable to.

Inhabitants
may be Wit-
nesses.

LV. And be it further enacted, That no Person shall in any Action, Prosecution, Information, Appeal or other Proceeding whatsoever, relating to or concerning the Execution of this Act, be deemed an incompetent Witness on account of his or her being charged with or liable to pay any Rate or Assessment to be raised, levied and collected by virtue of this Act.

Penalty on
obstructing
Commission-
ers.

LVI. And be it further enacted, That if any Person or Persons shall at any Time or Times hereafter obstruct, hinder, or molest, the said Commissioners, or their Collector or Collectors, Treasurer, Surveyor, or other Officer or Officers, or any Workmen, or other Person or Persons whomsoever, who shall be employed by virtue of this Act, or in any Manner concerned in the Execution thereof, in the Performance or Execution of his or their Duty or Work, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Fifty Pounds.

Recovery of
Penalties.

LVII. And be it further enacted, That all Fines, Penalties, and Forfeitures by this Act imposed (the Manner of levying and recovering whereof is not hereby particularly directed) shall be levied and recovered by Distress and Sale of the Goods and Chattels of the Offender or Offenders; by Warrant under the Hand and Seal of any Justice of the Peace for the said Town or County, or Place, where the Offender shall be or reside, which Warrant such Justice is hereby empowered to grant, upon the Confession of the Party, or upon the Evidence of any credible Witness upon Oath (which Oath such Justice is hereby empowered to administer) and the Overplus (if any) of the Money arising by such Distress and Sale shall be returned, upon Demand, to the Owner of such Goods and Chattels, after deducting the Costs and Charges of such Distress and Sale, and the Penalties and Forfeitures when recovered (if not hereinbefore directed to be otherwise applied) shall be paid to the Treasurer to the said Commissioners, and be applied towards the Purposes of this Act; and in case sufficient Distress shall not be found, or such Penalties and Forfeitures shall not be forthwith paid, it shall be lawful for such Justice, and he is hereby authorized and required, by Warrant under his Hand and Seal, to cause the Offender to be committed to the Common Gaol 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 attending the same, shall be sooner paid and satisfied.

LVIII. And

LVIII. And be it further enacted, That where any Distress shall be made for any Sum or Sums of Money, to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers on account of any Defect or Want of Form in the Information, Summons, Conviction, Warrant of Distress, or other Proceeding relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio*, on account of any Irregularity that shall be afterwards done by the Party or Parties distraining; but the Person or Persons aggrieved by such Irregularity may recover Satisfaction for the Special Damage in an Action on the Case.

Distress not unlawful for want of Form.

LIX. And be it further enacted, That no Plaintiff or Plaintiffs shall recover in any Action to be commenced against any Person or Persons for any Thing done in pursuance of this Act, unless Notice in Writing shall have been given to the Defendant or Defendants Twenty-one Days before such Action shall be commenced, of such intended Action, signed by the Attorney for the Plaintiff or Plaintiffs, specifying the Cause of such Action; nor shall the Plaintiff or Plaintiffs recover in any such Action if Tender of sufficient Amends shall have been made to him, her, or them, or to his, her, or their Attorney, by or on Behalf of the Defendant or Defendants before such Action brought; and in case no such Tender shall be made, it shall be lawful for the Defendant or Defendants in any such Action, by Leave of the Court at any Time before Issue joined, to pay into Court such Sum or Sums of Money as he, she, or they, shall be advised, whereupon such Proceeding, Order, and Judgment, shall be made and given in and by such Court, as in other Actions where the Defendant is allowed to pay Money into Court.

Plaintiff not to recover after Tender of Amends, in any Action.

LX. 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.

‘ Town of } BE it remembered, That on the
 ‘ or } Day of in the Year of our Lord
 ‘ County of } is convicted before
 ‘ of His Majesty’s Justices of the Peace for
 ‘ by virtue of an Act of Parliament made in the Fifty-second Year of
 ‘ the Reign of King George the Third, intituled [*set forth the Title of the*
 ‘ *Act, and specify the Offence, and the Time and Place when and where the*
 ‘ *same was committed, as the Case shall be*] 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 [or, our] Hand and Seal
 ‘ [or, Hands and Seals] the Day and Year aforesaid.’

LXI. And be it further enacted, That no Order, Rate, or Assessment, Judgment or other Proceeding, made, touching, or concerning any of the Matters aforesaid, or touching or concerning 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 Writ of *Certiorari*

No Proceedings to be removed by *Certiorari*.

OR

or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*; any Law, Statute, or Usage to the contrary thereof in anywise notwithstanding.

Commissioners may reward Informers.

LXII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners to reward any Informer or Informers, as they shall think proper, so as such Reward does not exceed One-half of the Penalty or Forfeiture proved by the Information of such Informer or Informers to have been incurred; any Thing herein contained to the contrary notwithstanding.

Limitation of Actions.

LXIII. And be it further enacted, That no Action or Suit shall be brought against any Person or Persons for any Thing done in pursuance of this Act, or in relation to the Matters herein contained, after Six Calendar Months after the Fact committed; and every such Action shall be tried in the County of *Surrey*, or in the Court of Common Pleas or King's Bench at *Westminster*, and not elsewhere; and the Defendant and Defendants in every such Action or Suit shall or may, at his, her, or their Election, plead Specially or the General Issue, and give this Act, and the Special Matter in Evidence at any Trial, and that the same was done in pursuance and under the Authority of this Act; and if the same shall appear to have been so done, or if such Action or Suit shall have been brought before the Expiration of Twenty-one Days next after such Notice shall have been given as aforesaid, or after sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same, or shall be brought in any other County or Place than as aforesaid, then and in every of the said Cases the Jury shall find a Verdict for the Defendant or Defendants; and upon such Verdict, 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 any Demurrer, Judgment shall be given against the Plaintiff or Plaintiffs, then and in every such Case the Defendant or Defendants shall recover Treble Costs, and have such Remedy for recovering the same as any Defendant or Defendants hath or have in other Cases by Law.

Appeal against Rates and Commissioners.

LXIV. Provided always, and be it enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Rate or Assessment which shall be made or be demanded in pursuance of this Act, such Person or Persons may appeal to the said Commissioners at their first Meeting, which shall be holden after the Expiration of Seven Days from the Time of demanding such Rate or Assessment, and the said Commissioners at such Meetings are hereby authorized and empowered, if they shall think such Person aggrieved, to give such Relief in the Premises as to them the said Commissioners shall seem reasonable; and if any Person or Persons shall be dissatisfied with the Determination of the said Commissioners therein, or if any Person or Persons shall think himself, herself, or themselves aggrieved by any such Order, Judgment, or Determination of the said Commissioners, or by any Penalty imposed, or by any Conviction made, or by any other Thing done in pursuance of this Act (save and except in such Cases where any Order, Judgment, or Determination

mination is herein directed to be final or conclusive, and save and except in such Cases for which any particular Method of Relief is herein appointed) such Person or Persons may appeal to the Justices of the Peace at any General Quarter Sessions of the Peace to be holden for the Town and Borough of *Guildford*, or for the County of *Surrey*, at the Option of the Party appealing, within Four Calendar Months next after the Causes of Complaint shall have arisen, or at any Adjournment of such Sessions, the Person or Persons appealing first giving or causing to be given to the Person or Persons appealed against, and to the Clerk of the said Commissioners, Fourteen Days Notice in Writing of his, her, or their Intention to bring such Appeal, and of the Cause or Matter thereof, and within Ten Days next after such Notice entering into a Recognizance before some Justice of the Peace for the said Town and Borough, or for the said County, with Two sufficient Sureties conditioned to try such Appeal, and to abide the Order of, and to pay such Costs as shall be awarded by the Justices at such Sessions or Adjournment thereof; and the Justices at such Session or Adjournment thereof, upon due Proof of such Notice having been given, and of such Recognizance having been entered into as aforesaid, shall hear and finally determine every such Appeal in a summary Way, and award such Costs to the Party appealing or appealed against, as the said Justices shall think proper, and shall and may, at their Discretion, discharge or mitigate all or any of the Penalties or Forfeitures incurred by the Party or Parties appealing; and the Determination of the said Justices in their said General Quarter Sessions, or Adjournment thereof, shall be final, binding, and conclusive, to all Intents and Purposes whatsoever.

LXV. Provided always, and be it enacted, That in any Appeal from the said Rates or Assessments, or any of them, to be made for the Purposes of this Act, the Justices at the General Quarter Sessions to be holden for the said Town and Borough, or for the said County, or any Adjournment thereof, shall and may amend the same in such Manner as may be necessary for giving Relief, without quashing or altering such Rates or Assessments with respect to other Persons mentioned therein; but if, upon Appeal from the whole Rate or Assessment, it shall be found necessary to set aside the same, then and in every such Case it shall and may be lawful to and for such Justices to order a new Rate or Assessment to be made in Manner herein directed.

Justices may relieve on Appeal from Rates without quashing whole Rates, and if the whole Rate is set aside, the Commissioners may make a new one.

LXVI. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to the Injury or Prejudice of the Mayor and approved Men and Corporation of the said Town and Borough of *Guildford*, of the Right to the Soil of the said Town, or to any other Rights, Privileges, or Emoluments whatsoever, which they have heretofore had, held, and enjoyed, under or by virtue of all, or any, or either of the Charters heretofore granted to the said Mayor and approved Men and Corporation, by the Kings and Queens of *England*, or any or either of them, or any Bye-Laws made in pursuance of the Powers and Authorities given and granted by the said Charters, or any or either of them.

Saving the Rights of the Corporation of *Guildford*.

Public Act.

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

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