



ANNO QUINQUAGESIMO OCTAVO

GEORGI II. REGIS.

Cap. lxxxi.

An Act for paving the Footways, and cleansing, lighting, and watching the Streets, in the Town of *Monmouth*. [3d June 1818.]

WHEREAS the Footways in the several Streets, Lanes, Public Passages, and Places in the Town and Borough of *Monmouth*, are not properly paved and repaired, nor the said Streets cleansed, lighted, or watched, and are subject to various Encroachments, Nuisances, and Annoyances, and are very incommodious and unsafe for Passengers and Travellers; and it would be of great Benefit and Advantage to the Inhabitants of the said Town if the said Footways were properly paved and repaired, and the said Streets, Lanes, Public Passages and Places cleansed, lighted, and watched, and if the other Improvements herein-after mentioned were executed; but as the several Objects cannot be obtained without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Mayor, Recorder, Bailiffs, Common Council, Town Clerk, and Deputy Town Clerk of the said Town of *Monmouth* for the Time being, together with the Eight Persons, namely, Two Persons to be nominated for each of the Four Wards of the said Town by the Mayor and Common Council, at a Meeting to be held within One Month after the passing of this Act, who shall serve for Two Years, and be appointed every Second Year afterwards by the said Mayor and Common Council in like Manner, to serve for the Two succeeding Years, and the said Eight Persons only to be qualified as hereafter mentioned, and their Successors, shall be and they are hereby

Appointment
of Commis-
sioners.

[Local.]

21 B

appointed

appointed Commissioners for the Purposes of executing this Act, so far as relates to the paving, repairing, cleansing, lighting, and watching the said Town.

Meetings.

II. And be it further enacted, That the said Commissioners or any Five or more of them, whereof the Mayor, Recorder, or some one of the Bailiffs or Common Council, or Town Clerk of the said Town of *Monmouth* shall be one, shall and they are hereby required to meet at the Guildhall of the said Town, the Fourth *Monday* after the passing of this Act, and afterwards on the First *Monday* in every Month, at the Hour of Eleven, at the same Place, in order to put this Act into Execution; and that the Mayor or senior Member of the Corporation present shall be the Chairman of such Meeting; and in all Cases wherein any Difference of Opinion shall arise, the Question shall be decided by the Ballot of such of the said Commissioners as shall be present, in case such Ballot shall be demanded by either of the said Commissioners; and the said Commissioners shall, at all their said Meetings, bear and pay their own Expences, except the Charge, Perquisite, or Fee for the Room or Place where the same shall be held, and the Expence of Stationery, which shall be defrayed out of the general Rate and Assessment herein-after directed to be made.

For appointing Commissioners in case of Vacancies.

III. And be it further enacted, That as often as any of the said Eight Commissioners so to be appointed shall remove, die, or refuse or neglect to act for the Space of Three Calendar Months in the Execution of this Act, or shall become disqualified from acting as a Commissioner by virtue of this Act, then and so often it shall be lawful for the Mayor, Bailiffs, and Common Council, at some Corporate Meeting, from Time to Time, whenever they shall think proper, to nominate and appoint one other Person or Persons to be a Commissioner or Commissioners in the room of every such Commissioner dying, refusing, or so neglecting to act, or becoming disqualified as aforesaid, and to continue in Office so long as the Commissioner in whose Place he is appointed would have continued; and every such Commissioner hereafter so elected and appointed shall have the same Powers and Authorities for putting this Act into Execution, as if he had been named a Commissioner in and by this Act.

Qualification of Commissioners.

IV. Provided always, and be it further enacted, That no Person, except those who shall be Commissioners by virtue of their Offices, shall be capable of acting as a Commissioner in the Execution of this Act, except in administering the Oath herein-after directed to be taken by the said Commissioners, unless he shall be in his own Right, or in Right of his Wife, in the actual Enjoyment of the Rents and Profits of a Freehold Estate of the clear yearly Value of Thirty Pounds above Reprizes, situate in the Town of *Monmouth* aforesaid, or shall be Heir Apparent of some Person having a like Estate of the clear yearly Value of Fifty Pounds situate as aforesaid, and also be an Inhabitant or Resident in the Town, and having occupied a Dwelling House for One Year immediately preceding the passing of this Act, or being elected by virtue of this Act to be a Commissioner, of the annual Value of Twenty Pounds, nor unless he shall, at the First Meeting of Commissioners to be held in pursuance of this Act, or, in Failure thereof, at some other Meeting next preceding the Meeting he shall act as a Commissioner under this Act, deliver in, or cause

to be delivered in, a Certificate in Writing, signed by him, expressing the Nature of his Qualification and the Particulars thereof, which Certificate shall be kept and filed by the Clerk to the said Commissioners, and an Entry made by such Clerk of such Names and Qualifications, and the Time when delivered; nor until he shall have taken and subscribed an Oath to the Effect following (which Oath any One of the said Commissioners is hereby empowered to administer); that is to say,

‘ I *A. B.* do swear, that I do believe in my Conscience that I am rightly, Oath.
 ‘ truly, and *bonâ fide* qualified to act as a Commissioner for putting
 ‘ into Execution an Act passed in the Fifty-eighth Year of King *George*
 ‘ the Third, intituled [*set forth the Title of this Act*] according to some
 ‘ or one of the Qualifications required of such Commissioners by the said
 ‘ Act. So help me GOD.’

And if any Person hereby deemed unqualified or incapable to act shall nevertheless presume to act in the Execution of this Act, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds, together with full Costs of Suit, to any Person or Persons who shall first sue and prosecute for the same, to be recovered in any of His Majesty's Courts of Record, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager at Law, nor more than One Imparlance, shall be allowed; and every Person so sued or prosecuted shall prove that he was qualified as aforesaid at the Time of his acting as a Commissioner, or otherwise shall pay the said Penalty, without any other Proof or Evidence being given on the Part of the Plaintiff or Prosecutor than that such Person had acted as a Commissioner in the Execution of this Act; but the Acts of such Persons who shall have so acted without Qualification, shall be good and valid if done before their having Judgment against them for such Penalty.

V. Provided also, and be it further enacted, That no Person shall be capable of acting as a Commissioner under this Act during the Time he shall enjoy any Office of Profit, or be concerned directly or indirectly in any Contract made by virtue of this Act, upon Pain of forfeiting the Sum of Fifty Pounds for each Time of such acting, to be recovered and applied, with full Costs of Suit, as aforesaid; but such Commissioners as are Justices of the Peace may nevertheless act as such in the Execution of this Act, except in Cases where they are personally interested; and that all the Powers and Authorities by this Act granted to or vested in the said Commissioners, shall and may from Time to Time be exercised by the major Part of them who shall attend any Public Meeting to be holden as herein mentioned, the Number of Commissioners present at any such Meeting not being less than Five; and that all the Orders and Proceedings of the major Part of the Commissioners present at such Meetings shall have the same Force and Effect as if done or made by all the Commissioners constituted by this Act; and that no Act, Order, or Determination of the said Commissioners shall be valid, unless done or made at a Public Meeting held by virtue of this Act; and that all the Acts, Orders, and Proceedings of the Commissioners shall be entered in a Book or Books to be kept for that Purpose, and signed by the Chairman, and the Book or Books so signed shall be deposited with the Clerk of the said Commissioners, to be produced or ready for Production at all and every the said Meetings; and all such Acts, Orders, and Determinations so entered shall be

No Commissioner to act holding any Office of Profit, or concerned in any Contract under this Act.

Commissioners may act as Justices.

Number required to act.

No Act valid but at a Meeting. Proceedings to be recorded.

In whose
Name Ac-
tions may
be brought.

be deemed and taken to be Originals, and such Book or Books shall and may be produced and read in Evidence, and allowed as such in all Courts of Justice whatsoever, and the same shall at all reasonable Times be open to the Inspection of all Persons interested; and that any Action which shall or may be brought by or against the said Commissioners or any of them, for any Thing touching or relating to the Execution of the Purposes of this Act, shall be brought or instituted in any of His Majesty's Courts of Record, in the Name of the Clerk or Treasurer to the said Commissioners; and that no such Action shall abate or be discontinued by the Death or Removal of such Clerk or Treasurer; but the Clerk or Treasurer for the Time being to the said Commissioners shall be deemed the Plaintiff or Defendant in such Action, as the Case shall be.

How Orders
may be re-
voked.

VI. And be it further enacted, That no Order made by the said Commissioners at any of their Meetings shall be revoked or altered, unless at some Meeting to be held for that Purpose (of which Eight Days Notice shall be given as aforesaid, therein expressing such proposed Revocation or Alteration); and also unless a greater Number of Commissioners than were present to make such Order shall attend, and vote at such Meeting to revoke and alter the same, such greater Number consisting of Seven Commissioners at the least.

Commission-
ers not an-
swerable in
their private
Capacity;

but to be sub-
ject to Rates.

VII. Provided always, and be it further enacted and declared, That no Contract which shall be made by the said Commissioners for any of the Purposes of this Act shall be binding upon the said Commissioners as Individuals, or in their private Capacity, nor shall any of the said Commissioners personally, or their respective Estates, be answerable for or subject to the Payment of any of the Mortgages to be granted in pursuance of this Act; and that all Money which shall be expended by or recovered against any of the said Commissioners, or any Person or Persons employed by them, by means of any Action, Prosecution, or Appeal, to be brought by or against them, or any of them, touching the Execution of this Act, shall be borne and defrayed out of the Money which shall come to the Hands of the Treasurer to the said Commissioners, or any other Person, by virtue of this Act: Provided nevertheless, that nothing herein contained shall extend to exonerate or discharge any of the said Commissioners, their Houses, Lands, Tenements, Hereditaments, Goods, Chattels, or Effects, from the Payment of the Rates or Assessments to be raised by virtue of this Act.

Power to elect
Officers.

VIII. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required to elect, appoint, and employ such Clerks, Treasurers, and Collectors of the Rates or Assessments to be made by virtue of this Act, and also such Surveyors, Pavours, Scavengers, and other Officers and Persons for the Execution of this Act, as they shall from Time to Time think proper; and any such Clerks, Treasurers, Collectors, Surveyors, Pavours, Scavengers, and other Officers and Persons, from Time to Time to remove or displace as they shall think fit, and to choose and appoint others in the Room of such of them as shall be so removed, or shall die, or resign their Office, Eight Days Notice being first given of such Removal, Death, or Resignation, and of the Time and Place of Meeting for filling up the Vacancy or Vacancies thereby occasioned; and the said Commissioners may and are hereby authorized and

and empowered, by and out of the Monies to be raised and received by virtue of this Act, to annex and pay such Salaries or Allowances to such Officers, and to all other Persons by the said Commissioners to be employed in the Execution of this Act, as they shall think reasonable; and the said Commissioners shall and are hereby required to take such Security from their Clerk, Treasurer, and other Officers, for the due Execution of their respective Offices, as the said Commissioners shall think proper; and all such Officers and Persons so to be appointed as aforesaid shall, upon Demand of the said Commissioners, duly account to them, for all Monies which shall come to his or their Hands, and touching the several Matters and Things to be committed to their Charge by virtue of this Act; and also shall, upon Demand of the said Commissioners, pay and deliver over to their Treasurer for the Time being all the Monies appearing upon the Balance of such Accounts, together with the Vouchers in support of such Accounts, and also the Books, Papers, and Writings in their respective Custody or Power, relating to the Proceedings to be had under this Act; and in Default thereof for the Space of Nine Days after such Demand made as aforesaid, it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, to commence and prosecute an Action against any Person making such Default, for the Recovery of the Monies that shall be in the Hands of such Person, with Costs of Suit; or if Complaint shall be made by the said Commissioners, or by such Person or Persons as shall be appointed by them for that Purpose, of any such Default as aforesaid, to any Justice of the Peace for the County, Town, or Place wherein the Party so making Default shall reside or be, such Justice is hereby authorized and required, by Warrant, to cause the Person or Persons so making Default to be brought before him, and upon his appearing or not appearing, to hear and determine the Matter in a summary way; and if upon the Confession of the Party, or by the Testimony of any credible Witness upon Oath, it shall appear to such Justice that any of the Monies that shall have been collected or raised by virtue of this Act shall be in the Hands of such Person or Persons, such Justice is hereby authorized and required to cause, by Warrant, such Monies to be levied by Distress and Sale of the Goods and Chattels of such Person or Persons offending as aforesaid; and if no such Goods and Chattels can be found sufficient to satisfy such Monies, and the Charges of distraining and selling the same, or in case of Refusal to account as aforesaid, or that it shall appear to such Justice by the Confession of the Party so offending, or by the Testimony of any credible Witness upon Oath, that any Books, Papers, or Writings relating to the Execution of this Act, shall be in the Custody or Power of any such Person, and he shall refuse to deliver up the same as aforesaid, in either of the said Cases such Justice shall commit every such Offender to the Common Gaol or House of Correction of the County, Town, or Place where such Offender shall reside or be, there to remain until he shall give a true and perfect Account, and make Payment as aforesaid, or until he shall compound with the said Commissioners in such Manner as they shall think fit, and until he shall deliver up such Books, Papers, and Writings as aforesaid, or give Satisfaction in respect thereof: Provided always, that no Person so committed for want of sufficient Distress shall be confined or detained in Prison, by virtue of this Act, for any longer Space of Time than Six Calendar Months.

Treasurer and
other Officers
to give Security.

To account.

IX. Provided always, That no Commissioner appointed or to be appointed as aforesaid shall vote for or join in the Removal or Appointment

[Local.]

21 C

Commissioners
not to vote
for the Re-

removal or Appointment of Officers, unless they have acted within 6 Months, &c.

of any Treasurer, Clerk, Collector, Surveyor, or Inspector, to be appointed or employed by virtue of this Act, who shall not have attended as a Commissioner at One public Meeting of the said Commissioners within Six Calendar Months next before such Removal or Appointment, provided Three Meetings shall have been held within the said Space of Six Calendar Months.

Penalty on Officers misbehaving.

X. And be it further enacted, That if any Treasurer, Clerk, Collector, Surveyor, or other Officer or Person who shall or may hereafter be appointed by the said Commissioners in the Execution of this Act, shall exact, demand, or wilfully take any Fee or Reward whatsoever, other than such Salaries and Reward as shall be appointed and allowed by such Commissioners as aforesaid, on account of any Thing ordered or directed by the Commissioners for putting this Act into Execution, or on any Account whatsoever relating to the Execution thereof, or shall any way be concerned or interested in any Bargain made or to be made by such Commissioners, or any of them, for any of the Purposes intended to be executed by virtue of this Act, every Person so offending shall for ever be incapable of being employed under this Act, and shall forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same by Action of Debt, Bill, Plaint, or Information in any of His Majesty's Courts of Record, within Six Calendar Months next after the Offence committed, with full Costs of Suit, wherein no Protection, Essoign, nor Wager of Law, nor more than One Imparance, shall be allowed.

Clerk restrained from acting as Treasurer, and vice versa.

XI. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person who has been or may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, the Treasurer for the Purposes of this Act, or to continue or appoint the Person who has been or may be appointed Treasurer, or the Partner of any such Treasurer, the Clerk to the said Trustees for executing this Act; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk shall act as Treasurer, or being the Partner of such Treasurer shall act as Clerk in the Execution of this Act, every Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than One Imparance, shall be allowed.

Accounts to be kept of Receipts and Disbursements, which shall be open to the Inspection of the Creditors.

XII. And be it further enacted, That the said Commissioners shall and they are hereby required, from Time to Time and at all Times during the Continuance of this Act, to order and direct a Book or Books to be provided and kept by their Clerk for the Time being, in which Book or Books such Clerk shall enter, or cause to be entered, true and regular Accounts of all Sums of Money received, paid, laid out, and expended, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed, laid out, and paid; which Book or Books shall, at all seasonable Times, be open to the Inspection of the said Commissioners, or any Creditor or Creditors on the Tolls hereby granted, without Fee or Reward; and the said Commissioners and Creditors, or any of them, shall or may take Copies of or Extracts from the said Book or Books,

Books, or any Part or Parts thereof, without paying any Thing for the same; and in case the said Clerk or Clerks shall refuse to permit or shall not permit the said Commissioners or such Creditors to inspect the same, or take such Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum of Money not exceeding Five Pounds.

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

Commissioners authorized to purchase Buildings, &c. and to widen and improve the Streets.

XIV. And be it further enacted, That if any Body Politic, Corporate, or Collegiate, or any Corporation, whether Aggregate or Sole, Spiritual or Lay, or any Femes Covert, or any Tenant for Life or Tenant in Tail General or Special, Owner or Owners, Occupier or Occupiers, or other Person or Persons whomsoever, interested in any Messuages, Lands, Tenements,

In Cases of Refusal or Inability to sell.

or Hereditaments, which the said Commissioners are enabled by this Act to purchase for the Purposes of this Act, shall refuse to treat, contract, or agree as aforesaid, or by reason of Absence or otherwise shall be prevented from treating, contracting, or agreeing, or shall decline or refuse to sell, convey, and dispose of the Premises whereof, or wherein, or whereunto they respectively shall be so seized, possessed, interested, or entitled as aforesaid, or their respective Rights, Titles, Claims, or Interests in, to, or upon the same, or any Part thereof, unto the said Commissioners, or to such Person or Persons as they shall nominate for the Purposes, and according to the Tenor, true Intent, and Meaning of this Act, or shall not or cannot produce or make out a clear Title to the Premises they are in Possession of, or to the Interest they claim therein, to the Satisfaction of the said Commissioners; or if any Dispute or Difference shall arise touching such Purchase or Purchases, then and in every such Case it shall and may be lawful to and for the said Commissioners to cause it to be inquired into and ascertained by and upon the Oaths of a Jury of Twelve indifferent Men of the County of *Monmouth*, (which Oaths the said Commissioners, or any Five or more of them, the Mayor, Recorder, or some one of the Bailiffs or Common Council, or Town Clerk, being one, are hereby empowered to administer), what Damages will be sustained by, and what Recompence and Satisfaction shall be made to such Owner, Proprietor, Occupier, or other Person or Persons interested, for or upon account of the taking or using of such Dwelling Houses, Buildings, or Grounds, for the Purposes last aforesaid; and in order thereto, the said Commissioners or any Two or more of them, the Mayor or some Member of the Corporation being one, are hereby empowered and required from Time to Time to summon and call before them all and every Person and Persons who shall be thought necessary and proper to be examined as a Witness or Witnesses touching or concerning the Premises, and shall examine such Witness or Witnesses before the said Jury upon Oath, (which Oath the said Commissioners, or any Five or more of them, the Mayor, Recorder, or some one of the Bailiffs or Common Council, or Town Clerk, being one, are hereby empowered and required to administer); and they shall order and cause the said Jury to view the Place in question, and use all other lawful Ways and Means, as well for their own as for the said Jury's Information in the Premises; and after the said Jury shall have so ascertained and settled such Damages and Recompence, they the said Commissioners shall thereupon order, adjudge, and determine the Sum or Sums of Money so assessed by the said Jury to be paid to the Owners, Proprietors, or Occupiers of the said Premises, or other Persons interested therein, according to the Verdict or Inquisition of the said Jury, which said Verdict or Inquisition, and Judgment, Order or Determination so had and made, shall be final, binding, and conclusive to all Intents and Purposes whatsoever against all Parties and Persons claiming in Possession, Reversion, Remainder, or otherwise; and all and every such Owners, Proprietors, Occupiers, and other Persons anywise interested in such Messuages, Lands, Tenements, or Hereditaments, shall thereby be from thenceforth to all Intents and Purposes divested of all Right, Title, Claim, Remainder, Reversion, Interest, or Property of, in, to, or out of the same; and upon Payment of the Money so assessed to the respective Persons entitled thereto, or their Agents, or upon paying the same into the Bank of *England*, in manner by this Act directed, it shall and may be lawful to and for the said Commissioners to cause the Premises,
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in respect whereof such Money shall be assessed, to be disposed of, and such Acts to be done thereto as if the Purchase thereof had been agreed upon and completed, and the said respective Premises were untenanted, and the Purchase or Consideration Money had been received by the Person or Persons entitled thereto; and for summoning and returning such Jury the said Commissioners are hereby empowered to issue out their Warrant or Warrants, signed by any Five or more of them, (the Mayor, Recorder, or some one of the Bailiffs or Common Council, or Town Clerk, being one), to the Sheriff of the said County of *Monmouth*, thereby commanding and requiring such Sheriff to impanel, summon, and return an indifferent Jury of Twenty-four Persons to appear before the said Commissioners at such Time and Place as in such Warrant shall be appointed; and such Sheriff or his Deputy is hereby required thereupon to impanel, summon, and return such Twenty-four Persons accordingly, and out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear according to or upon such Summons, the said Commissioners shall swear or cause to be sworn Twelve Persons, who shall be the Jury for the Purposes aforesaid; and in Default of a sufficient Number of Jurymen, the said Sheriff or his Deputy shall return other honest and indifferent Men of the Standers-by, or that can be speedily procured or summoned to attend that Service, to the Number of Twelve: Provided always, that all Persons concerned shall have their lawful Challenges against any of the Jurymen to be summoned in pursuance of this Act, in such and the like Manner as any Party in any Actions depending in any of His Majesty's Courts of Record at *Westminster* is or shall be by Law entitled to; and the said Commissioners are hereby empowered to impose any reasonable Fine or Fines on such Sheriff or his Deputy who shall make Default in the Premises, and also on any of the Persons who shall be summoned and returned to serve on such Jury, and shall not appear, or after having appeared shall refuse to be sworn on the said Jury, or having been sworn shall refuse to give, or shall not give, his or their Verdict on the Matter in question, or shall in any other Manner wilfully neglect his or their Duty therein; and if any of the Persons who, being summoned or required to give Evidence before the said Jury touching the Premises, shall neglect or refuse to appear, or refuse to be sworn, or be examined, or give Evidence touching the same; but no such Fine shall exceed the Sum of Twenty Shillings upon any one Person for one Offence: Provided always, that in case the Sum or Sums so assessed by the said Jury, and ordered and adjudged to be paid by the said Commissioners, as a Satisfaction to the Owners, Occupiers, or others, for their respective Interests in the said Premises, shall not be paid, tendered, or deposited in the Bank of *England*, as the Case may be, in Manner by this Act directed, within Six Calendar Months after the same shall have been so assessed, ordered, and adjudged, then and in such Case the Verdict of the said Jury shall not be binding upon the said Parties; any Thing herein contained to the contrary thereof in anywise notwithstanding.

Juries may be challenged.

Sheriffs, &c. may be fined for Neglect of Duty.

Verdicts shall not be binding unless Money paid within 6 Calendar Months.

XV. And be it further enacted, That in all Cases where any Verdict shall have been given for a greater Sum or Recompence than shall have been previously offered, by or on the Behalf of the said Commissioners, for any such Messuages, Lands, Tenements, or Hereditaments, for Damages as aforesaid, all the Expences of taking such Inquest, and of the Witnesses attending thereon, and recording or entering the Verdict and Judgment thereupon,

Payment of Costs of Verdict.

[Local.]

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thereupon,

thereupon, shall be paid by the said Commissioners out of the Monies to arise by virtue of this Act; but if a Verdict shall be given for no greater or for a less Sum than shall have been so previously offered by or on the Behalf of the said Commissioners, then and in every such Case such Expences shall be paid by the Owners of or Persons interested in the Premises in question; provided, that whenever by Absence any Person or Persons shall have been prevented from treating with the said Commissioners, the whole of such Costs and Expences shall be borne and paid by the said Commissioners; and whenever any Costs or Charges shall or may be payable to the said Commissioners, such Costs and Charges shall and may be deducted out of the Sum to be paid by the said Commissioners to the said Owners or Persons respectively interested, so far as such Sum will extend.

Application
of Compensation
Money
when exceeding
200l.

XVI. And be it further enacted, That if any Money shall be agreed to be paid for any Messuages, Lands, Tenements, or Hereditaments purchased, taken, or used by virtue of the Powers of this Act for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or Person or Persons under any Disability or Incapacity as herein mentioned, such Monies shall, in case the same shall amount to the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the 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 Messuages, Lands, Tenements, or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrance, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Messuages, Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Messuages, Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Messuages, Lands, Tenements, and Hereditaments, which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking Effect; and in the meantime, 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 Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid by Order of the said Court to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Messuages, Lands, Tenements, and Hereditaments,

ments so hereby directed to be purchased, in case such Purchase or Settlement were made.

XVII. Provided always, and be it further enacted, That if any Money so agreed to be paid for any Messuages, Lands, Tenements, or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Hereditaments so purchased, taken, or used, or for his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank, in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by Five or more of the said 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 thereon, may be applied in any Manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

If under 200l.
and exceeding
20l.

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

If under 20l.

XIX. 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 Trustees, or any Five 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 Messuages, Lands, Tenements, or Hereditaments, be not known or discovered; then and in every such Case it shall and may be lawful to and for the said Commissioners, or any Five or more of them, the Mayor or some Member of the Corporation being one, 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 Messuages, Lands, Tenements, or Hereditaments [describing them], subject to the Order, Controul, and Disposition

In case of
not making
out Titles,

or if Persons
cannot be
found, the
Purchase Mo-
ney to be paid
into the
Bank, &c.

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 as to the Title to Money.

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

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

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

XXII. And

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

Mortgagees
to convey.

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

Tenants at
Rack Rent of
any Premises
purchased by
the Commis-
sioners to give
up the Pos-
session thereof
after Six
Months No-
tice.

XXIV. Provided always, and be it further enacted, That Satisfaction shall be made to such Tenant or Occupier who shall be required to quit or deliver up the Possession of such Messuages, Buildings, Lands, or other Hereditaments, in pursuance of such Notice, before the End of the current Year; and if any such Tenant or Occupier shall be dissatisfied with any Tender which may be made by the said Commissioners, then and in every

Satisfaction
to be made to
Tenants or
Occupiers
required to
quit Posses-
sion.

[Local.]

21 E

such

such Case the same shall be enquired into, ascertained, and settled by a Jury, to be chosen in Manner before mentioned, who shall order and adjudge what Satisfaction shall be paid by the said Commissioners to such Tenant or Occupier.

Form of
Conveyance.

XXV. And be it further enacted, That all Sales, Conveyances, and Assurances of any Messuages, Lands, Tenements, or Hereditaments, to be made to the said Commissioners and their Successors, or other Persons as aforesaid, shall be made in the Form or to the Effect following; (that is to say),

‘ I of in consideration of the
‘ Sum of to me paid by the Commissioners, (or, other
‘ Person or Persons, as the Case may be), acting by virtue of an Act passed
‘ in the Fifty-eighth Year of the Reign of King George the Third, intituled
‘ [here insert the Title of this Act], do hereby grant and convey to the said
‘ Commissioners and their Successors, or Person or Persons, all [here de-
‘ scribe the Premises to be conveyed] and all my Estate, Right, Title, and
‘ Interest to and in the same and every Part thereof, to hold to the said
‘ Commissioners and their Successors, or Person or Persons, for ever. In
‘ Witness whereof, I have hereunto set my Hand and Seal, this
‘ Day of in the Year of our Lord

And every such Sale, Conveyance, and Assurance so made, shall be good, valid, and effectual, to all Intents and Purposes whatsoever; any Law, Statute, Usage, or Custom to the contrary thereof notwithstanding.

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

XXVI. And whereas by reason of the Purchases which the said Commissioners are hereby empowered to make, they may happen to be possessed of some Part or Parts, Piece or Pieces of Messuages, Grounds, or other Hereditaments, over and above what may be necessary for effecting the Improvements hereby directed to be made, or for other the Purposes of this Act; be it further enacted, That it shall be lawful for the said Commissioners to sell and dispose of such Parts of Premises, either together or in Parcels, as they shall find most advantageous and convenient, to such Person or Persons as shall be willing to contract for and purchase the same; and the Money to arise by Sale thereof shall be applied to the respective Purposes of this Act; but the Purchaser or Purchasers thereof shall not be answerable or accountable for the Mis-application or Non-application thereof.

First Offer
to be made to
Owners of
adjoining
Estates.

XXVII. Provided always, and be it further enacted, That the Offer of the Purchase of any Piece or Pieces of Ground, not wanted for the Purposes of this Act, shall be first made to the Owner of the Land adjoining thereto; and in case such Owner shall be desirous of becoming the Purchaser of such Piece or Pieces of Ground as aforesaid, and cannot agree with the said Commissioners for the Price to be paid for the Purchase of the same, and such Owner shall still be desirous of becoming the Purchaser thereof, then and in such Case the Value thereof shall be settled and ascertained by a Jury, in such and the like Manner as the Price for any Land to be taken in pursuance of the said recited Act is directed to be settled and ascertained in and by the said recited Act, and such Owner shall be deemed the Purchaser thereof at the Sum to be ascertained by the Jury to be the Value thereof; and the Expence of hearing and determining

mining such Difference shall be borne and paid in like Manner as by the said recited Act is directed with respect to Purchases made by the said Commissioners, *mutatis mutandis*; and in case such Owner shall refuse to pay such Money, on Demand made thereof by the Treasurer or Clerk to the said Commissioners, and Tender of the Conveyances of such Toll House or Toll Houses with the Appurtenances, or any Piece or Pieces of Ground as aforesaid, the same shall and may be recovered by the said Commissioners by Action of Debt in any of His Majesty's Courts of Record at *Westminster*; and in case any such Owner shall not agree or shall refuse to purchase any such Toll House or Toll Houses with the Appurtenances, or any such Piece or Pieces of Ground as aforesaid, it shall be lawful for any Person or Persons (not interested in the Premises) to make an Affidavit, to be sworn before a Master or Master Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the County, Town, Division, or Place where such Toll House or Toll Houses and Appurtenances, or any such Piece or Pieces of Ground shall lie, stating that such Offer has been made by or on Behalf of the said Commissioners, and that such Owner has not agreed or has refused to purchase such Toll House or Toll Houses and Appurtenances, or Piece or Pieces of Ground (as the Case may be); and such Affidavits shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made and not agreed to or refused by such Owner.

XXVIII. And in order that the Footways of the Streets, Lanes, and other public Passages and Places within the said Town and Borough may be properly paved and repaired, and that the said Streets, Lanes, and other Passages may be lighted, cleansed, and watched; be it further enacted, That from and immediately after the passing of this Act, the Property of and in all the present and future Pavements in the Streets, Lanes, and other public Passages and Places within the said Town, in the Footways, and of all Materials, Implements, Watch Houses, Stands, Lamp Irons, Posts, and other Things which shall be provided for the Purposes of this Act, and all the Soil, Dung, Manure, and Dirt which shall arise or be made in any of the said Streets, Lanes, Passages, and Places, and of all Ashes, Cinders, Dirt, and Rubbish to be taken and carried away from the Houses in the said Streets, Lanes, Passages, and Places, shall belong to, and be the Property of, and the same are hereby vested in the Mayor of the said Town of *Monmouth* for the Time being; in Trust for the said Commissioners, and he is hereby authorized to bring or cause to be brought any Action, or to prefer any Bill of Indictment, as the Case shall require, against any Person or Persons whomsoever who shall steal, take, or carry away, detain, spoil, injure, or destroy, any of the Matters or Things herein so mentioned and vested, or any Part or Parts thereof.

XXIX. And be it further enacted, That the said Commissioners shall have full Power and Authority to sell and dispose of all or any Part of the old Pavement and other Materials, and such Soil, Manure, Dirt, Ashes, Cinders, and Rubbish, as they shall take and carry away as aforesaid.

XXX. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to any of the Roads, Ways, or Passages which have been usually paved, amended, or repaired by the Trustees acting in the Execution of an Act of the Fiftieth Year of

Pavement, &c.
vested in
Commission-
ers;

who may
dispose of old
Materials, &c.

This Act not
to include the
Roads in the
Town con-
tained in the
Turnpike
District.

of the Reign of His present Majesty, intituled *An Act for enlarging the Term and Powers of Three Acts of His late and present Majesty, for repairing several Roads therein mentioned, leading to, through, and from the Town of Monmouth, and for making a new Piece of Road communicating therewith*; nor to any Part or Parts of the Carriage Roads and Ways only which have been usually repaired by the Inhabitants at large of the Parish of *Monmouth*, except only so far as may be necessary for the Purposes of this Act, or such Part or Parts of the said Roads as the said Commissioners shall contract with the Trustees of such Roads, or with the Surveyors of the Highways of the Parish of *Monmouth*, for the paving, maintaining, or repairing, which Contract or Contracts it shall be lawful for the said Commissioners to make and enter into.

New Pavement to be made.

XXXI. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, to new-pitch and pave any of the Footways of the Streets, Lanes, Highways, public Passages and Places in the said Town, and from Time to Time, when and so often as they shall think proper, to cause all or any of the present or future Pavements or Footways in the several Streets, Lanes, Passages, and Places in the said Town, already erected or made, or which shall hereafter be erected or made in the said Town, to be taken up, raised, lowered, altered, relaid, pitched, paved, or repaired, in such Manner as the said Commissioners may think proper, and that the Footways in the said several Streets and Places where the same can properly be set out and left, shall be laid with a Pavement of Flag Stones; and also to cause the said several Streets, Lanes, Passages, and Places within the said Town to be cleansed, and all Nuisances and Encroachments therein to be removed, and the present Drains, Sinks, Gutters, and Watercourses for conveying the Water off and from the said Streets, Lanes, Passages, and Places, to be amended, repaired, cleansed, and scoured, and new ones to be made, in such Manner as the said Commissioners shall think proper; and if the Parties who shall be respectively ordered to remove such Nuisances or Encroachments shall not remove the same within Two Days after Notice in Writing given by the Clerk of the said Commissioners, they shall respectively forfeit a Sum not exceeding the Sum of Twenty Shillings, to be recovered before One Justice of the Peace, in like Manner as the Penalties herein directed to be recovered under this Act; and that if any Person or Persons shall at any Time hereafter, without the Consent or Approbation of the said Commissioners, signified by the Clerk, make or cause to be made any Alteration in the Form of the Pavement of any Street, Lane, public Passage, or Place by this Act directed to be paved or repaired, such Person or Persons shall, at his or their own Expence (within Five Days after Notice being given for that Purpose by the said Clerk), put the Pavement which shall have been so altered into the same Form and Condition as it was on or before making such Alteration, or in such other Manner as the said Clerk shall direct in Writing; and in case of Neglect or Refusal so to do, then the said Commissioners shall and may cause the same to be done, and the Expence and Charges thereof shall be borne and defrayed by the Person or Persons so neglecting or refusing, the same to be recovered (in case of Non-payment thereof upon Demand) in like Manner as any Penalty is herein-after authorized or directed to be recovered.

Pavement, if altered, to be reinstated on Notice.

XXXII. And

XXXII. And be it further enacted, That if any Householder within the said Town shall make Complaint in Writing under his Hand to the said Commissioners, or their Clerk or Surveyor, of any Defect or want of Reparation in any of the Pavements which shall have been made, laid, or repaired by virtue of this Act, then and in every such Case the said Commissioners shall forthwith cause the Pavements so complained of to be inspected, and if the same shall be found defective or in want of Repair, and shall be so reported to them, then they shall forthwith cause the same to be repaired by their Paviour, or the Person contracting with them for repairing the Pavement complained of; and if the Paviour or Contractor to whom such Order shall be given shall not, within Five Days next after the Receipt thereof, repair the said defective Pavement, he shall forfeit and pay to the Persons making Complaint as aforesaid a Sum not exceeding Twenty Shillings for every Day that the said defective Pavement shall remain unrepaired after the Expiration of the said Five Days; such Forfeiture to be recovered before One Justice of the Peace as hereinbefore directed.

Defects of Repairs to be amended upon Notice from any House-keeper.

XXXIII. Provided always, and be it further enacted, That until this Act shall be put in Execution, and the said Footways or Pavements shall have been made, laid, or repaired by virtue of this Act, all and every Person or Persons, Bodies Politic or Corporate, shall remain and continue subject and liable to the Repair of the said Footways or Pavements, in such Manner as he, she, and they were subject and liable to immediately before the passing of this Act.

Persons to continue liable until Pavements repaired by Commissioners.

XXXIV. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend so as to compel or oblige the said Commissioners to repair, maintain, or support any Part or Parts of the present Bridges within or belonging to the said Borough, but that such Bridges shall be repaired, maintained, and supported by such Person or Persons, Body or Bodies Politic or Corporate, as would be subject and liable to repair, maintain, and support the same respectively, in case this Act had not been made.

Repair of the Bridges.

XXXV. And whereas it is apprehended several Persons have paved at their own Expence certain Part or Parts of the Footways of the said Streets, Passages, and Places within the Limits of this Act, for which it is reasonable some Allowance should be made; be it therefore further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, from and out of the Monies to arise under this Act, to make and pay to such Persons respectively such Payments or Allowances for or in respect of such Pavement made by them as aforesaid, as to the said Commissioners shall appear fair and reasonable.

Commissioners may make Allowances to such Persons as may have paved at their own Expence.

XXXVI. And be it further enacted, That all Persons inhabiting within the said Town shall, from and after the Third *Wednesday* after the passing of this Act, cause the Footpaths before or on the Sides of their respective Houses, Buildings, and Walls, and other Fences, to be swept and cleansed between the Hours of Six and Nine every Morning, or as the said Commissioners shall from Time to Time otherwise order and require, at all Times hereafter throughout the Year, and also cause the Dirt and Soil arising from such sweeping and cleansing to be immediately taken or

Inhabitants to clean before their Houses.

[Local.]

21 F

carried

carried away, without obstructing the Way or Road; and every Person making Default herein shall for every such Default forfeit and pay any Sum not exceeding Five Shillings.

The Streets
to be watered.

XXXVII. And be it further enacted, That the said Commissioners shall have full Power and Authority to cause the said Streets, Lanes, Ways, Passages, and Public Places to be watered as often as they shall think fit, and the Expences thereof to be defrayed out of the Monies to be raised and collected by any Rate or Assessment to be made by virtue of this Act.

For Protec-
tion of Foot-
ways during
Fairs and
Markets.

XXXVIII. And be it further enacted, That for the Protection of the said Footways at such Times as Fairs and Markets shall be holden or kept within the said Town, it shall be lawful for the said Commissioners, or any Five or more of them, the Mayor or some Member of the Corporation being one, or the Surveyor, Scavenger, or any other Person employed by them, to place, set up, and maintain any temporary Posts and Rails, Bars, Chains, or Cords, for the Purpose of defending and preserving the said Footways, or any of them, from all Annoyance and Damage by Horses, Cows, Sheep, Pigs, or other Cattle, during the respective Times of holding or keeping such Fairs or Markets, or any of them; and in case the said Commissioners shall decline or omit to take such Precautions as aforesaid for the Defence and Protection of the said Footways (which they may do if they think fit), then and so often as the Case shall happen, the respective Occupiers of the Houses and Premises near or against which such Horses, Cows, Sheep, Pigs, or other Cattle shall have their Standing, or be tied or penned up, for which any Payment or Reward shall be made to such Occupier, in or during any such Fairs or Markets as aforesaid, shall and are hereby required and commanded to defend and protect the said Footway extending along before the Fronts of their respective Houses and Premises from all Annoyance and Damage by such Horses, Cows, Sheep, Pigs, or other Cattle, either by excluding them entirely from the said Footways, or in any other Manner directed by the Surveyor, during the respective Times of such Fairs or Markets; and immediately after such Time as the said Horses, Cows, Sheep, Pigs, or other Cattle shall be removed from their respective Standings or Places near or before the said Houses and Premises respectively, and the exposing thereof to Sale shall cease, the respective Occupiers shall and are hereby required and commanded to carry away all such Posts, Rails, and other Things which shall have been so set up before their respective Houses and Premises; and in case any such Occupiers as aforesaid shall neglect or refuse to defend and protect the said Footway by the Means aforesaid, during the Time of any of the said Fairs or Markets, and any Damage shall arise to the said Footway before their respective Houses or Premises, by means or in consequence of the standing, tying, or penning such Horses, Cows, Sheep, Pigs, or other Cattle upon the same, or in case any such Occupier shall neglect or refuse to carry away all such Posts, Rails, and other Things, for the Space of One Hour next after the Removal and ceasing to expose to Sale of the said Horses, Cows, Sheep, Pigs, or other Cattle as aforesaid, then every Person so offending shall forfeit and pay for every such Offence a Sum not exceeding Twenty Shillings, and also pay the Charges of repairing such Damage to the Person who shall be employed by the said Commissioners or any Five of them, or their Surveyor for the Time being, to repair and amend the same.

XXXIX. And be it further enacted, That the respective Occupiers of Houses and other Buildings within the said Town, shall, 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 under the Hand of the Clerk to be delivered to such Occupiers or left at their respective Dwelling Houses, direct and appoint, cause all Signs and Shew Boards which now or hereafter shall belong to or be fixed up near or against such respective Houses or other Buildings as aforesaid, to be fixed or placed flat on the Fronts thereof; and all Signs, Irons, Sign Posts, Barbers' Poles, and other Posts, Penthouses, Porches, Sheds, Butchers' Hooks, Spouts, Water Pipes, Steps, Bars, or projecting Windows, Blinds, and Cellar Windows, Doors, Hatchways, and other Encroachments, Obstructions, Projections, and Annoyances, which now or hereafter shall belong to such respective Houses or other Buildings, to be removed, altered, or otherwise reformed; and also to cause the Water to be conveyed from the Roofs, Cornices, and Penthouses of or belonging to such respective Houses or other Buildings, by proper and sufficient Pipes or Trunks to be fixed to the Sides of such Houses or other Buildings respectively, in such Manner as the said Commissioners by Writing, signed by their Clerk, shall direct; and in case the Occupier of any such House or other Building as aforesaid shall neglect or refuse to cause any such Sign or Sign Iron, Sign Post or other Post, Penthouse, Spout, Water Pipe, Step, Porch, Shed, Butchers' Hooks, Bars or Window Blind, Cellar Window, Door, Hatchway, or other Encroachment, Obstruction, Projection, or Annoyance as aforesaid, to be removed, altered, or reformed, or to cause the Water to be conveyed from the Roofs, Cornices, or Penthouses of or belonging to such House or other Building, within such Time and in such Manner as in such Notice shall be expressed, 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 Occupier so neglecting or refusing; and if the Tenant of any such House or other Building shall remove, alter, or reform any such Encroachments, Obstructions, or Annoyances as aforesaid, it shall be lawful for him or her to deduct and retain the Charges and Expences thereof, and also any Money which shall or may be 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; except in such Case where the Encroachment, Obstruction, or Annoyance required to be removed or altered shall be first done or executed by the Tenant, in which Case the same shall be done at his or her own Expence: Provided always, that in case any House Steps shall be taken down, altered, or removed under this Act, the same shall be so taken down, altered, or removed at the Cost and Expence of the said Commissioners, to be paid for out of the Funds granted and established for the Purposes of this Act.

Occupiers of Houses to remove Signs, &c.

XL. And be it further enacted, That if any Person shall wilfully run, drive, carry, or place on any of the Footways paved or repaired, or intended so to be by virtue of this Act, in the Market Place, or in any Street or Lane within the said Town, any Wheel, Sledge, Dray, Wheelbarrow, Handbarrow, Truck, or Carriage, or shall roll any Cask, or drag any Timber or Log of Wood along or upon, or wilfully ride, drive, or lead any Horse or other Beast or Cattle on any of the said Footways, or wilfully break

Penalty for Nuisances.

or

or damage the said Pavement or Pitching, or shall kill, slaughter, fringe, scald, dress, or cut up any Beast, Swine, Calf, Sheep, Lamb, or other Cattle, or hoop, cleanse, wash, or scald any Cask, or hew or saw any Stone, Wood, or Timber, or bind, make, or repair the Wheel of any Carriage, or shoe, bleed, dress, or farry any Horse or other Beast or Cattle, except in Cases of Accident, or keep any Swine in any of the said Streets, Passages, or Places, or permit any Offal or Blood to run from any Slaughter House or Butcher's Shop into the said Streets, Passages, or Places, or if the Occupier of any House, Cellar, or other Tenement within the said Town, shall suffer any Flapdoor or Hatchway opening into the Streets, Passages, or Places leading into or giving Light to any Kitchen, Cellar, or other Place, to be left open, or shall set, place, or expose to Sale, or cause to be set, placed, or exposed to Sale, any Goods, Wares, or Merchandize, whether on the Footways or Carriageways of any of the said Streets or other public Passages or Places (except on *Saturdays, Wednesdays, and Fair Days*), or hang up or expose to Sale any Goods, Wares, or Merchandize, or any other Thing, upon any Flap, Window, or otherwise, so as to obstruct or incommode the Passage of any Footway or Carriageway, or shall wilfully discharge any Musket or Pistol in the said Streets, Passages, or Places, except in case of Self-defence, or shall make or assist in the making any Fire or Fires commonly called *Bonfires*, or shall set fire to or let off or throw any Squib, Serpent, Rocket, Cracker, or other Firework whatsoever, or play at Football, therein; or if at any Time hereafter any Person or Persons shall suffer any Waggon, Cart, Dray, or other Carriage to stand or remain in any public Street, Way, Lane, or other Passage or Place within the said Town, with or without Horses or other Cattle, for any longer Time than shall be necessary for the loading or unloading thereof, or in case the same shall not during such Time be standing as near to the Side of the Street, Way, Lane, Passage, or Place as conveniently may be, or without some proper Person to take care of the same, or suffer any Coach, Post Chaise, or other Carriage to stand or remain in any such public Street, Way, Lane, or other Passage or Place, with or without Horses, for any longer Time than shall be necessary for taking up, setting down, or waiting for the Person or Persons belonging thereunto, or for loading or unloading their Baggage, or leave any Horse or other Beast, tied or untied, at any Door or House, so as to obstruct the Footway of the said Streets, or drive any Horse or other Beast loose to water; or if any Person shall suffer any Horse to wander or be loose and unattended in or about any of the said Streets, Ways, public Passages or Places, or suffer any Timber, Bricks, Stones, Slates, Ashes, Rubbish, Lime, Mortar, Dung, Dust, Filth, Hay, Straw, Coal, Wood, Faggots, Furze, Fern, Hurdles, Boards, Blocks, Goods, Wares, Merchandize, or other Things to be laid or placed, and left to remain in any of the said Streets, Ways, Lanes, or other public Passages or Places during the Night, or for any longer Time than shall be necessary for removing and housing the same, or shall shift, screen, or slack any Lime (except within the Hoard or Inclosure herein-after mentioned), or shew or expose any Stallion in any of the said Streets, Ways, Lanes, or other public Passages or Places (except in such Place or Places as the Magistrates of the said Town shall appoint), or shall permit or suffer any Bull Dog, Mastiff, or any ferocious Dog or Bitch to go at large, not being muzzled, or any Bitch at heat, after Notice given thereof, to go at large in any of the said Streets, Ways, Lanes, or other public Passages or Places; or if any Person or Persons shall play at Ball or
Fives

Fives against the Wall of any or either of the Churches in the said Town, or in the Market Place, or shall deposit any Filth, commit any Nuisance, stick any Bills or Papers, or write with Chalk or other Matter upon or against any Part of the Doors or Walls, or Corners of any or either of the said Churches (except such Notices as are directed by Act of Parliament to be fixed thereon), or injure or damage any Tree, monumental Stone, Gate, or Seat planted or placed in, or any Part of the Walls and Fences of the Church Yards within the said Town, or in any public Walk made for the Amusement and Recreation of the Inhabitants of the said Town, or put or deposit any Filth upon or against the same, or turn any Horse or Ass employed by any Coal Carrier or Pedlar loose to graze in any or either of the said Church Yards, or bathe naked in the Rivers *Wye* or *Monnow*, within the Distance of Three hundred Yards from any Bridge or public Path over such Rivers, and within the Precincts of the said Town of *Monmouth*, between the Hours of Seven in the Morning and Nine of the Clock in the Evening; then and in every such Case aforesaid every Person and Persons so offending shall for every such Offence forfeit and pay any Sum not exceeding Twenty Shillings for the First Offence, and for every subsequent Offence not exceeding Forty Shillings.

XLI. And be it further enacted, That in case any Sewer, Dog Kennel, Hog Stye, Slaughter House, Lay Stall, Necessary House, Dung, Carrion, Soil, Filth, Ashes, Cinders, Rubbish, or other Thing, shall be a Nuisance to any of the Inhabitants of the said Town, it shall be lawful for the said Commissioners, if they shall think fit, upon Complaint thereof made to them by any such Inhabitants, to cause Notice in Writing to be given under the Hand of their Clerk, and to order the Person occasioning such Nuisance, or to whom the same shall belong, to remove such Nuisance within such Time as they shall think fit; and in case the same shall not be removed according to such Notice, the Person who ought to remove the same, and shall wilfully neglect or omit so to do, shall forfeit and pay a Sum not exceeding Twenty Shillings a Day for every Day the same shall continue unremoved after the Time to be mentioned in such Notice.

Penalty on
not removing
Nuisances
after Notice.

XLII. And be it further enacted, That if any Beast, Cattle, or Swine shall at any Time be found wandering about any of the Streets, Ways, Lanes, or other public Passages and Places within the said Town, it shall be lawful for any Person or Persons to seize and impound such Beast, Cattle, or Swine in the common Pound of the said Town, or in such other Place as the said Commissioners shall appoint, and the same there to detain until the Owner or Owners thereof shall, for each Beast, Cattle, or Swine so impounded, pay a Sum of Money not exceeding Ten Shillings to the Treasurer for the Time being to the said Commissioners, to be applied for the Purposes of this Act, and also any Sum not exceeding Five Shillings to the Person impounding the same, besides the reasonable Charges and Expences of impounding and keeping the same; and in case the said Sums, Charges, and Expences shall not be paid within Three Days after such impounding, it shall be lawful for the Pound-keeper, or such other Person as shall be appointed by the said Commissioners for that Purpose, to sell the Beast, Cattle, or Swine so impounded, or cause the same to be sold, giving Two Days previous Notice of the intended Sale to the Owner or Owners of such Beast, Cattle, or Swine, or if the Owner thereof cannot be found, causing Two Days public Notice of such intended Sale to be given by the public Crier of the said Town by Proclamation; and the

Beasts wan-
dering in the
Streets may
be im-
pounded.

[Local.]

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Money

Money arising by such Sale, after deducting the said Sums, and the Charges and Expences aforesaid, and of such Notice and Sale, shall be paid to the said Treasurer, to be by him paid to the Person whose Property the Beast, Cattle, or Swine so sold shall appear to have been, upon his or her claiming the same.

Surveyors, on
Information,
to inspect
Nuisances.

XLIII. And be it further enacted, That the said Commissioners are hereby directed to instruct the Surveyor or Surveyors, or other Officer or Officers to be by them respectively from Time to Time appointed for the Purposes of this Act, to search for, inquire, and examine into, and upon any Information to be made or given to him or them thereof by any Person or Persons whomsoever, forthwith personally to view and inspect all or any Offence or Offences, Nuisance or Nuisances, done or committed contrary to or against this Act; and such Surveyor or Surveyors, Officer and Officers, are hereby strictly required and enjoined, upon any such Information made or given to him or them by any Person or Persons whomsoever, of all or any such Offence or Offences, Nuisance or Nuisances as aforesaid, forthwith to view and inspect the same accordingly, and thereupon to lay an Information or Informations against the Offender or Offenders, and to cause him, her, or them to be summoned before One of His Majesty's Justices of the Peace for the said Town, to be dealt with for the same according to the Powers and Provisions of this Act; and if any such Surveyor or Surveyors, Officer or Officers, shall, upon any such Direction or Information as aforesaid, neglect to make such personal View and Inspection, or shall wilfully neglect to search for, inquire, and examine into such Offence or Offences, Nuisance or Nuisances as aforesaid, or shall thereupon refuse or neglect to lay such Information or Informations against the Offender or Offenders as aforesaid, the Surveyor or Surveyors, Officer or Officers so refusing or neglecting, shall forfeit and pay for every such Refusal or Neglect, upon Conviction before any of His Majesty's Justices of the Peace for the said Town, not exceeding the Sum of Five Pounds.

Penalty on
Surveyors
neglecting.

Power to
place Mate-
rials for
building.

XLIV. Provided always, and be it further enacted, That no Person shall be subject to any Penalty by virtue of this Act on account of any Lime, Mortar, Rubbish, Dirt, or Materials being in the same Streets or other public Places before the House or Tenement of such Person, occasioned by the building, pulling down, or repairing of such House or Tenement, so that there be convenient Room left for Carriages to pass and repass, and so as the Owner or Occupier of such House or Tenement before which such Lime, Mortar, Rubbish, Dirt, or Materials shall be, shall cause the same to be removed out of such Street or Place, at his own Costs and Charges, within a reasonable Time after such building, pulling down, or repairing shall be completed, or upon Notice to be given to him, her, or them, or left at such House or Tenement for that Purpose, in Writing, signed by the Clerk to the said Commissioners, so that whilst the same shall be lying in such Street or Place, such Owner or Occupier shall set up and maintain a sufficient Light upon or against the same during the Night-time, if the said Clerk or Surveyor shall give Notice in Writing for that Purpose, to prevent Mischief happening to Passengers or Cattle, and so as that the same shall, whilst lying in such Street or Place, be inclosed with Boards, in such Manner and for such Time as the said Commissioners shall direct, under the Penalty of Five Pounds.

XLV. And

XLV. And be it further enacted, That during the Time any Quay, Market, Street, Lane, Row, public Passage or Place, shall be new-paving, flagging, or repairing, or any of the Grates, Drains, or other Sewers therein shall be altering or repairing, the said Commissioners shall have Power to order the necessary Materials to be lodged in that or any adjoining Quay, Market, Street, Lane, Row, public Passage, or Place, or Quays, Markets, Streets, Lanes, Rows, public Passages or Places, according to their Discretion, as also to stop up the Way through that or any adjacent Quay, Market, Street, Lane, Row, 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.

XLVI. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, from Time to Time, whenever they shall think proper, whether before or after the new Pitching and Pavement of the Footways of the said Streets, Lanes, public Passages and Places shall have been completed, or the old Pitching and Pavement thereof shall, to their Satisfaction and Judgment, have been sufficiently amended, to cause Lamp Irons or Lamp Posts to be put or affixed into, upon, or against the Walls or Palisadoes of any of the Houses, Tenements, or Buildings within the said Town, or in such other Manner as they shall think proper and convenient; and also to cause such Number of Lamps, of such Sizes and Sorts, to be provided and affixed or put upon such Lamp Irons or Lamp Posts, and to lay such Pipes, and do all other Things as they shall think proper and necessary for lighting all or any of the said Streets and other public Passages and Places within the said Town, and to light the same for and during such Hours and Seasons as from Time to Time shall be thought proper; and if any Person or Persons shall wilfully break, throw down, take away, spoil, or damage any of the Lamps to be put up by virtue of this Act, or any of the Irons, Posts, or other Furniture thereof, or any other Lamp Iron or Post, or other Furniture thereof, erected or placed by the Inhabitants of the said Town, or any of them, with the Consent of the Commissioners, in the said Streets, Lanes, public Passages or Places, or wilfully extinguish the Light of any such Lamps, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, and such Offender or Offenders shall also pay to the said Commissioners, or other Person putting up the same, such Sum of Money as shall be a full Satisfaction for the Damage done by him, her, or them; and in case any Person shall accidentally break, throw down, or otherwise spoil or damage any of the said Lamps, or the Irons, Posts, or other Furniture thereof, and shall not upon Demand make Satisfaction for the Damage done thereto, then and in such Case it shall be lawful for any Justice of the Peace for the said Town and Borough of *Monmouth*, to award such Sum or Sums of Money, by way of Satisfaction for such Damages, as such Justice shall think reasonable, and in Default of Payment thereof upon Demand, to cause the same to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons who shall have done such Damage.

Streets may be lighted.

Penalty for wilfully breaking Lamps.

Satisfaction for accidentally breaking, &c.

XLVII. And

Commissioners may contract for paving, lighting, and cleansing the Streets.

XLVII. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, from Time to Time to contract and agree with any Person or Persons for the paving, relaying, raising, lowering, amending, and altering the Footways, and the cleansing and lighting the Streets, Ways, Lanes, Passages, and Places within the said Town, and for the performing of any of the Works hereby authorized; which Contract or Contracts so to be entered into shall be reduced into Writing, and signed by the Clerk to the said Commissioners and the Person or Persons contracting to perform such Works, and shall specify the Works to be done, and the Prices to be paid for the same, and the Time or Times when such Works shall be performed or completed, and the Penalties to be suffered in case of Non-performance thereof, provided that Seven Days Notice at the least be given previous to the Meeting for entering into any such Contract, by Writing to be affixed and published as aforesaid, in which Notice shall be specified the Business to be contracted for at such Meeting, to the End that Persons may give in their Proposals for contracting to perform such Works; and it shall be lawful for the said Commissioners, and they are hereby directed, to cause the Works to be done in pursuance of such Contracts to be inspected by their Surveyor or Surveyors, or by such other Persons as they shall from Time to Time appoint; and in case the same shall not be well and sufficiently performed, according to the true Intent and Meaning of such Contract or Contracts, or shall not be finished and completed at or within the Time or Times to be by such Contract or Contracts limited for completing the same, the said Commissioners shall and may bring or order to be brought an Action at Law against any Person or Persons so contracting and neglecting to perform such Contract or Contracts, and for any Penalty or Damage which shall be contained in such Contract or Contracts, or suffered or sustained on account of the Non-performance thereof, and upon proving the signing of the said Contract or Contracts, and Non-performance thereof, the said Commissioners shall be entitled to and shall recover such Penalty or Damage with Costs of Suit: Provided always, that it shall be lawful for the said Commissioners, from Time to Time and at all Times hereafter, to compound and agree with any Person or Persons against whom the said Commissioners shall bring or cause to be brought any Action or Actions, Suit or Suits, for any Penalty or Penalties contained in any Contract or Contracts hereafter to be made or entered into, in pursuance of this Act, on account of any Breach or Non-performance of any such Contract or Contracts, for such Sum or Sums of Money as they shall think proper, so as the Sums so compounded and agreed for be not less than the Injury or Damage sustained by the Breach or Non-performance of such Contract or Contracts, and all Costs, Charges, and Expences which shall be occasioned thereby.

Commissioners may compound for Penalties in Contracts.

Regulations as to new Buildings.

XLVIII. And be it further enacted, That all Houses and Buildings hereafter to be built or new-fronted in the said Streets, Ways, Lanes, Passages, and Places, shall be made to rise perpendicularly from the Foundation thereof; and if any Person or Persons shall at any Time build or new-front any House or other Building within the said Town, or cause the same to be done otherwise than rising perpendicularly from the Foundation, it shall be lawful for any Five of the said Commissioners, by Writing under their Hands, to cause the same to be pulled down and removed by such Person or Persons as they shall direct and appoint, and

the Costs and Charges thereof shall be paid and reimbursed to the said Commissioners, or their Order, by the Owner or Owners of such Houses or Buildings; and in Default of Payment thereof on Demand, the same may be recovered in like Manner as any Penalties or Forfeitures are by this Act authorized to be recovered: Provided always, that in such Regulations of the Fronts of new Buildings to be made as aforesaid, it shall be lawful for the said Commissioners, when any such new Buildings shall be made as aforesaid, to admit at their Discretion the said new Buildings to be advanced in the Front thereof, so as to be on a Line with other adjoining Buildings, except as after mentioned.

Fronts of new Houses may be advanced.

XLIX. And be it further enacted, That no House or other Building shall be erected in the said Town, unless the same shall have on each End thereof adjoining any other House or Building a Party Wall Nine Inches thick, made substantially of Brick or Stone, with no other Timber in it than what shall be necessary for binding the same.

New Houses to have Party Walls.

L. And be it further enacted, That whenever any House or other Building standing in any Street, Way, Lane, or other public Passage or Place within the said Town, shall be taken down and rebuilt, it shall be lawful for the said Commissioners, if they think proper, to require and compel the Owner or Owners thereof, when the same shall be rebuilt, to cause such House or other Building to be set back, and to give such Directions, and make such Orders in Writing for that Purpose, as the said Commissioners shall think proper, and to cause the same to be delivered or left at the House or last or usual Place of Abode of such Owner or Owners, some or one of them; and if any House or other Building shall be built, erected, or rebuilt contrary to such Directions and Orders, the same shall be deemed an Encroachment, Nuisance, and Annoyance within the Intent and Meaning of this Act, and be removed or removable as such: Provided always nevertheless, that full Recompence and Satisfaction shall be made to the Owner or Owners of and all Persons interested in the Premises, for any Loss or Damage he, she, or they may sustain by such House or other Building being so set back; and all the Powers, Provisions, and Clauses contained in this Act, with respect to the Houses or other Buildings hereby authorized to be taken down, shall extend and apply, and be applicable to any House or other Building so to be set back as aforesaid, and to making Compensation and Satisfaction to the Owner or Owners thereof, and Persons interested therein, as fully and effectually to all Intents and Purposes as if the same were now repeated.

When House or other Buildings projecting into any Street are taken down to be rebuilt, the Commissioners may order the same to be set back.

LI. And be it further enacted, That where any Opening is now or shall be made in the paving or flagging of any of the said Streets, Lanes, or public Places, for the Purpose of conveying Coals or other Things into any Vault or Cellar under the same, or for the Purpose of admitting Light into any Room or Cellar, the Covering or Grating to such Opening shall be made at the Expence of the Person or Persons requiring the same, and shall be made of Iron, or such other Materials, of such Dimensions and in such Manner and Form as the said Commissioners at a Meeting as aforesaid shall direct and approve of; and such Grating and Covering shall from Time to Time be repaired, varied, and altered at the like Expence of the Person or Persons for whose Use and Benefit the same shall be possessed or

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

[Local.]

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enjoyed,

enjoyed, and in such Manner and Form as the said Commissioners at a Meeting as aforesaid shall direct or appoint; and in case any Person or Persons shall cause any such Grating or Covering to be made, repaired, varied, or altered, or shall neglect or refuse to make, repair, vary, or alter such Grating or Covering, contrary to such Direction or Appointment as aforesaid, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings for every Week the said Offence shall be continued.

Damaging
Public Walks
or Works.

LII. And be it further enacted, That if any Person shall wilfully break, destroy, or otherwise damage or spoil any of the Works, Rails, Pales, Seats, Steps, Trees, or Shrubs, in any of the present or future public Walks, Streets, Buildings, or public Places, or any Part or Parts thereof, in the said Town, or any of the Materials for the making or repairing of any such public Walks and other Places, then and in every such Case, every Person so offending shall not only pay the Amount of such Damage, but also forfeit any Sum not exceeding Ten Pounds for each Offence; and such Amount of Damage, and the said Penalty, shall be recoverable in such Manner as any Penalties may be recovered under this Act.

Drains and
Sewers to be
made.

LIII. And whereas great Inconveniences have been experienced for want of a sufficient Number of public Drains or Common Sewers in the said Town, or for want of the public Drains and common Sewers therein being properly cleansed, scoured, and regulated, and from the Increase of Buildings in the said Town still greater Inconveniences are likely to arise, if Provision be not made to prevent the same: And whereas in several of the Streets, Squares, Lanes, Ways, Passages, Courts, and Places already laid out and hereafter to be laid out in the said Town, the making of public Drains or common Sewers therein will be of no Avail, unless Power be given to carry on and continue such Drains or Sewers through Lands which at present are not and in future may not be in the like State of Improvement; be it therefore enacted, That it shall be lawful for the said Commissioners to cause such and so many new Drains or Sewers, of such Materials, Dimensions, and Forms, and of such Depths as they may think sufficient and necessary, to be dug and made in and along or across any of the present or future Streets, Squares, Lanes, Ways, public Passages, Courts, and Places in the said Town, and also any of the public Drains and common Sewers which now are or hereafter shall be within the said Town, to be enlarged, widened, deepened, raised, altered, removed, repaired, cleansed, and scoured, when and so often as to them the said Commissioners shall seem meet; and if necessary to complete the same, then to carry on and continue the same Sewers or Drains through any Lands and Grounds lying within the same Town, although such Lands or Grounds, or any Part thereof, shall not at that Time be in a State of Improvement, by the same or any Part thereof being laid out for building upon; and also to cause such and so many Grates or Openings to be made in such Parts of the said Sewers or Drains as shall lie or be under such Streets, Squares, Lanes, public Passages, Courts, and Places, for carrying and conveying off the Filth and foul or other Water from the Houses and other Buildings, built or to be built, and the Lands adjoining to such Streets, Squares, Lanes, public Passages, Courts, or Places in the said Town, into the said public Sewers and Drains, as the said Commis-
sioners

tioners shall and may think necessary and expedient for that Purpose: Provided always, that if any Owner or Owners of Lands or Grounds through or over which any Common Drain or Sewer to be made and dug by the said Commissioners shall be continued as aforesaid, and which same Lands or Grounds shall not be then laid out for building upon, shall be injured or damaged thereby, and such Owners shall refuse to treat or cannot agree with the said Commissioners for Satisfaction for the same, then the said Commissioners shall make and give to such Owner or Owners respectively such Recompence or Compensation for the Injury or Damage by him, her, or them sustained, as a Jury to be summoned as herein-before mentioned shall assess and award.

LIV. And be it further enacted, That it shall be lawful for any Person or Persons whatsoever, at any Time or Times hereafter, at his, her, and their own Expence, to make and branch any private Drain or Drains into any of the said public Sewers or Drains made or to be made by virtue of this Act: Provided always, that every such private Drain or Drains shall be so made and branched, under the Direction of the said Commissioners or their Surveyor; and every Person making any private Drain communicating with any such public Sewers or Drains without the Knowledge or contrary to the Direction of the said Commissioners or their Surveyor, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, over and besides the Expences of altering and removing any such private Drain, according to the Directions of the said Commissioners or their Surveyor, which they and he are and is hereby authorized to alter and remove; such Expences and Penalty to be recovered by Information before a Justice of the Peace for the said Town and Borough, and levied by Distress and Sale of the Goods and Chattels of the Offender or Offenders, in the same Manner as is herein-before directed with respect to other Penalties to be recovered before a Justice of the Peace.

Private
Drains.

LV. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time to direct and cause the Course of any Gutter, Watercourse, or Channel running in or through the said Streets, or any of them, to be turned or altered in such Manner as they shall think proper, and to direct the Grates already placed, or hereafter to be placed over any Sewers, to be removed and replaced in such Manner and at such Place and Places as they shall think most proper; all which shall from Time to Time be done at the Expence of the said Commissioners, and paid for out of the Money arising by virtue of this Act; any Law, Usage, or Custom to the contrary notwithstanding.

Course of
Gutters to be
turned if
necessary.

Grates al-
tered, &c.

LVI. Provided always, and be it further enacted, That nothing herein contained shall extend to prevent any of the Inhabitants of the said Town from preserving or keeping any Dung, Ashes, Dust, Dirt, Filth, or Rubbish within their Houses, Yards, or Gardens for their own Use, so as such Ashes, Dust, Dirt, Filth, or Rubbish be not laid down or placed in any of the said Streets, Ways, Lanes, Passages, or Places for any longer Time than shall be necessary for the loading and carrying away the same, or suffered to annoy any of the Inhabitants of the said Town; but in case any Person so preserving in their Houses, Yards, or Gardens such Dung, Ashes, Dust, Dirt, Filth, or Rubbish, shall thereby become a Nuisance, or shall annoy any of the said Inhabitants, and shall not remove the same within

Inhabitants
may reserve
their Dust,
&c.

within the Space of Two Days after Notice in Writing given to him or her under the Hands of Two of the said Commissioners or their Clerk, or left at such Person's Dwelling House, to remove the same, such Person shall forfeit and pay a Sum not exceeding Five Shillings a Day for every Day such Nuisance or Annoyance shall be permitted to remain after such Notice given as aforesaid.

Regulations
as to Night
Soil.

LVII. And be it further enacted, That if any Person shall begin to empty any Privy, or to take or carry away any Night Soil, or bring or place any Carts for removing the same from any House, Building, or Place already erected, now erecting, or hereafter to be erected, built, or made within the Limits of this Act, before the Hour of Eleven in the Night, or shall continue to take away the same after the Hour of Six in the Morning, between *Michaelmas* and *Lady Day*, or after the Hour of Four in the Morning between *Lady Day* and *Michaelmas*; and that if any Person shall put or cast, or cause to be put or cast, any such Night Soil out of any Cart, Tub, or otherwise, within the Limits of this Act, such Person shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings, One Moiety whereof shall go to the Informer.

Commission-
ers to regulate
Watchmen.

LVIII. And be it further enacted, That the said Commissioners shall and they are hereby authorized from Time to Time to ascertain and determine what Number of Persons shall be employed as Watchmen within the said Town and Borough during the Night-time, under such Regulations and subject to such Orders as the said Commissioners shall make or give from Time to Time in that Behalf, and to provide proper Watch Boxes for the Reception of such Watchmen while on Duty, and to pay such Watchmen reasonable Wages or Allowances; and also to impose from Time to Time any Fine not exceeding Twenty Shillings on any Watchman for every Neglect or other Misbehaviour, (such Fine to be deducted out of the Wages of such Watchman or Watchmen, if any shall be due), and from Time to Time to make such Orders and Regulations as they the said Commissioners shall deem expedient; and it shall be lawful for such Watchmen, or any of them, and they are hereby respectively authorized, directed, and required to apprehend and secure in the Watch-house, or some Place of Safety to be provided by the Magistrates of the said Town, all suspicious Persons, Prostitutes, Nightwalkers, and Persons misbehaving themselves during the Time of keeping Ward and Watch, and to carry all such Persons, as soon as conveniently may be, before some Justice of the Peace for the said Town and Borough, to be examined and dealt with according to Law: Provided always, that when the Number of such Watchmen shall have been determined by the said Commissioners, then and in such Case the Mayor and Justices of the Peace of the said Town and Borough shall nominate and appoint such fit and able-bodied Men for such Watchmen as to them shall seem proper; and also from Time to Time shall nominate and appoint One or more fit Person or Persons in the Stead of any Watchman or Watchmen who shall die, or be discharged from his or their Office for Neglect of Duty or other Misbehaviour in Office; and it shall and may be lawful to and for the said Mayor and Justices of the Peace to remove any such Watchman or Watchmen as to them shall seem right and proper.

Mayor and
Justices to
appoint
Watchmen.

Commission-
ers to make
Rates.

LIX. And, for raising Money towards answering and defraying the Charges and Expences of carrying this Act into Execution, be it further enacted, That the said Commissioners shall and are hereby authorized and required,

required, once in every Year, to rate and assess any Sum not exceeding One Shilling in the Pound upon or in respect of all Houses, Warehouses, Shops, Cellars, Vaults, Stables, Coach-houses, Brewhouses, Granaries, Maltings, and Buildings, which are already built or made, or which shall hereafter be built or made, and upon the several Gardens, Yards, or Lands thereto respectively belonging and adjoining, and upon all Gardens, Orchards, Paddocks, Clofes, Tenements, and Hereditaments adjoining to or occupied with, or usually considered as appurtenant to such Buildings, not exceeding the Distance of One hundred Yards from the present Turnpike Gates, if the Paving shall be continued up to the same, and being within the Limits of the said Town of *Monmouth*, according to the Rate or Charge made upon the same Hereditaments for the Repair of the Highways for the Parish of *Monmouth* for the Year preceding; and the First Year for which such Rates or Assessments shall be made shall commence at and be computed from the Day or Time to be fixed for that Purpose by the said Commissioners at a Meeting, of which One Calendar Month's Notice shall be given by Advertisement to be fixed on the Town Hall, and at which One Half of the Commissioners shall be present; and the Monies so to be rated or assessed shall from Time to Time be Half-yearly paid to the Collector or Collectors to be appointed as aforesaid; and in order the better to ascertain and make such Rates or Assessments, the Surveyors of the Highways of the said Parish shall and are hereby required, at all seasonable Times, to permit the said Commissioners, or any of them, and their Clerk, and also the said Collectors, to peruse and inspect the Rates and Assessments made for the Repair of the said Highways for the Year then next preceding, and to take a Copy or Copies thereof; and every such Surveyor refusing to comply therewith shall forfeit and pay any Sum not exceeding Five Pounds for every Time he shall so refuse.

LX. Provided always, and be it further enacted, That no Person shall be rated or pay the Rates or Assessments which shall be made by virtue or in pursuance of this Act who shall occupy the Alms-houses in the said Town. Exemptions from Rates.

LXI. And be it further enacted, That the said Rates or Assessments shall be borne and defrayed by the respective Tenants and Occupiers of the several Houses and other Hereditaments to be rated or assessed by virtue of this Act. Occupiers to pay Rates.

LXII. And whereas divers Houses, Tenements, and Hereditaments within the said Town are let out in Lodgings or separate Apartments, or let ready-furnished, and the Collection of the Rates charged by virtue of this Act from such Houses, Tenements, and Hereditaments, may be attended with much Difficulty, so that considerable Loss may on that Account be sustained by the said Town; for Remedy whereof, be it enacted, That where any House, Tenement, or Hereditament shall be let out in Lodgings or separate Apartments, or ready-furnished, the Landlord or Landlords, Owner or Owners of all such Premises shall for the Purposes of this Act be deemed and taken to be the Occupier or Occupiers thereof, and shall be rated to and pay the Rates or Assessments made by virtue of this Act in respect of all such Houses, Tenements, and Hereditaments: Provided always, that it shall be lawful for the Magistrates of the said Town to relieve the Tenant or Occupier of any House or Tenement from the Rate

[Local.]

or Assessment charged thereon by this Act, who in the Opinion of such Magistrate shall from Poverty be unable to pay the same, so that the Rent shall not exceed Five Pounds a Year.

Persons removing to pay in Proportion.

LXIII. And be it further enacted, That in all Cases where any Person or Persons shall remove from or quit any House, Building, Land, Ground, or other Hereditaments, the Tenant or Occupier whereof shall be rated or assessed, or be liable to be rated or assessed by virtue of this Act, every such Person or Persons so removing from or quitting the same shall be liable to pay such Rate or Assessment in Proportion to the Time that such Person or Persons occupied the same respectively, in like Manner as if such Person or Persons had not removed from or quitted the same; and in all Cases where any Person or Persons shall come into or occupy any House, Building, Land, Ground, or other Hereditaments rated or assessed, or liable to be rated or assessed as aforesaid, out of or from which any other Person or Persons shall have removed, or which at the Time of making any such Rate or Assessment was empty or unoccupied, the Person or Persons coming in or occupying the same shall be liable to pay such Rate or Assessment, although his, her, or their Name or Names may not be inserted in such Rate or Assessment, in Proportion to the Time that such Person or Persons shall occupy the same respectively, and in like Manner as if such Person or Persons had been originally rated or assessed by Name in such Rate or Rates, Assessment or Assessments; which said Proportions, in case of Dispute, shall be settled and ascertained by the said Commissioners.

For Recovery of Rates.

LXIV. And be it further enacted, That if any Person or Persons liable to the Payment of any such Rates or Assessments shall refuse and neglect to pay the same, then and in every such Case it shall and may be lawful to and for the said Collector or Collectors, and he and they is and are hereby authorized and required, by Warrant under the Hands and Seals of any Two or more of His Majesty's Justices of the Peace acting in and for the said Town and Borough, which Warrant such Justices are hereby authorized and required to grant (upon Proof being made upon Oath of the Demand and Non-payment thereof, which Oath and Oaths the said Justices are hereby authorized and required to administer), to levy all and every such Rates and Assessments by Distress and Sale of the Goods and Chattels of such Person or Persons so refusing or neglecting to pay the same, which shall be found in the said Town and Borough; but if sufficient Distress cannot be found within the said Town and Borough, then in any other County, City, Liberty, or Place, upon such Warrant being indorsed by some one Justice of the Peace of such other County, City, Liberty, or Place, which Warrant such Justice is hereby authorized and required to indorse; and if, within Five Days after such Distress or Distresses shall be made, the said respective Rates or Assessments, and all Arrears thereof, shall not be paid, together with the Costs and Charges of taking and keeping the same, the said Collector or Collectors shall cause the said Goods and Chattels, or a sufficient Part thereof, to be appraised and sold, rendering to the said Person or Persons the Overplus (if any there be), after deducting the said Rates or Assessments, and all Arrears thereof, and the reasonable Costs and Charges attending such Distress and Sale, which Costs and Charges, in case of Dispute, shall be settled and ascertained by any One or more of His Majesty's Justices of the Peace for the said Town and Borough, or the County in which such Distress shall be made.

LXV. Provided always, and be it further enacted, That if any Person shall think himself or herself aggrieved by any Rate or Assessment which shall be made in pursuance of this Act, he or she (having first paid the said Rate or Assessment) may apply to the said Commissioners at their First Meeting to be holden after the demanding of such Rate or Assessment; and the said Commissioners are hereby authorized and empowered, if they shall think such Person aggrieved, to give such Relief in the Premises as to them shall seem reasonable; and if any Person shall be dissatisfied with the Determination of the said Commissioners therein, such Person may appeal to the Justices at any General or Quarter Sessions of the Peace to be holden for the County of *Monmouth*, within Three Calendar Months next after the Determination of the said Commissioners, such Appellant first giving Fourteen Days Notice at the least in Writing, of his, her, or their Intention to bring such Appeal, and of the Matter thereof, to the Clerk to the said Commissioners, and within Four Days after such Notice entering into a Recognizance before some Justice of the Peace of the said Town and Borough, with Two sufficient Sureties, conditioned to try such Appeal, and abide the Order of, and to pay such Costs as shall be awarded by the Justices at such Sessions; and the Justices at such Sessions, upon due Proof of such Notice being given as aforesaid, and the entering into such Recognizance, shall hear and finally determine the Cause and Matter of such Appeal in a summary Way, and award such Costs, recoverable as in Cases of Distress as aforesaid, to the Party appealing or appealed against, as they shall think proper; and their Determination thereon shall be final, binding, and conclusive to all Parties, and to all Intents and Purposes.

LXVI. 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 County of *Monmouth*, or at 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 the whole Rates, and if the whole Rate is set aside Commissioners may make a new one.

LXVII. And be it further enacted, That all and every Person or Persons paying the Rates and Assessments hereby authorized to be levied within the said Town, shall be and they and every of them is and are hereby exempted and discharged from all other Charges and Expences of paving, lighting, watching, cleansing, or fencing off any Part or Parts of the Footways and Cross-paths of the said Town and Borough.

Persons paying the Rate exempt from other Expences.

LXVIII. And, for the more effectually enabling the said Commissioners to execute the Purposes of this Act, be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby empowered from Time to Time, when they shall judge necessary for the Purpose of carrying this Act into Execution, to borrow and take up at Interest any Sum or Sums of Money, not exceeding in the Whole the Sum of Three thousand Pounds, upon the Credit of the Rates or Assessments by this

Commissioners may borrow Money.

this Act granted and made payable, or authorized to be collected or received; and by any Writing or Writings under their Hands and Seals, to mortgage, demise, grant, or assign over the said Rates or Assessments, or any Part or Parts thereof, to the Person or Persons who shall advance or lend such Money, or to his or their Trustee or Trustees, as a Security or Securities for the Money so to be borrowed, together with Interest for the same; and every such Mortgage or Assignment may be in the Words or to the Effect following; *videlicet*,

Form of
Assignment.

‘ BY virtue of an Act of Parliament passed in the Fifty-eighth Year of
 ‘ the Reign of His present Majesty King *George* the Third, intituled,
 ‘ [*set forth the Title of this Act*] We, being
 ‘ of the Commissioners appointed by and in pur-
 ‘ suance of the said Act, in consideration of the Sum of
 ‘ advanced and lent by *A. B.* upon the Credit and for the
 ‘ Purposes of the said Act, do grant, bargain, sell, and demise unto the said
 ‘ *A. B.* his Executors, Administrators, and Assigns, such Proportion of
 ‘ the Rates and Assessments arising by virtue of the said Act, as the said
 ‘ Sum of doth or shall bear to the
 ‘ whole Sum which may at any Time be borrowed or become due and
 ‘ owing or charged upon the Credit of the said Act, to be had and holden
 ‘ from this Day of in the Year
 ‘ until the said Sum of
 ‘ with Interest at
 ‘ *per Centum per Annum* for the same, shall be paid and
 ‘ satisfied.’

And every such Mortgage or Assignment shall be good, valid, and effectual in the Law; and all Persons to whom such Mortgages or Assignments shall be made, or who shall be entitled to the Money thereby secured, shall be, in proportion to the Sums therein respectively mentioned, Creditors on the said Rates or Assessments equally one with another, without any Preference in respect of the Priority of advancing any such Money, or the Dates of any such Mortgages or Assignments.

Persons en-
titled to Se-
curities may
transfer by
Endorsement.

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

Application
of Money.

LXX. And be it further enacted, That all the Monies to arise by or from the said Rates or Assessments hereby granted, and authorized or directed to be made, collected, or levied, and which may be borrowed on the Credit thereof, and also all other Money which shall come to the Hands, Custody, or Power of the said Commissioners or their Treasurer, by virtue or for the Purposes of this Act, shall be applied and disposed of from Time to Time in paying the Expence of obtaining and passing this Act, and after-
wards

wards in discharging the Interest and Principal of the Monies to be borrowed as aforesaid by virtue of this Act, and towards defraying the Charges and Expences of paving and repairing the Footways of the several Streets, Lanes, and other Passages and Places within the said Town, and in cleansing, lighting, and watching the several Streets and other public Passages and Places aforesaid, and all other Charges and Expences of carrying this Act into Execution, and to and for no other Use, Intent, or Purpose whatsoever.

LXXI. And in order that no undue Preference may be given in the paying off any of the said Mortgages, be it further enacted, That when the said Commissioners shall think proper to pay off any of the said Mortgages, they shall cause the Numbers of all the Mortgages which shall be then in force, and of the Class and Amount then designed to be paid off, to be put into a Box or Glass, and so many Numbers of the same shall be drawn out of the said Box or Glass by the Clerk to the said Commissioners, in the Presence of Five or more of the said Commissioners, as shall make up the Sum then intended to be paid off; and that One Calendar Month's Notice in Writing, signed by the said Clerk, shall be given to the Person or Persons who shall be entitled to receive the Money secured by the Mortgage or Mortgages so drawn out, or left at his, her, or their last or most usual Place of Abode, that his, her, or their Mortgage or Mortgages will be paid off; and that at the Expiration of the said One Calendar Month, to be computed from the Day of such Notice being given or left as aforesaid, all Interest on the Mortgage or Mortgages so drawn out shall cease and determine.

Mode of
paying off
Mortgages.

LXXII. Provided always, and be it enacted, That in case any Sum or Sums of Money shall be borrowed and taken up at Interest on the Credit of the Rates or Assessments hereby authorized to be made, that then and in every such Case it shall and may be lawful to and for the said Commissioners to cause One Tenth Part of the Rate or Assessment to be raised for the Purposes of this Act, together with such other Saving from the said Rates or Assessments as shall at the End of every Year appear to have arisen and remain unapplied, after all the Purposes of this Act to that Time shall have been answered and satisfied, to be vested in the Purchase of Stock or Annuities in the Public Funds, in the Name of the said Treasurer, and in the Names of any Two or more of the said Commissioners for the Time being, and to cause the Interest, Dividends, Proceeds, and Produce thereof, when and as the same shall arise or become due and be received, from Time to Time to be also laid out and invested in like Manner, as soon as may be, in the Purchase of the like Stocks or Annuities, so that a Fund may be thereby provided for the Satisfaction and Discharge of the Principal Money to be borrowed under or by virtue of the Powers of this Act, and when such accumulated Fund shall amount to a sufficient Sum for that Purpose, to cause the Stocks or Annuities wherein the same shall or may be then invested, to be sold and disposed of, and by and out of the Money arising from the Sale thereof, to pay off and discharge all and every the Sum and Sums of Money which may have been borrowed under or by virtue of the Powers of this Act, or such Loan shall be paid off in the Manner directed by the Act passed in the Fifty-seventh Year of His present Majesty, intituled *An Act to authorize the Issue of Exchequer Bills, and the Advance of Money out of the Consolidated Fund, to a limited Amount,*

For provid-
ing a Fund
for paying off
Securities.

[Local.]

21 K

for

for the carrying on of Public Works and Fisheries in the United Kingdom, and Employment of the Poor in Great Britain, in Manner therein mentioned, authorizing the Commissioners therein named to make Advances by Loan of Exchequer Bills for public Works, if the same shall be borrowed of the said Commissioners.

Accounts to be annually made out.

LXXIII. And be it further enacted, That the said Commissioners shall, upon the Twenty-fourth Day of *June* in every Year, or within One Month then next following, cause a fair and true Account to be made and drawn out in Writing of all the Monies received and paid in pursuance of this Act, and to whom and for what Purposes and at what Times the same have been paid, laid out, and expended; and such Account, or a Copy or Duplicate thereof, signed by the said Commissioners, shall be deposited with and kept by their Clerk, who is hereby required to permit any Person charged with the Payment of any of the said Rates or Assessments to inspect the same at any reasonable Time, without paying any Thing for such Inspection; and an Abstract of such Account shall also be published annually, by placing the same on the Door of the Town Hall of the said Town.

For regulating the Carriage of heavy Articles in the Streets.

LXXIV. And be it further enacted, That if any Timber, Stone, or other Article whatsoever shall be drawn on any Street, Square, Lane, Way, Passage, or Public Place in the said Town, without being placed or hung at both Ends on Wheels of a Carriage, or if any Timber, Ladder, Poles, or other Article exceeding Twenty Feet in Length, shall be drawn through any such Street, Square, Lane, Way, Passage, or Public Place, without having one Person beside the Driver for the Purpose of guiding the End of such Timber, Ladder, Poles, or other Article, and preventing the same from striking against any Person, House, or other Building (except in the drawing of Timber from Vessels upon the Docks, Quays, or Wharfs), then and in every such Case the Owner or Owners of all such Timber and other Things shall for every such Offence forfeit any Sum not exceeding Twenty Shillings.

Commissioners to appoint the Streets through which Carriages loaded with Timber, Poles, or Hoops, intended to be exported down the Wye, shall be drawn.

LXXV. And, for the Purpose of preventing Inconvenience to the Foot Passengers in the said Town, be it enacted, That the said Commissioners shall have Power and Authority from Time to Time to direct and appoint the Street or Streets, of the said Town through and along which every Carriage laden with Timber, Poles, or Hoops intended for Exportation down the River *Wye*, shall be hauled or driven, and of the Place or Places near the said River *Wye* where such Timber, Poles, or Hoops shall be unloaded or deposited, and of which Purpose One Week's Notice shall be given on the Turnpike Gates in the said Town, before such Direction shall be carried into Execution; and every Person offending, by disobeying any such Direction, shall forfeit and pay any Sum not exceeding Forty Shillings.

Carts, &c. not to be drawn through the Market Place or the Church Street.

LXXVI. And be it further enacted, That no Cart or other Carriage laden with Timber, Poles, Hoops, Lime, Dung, or other Manure, nor any empty Cart or other Carriage, shall be hauled or drawn through or along the Market Place or the Church Street of the said Town, except such as shall be carrying their Load in the said Market Place or Street, or have deposited their Load or Burthen in the said Market Place or Street, or shall be going for the same, or unless the Timber on the said Cart or other Carriage

Carriage shall be too long to pass the Corner of the Back Lane, or except where the said Back Lane or other Streets leading into the same shall be shut up for the Purpose of Repair by virtue of this Act; and that no such Carriage, laden with long Timber, shall be drawn through the said Market Place or Church Street between the Hours of Eight in the Morning and Six in the Evening on *Saturday* the Market Day and on Fair Days; and every Person offending shall forfeit any Sum not exceeding Ten Shillings for each Time he, she, or they shall so offend.

LXXVII. And be it further enacted, That no Neat Cattle or Swine shall at any Time hereafter be placed or exposed to Sale at any Fair to be held in *Monnow Street* within the said Town, either on the Foot Pavement or in the Middle of the said Street, higher than *Nailer's Lane*, under a Penalty not exceeding Ten Shillings, to be paid by the Person having the Care of such Cattle; and the Commissioners are hereby directed to place a Board on the Side of the said House with Notice to the Effect aforesaid.

Cattle not to be exposed to Sale on Fair Days in Part of *Monnow Street*.

LXXVIII. And whereas a Parcel of Meadow Ground called *Chippenham*, containing Forty-five Acres or thereabouts, lies within the said Town and Borough of *Monmouth*, the Aftermath and Grass of which, from the Time of Hay Harvest to *Candlemas Day*, has been immemorially taken and enjoyed by the Inhabitants and Occupiers of Land within the said Town and Borough, and the same has been opened to them on *Monday* next after the Fourth Day of *September* yearly, by the Order and on Payment of the Sum of One Shilling a Head for Horses and Nine-pence a Head for horned Cattle, and Sixpence *per* Score for Sheep, to the Mayor and Corporation of the said Town; which Mode of Enjoyment occasions the said Field to be overstocked with unreasonable Numbers of Horses and Cattle, by which many Accidents happen, and the Grass is also trod down and destroyed, so as to make the same of little or no Value; whereas such Grass would be of considerable Advantage to the Inhabitants of the Town, if a proper and reasonable Stock was turned in to eat off the same, in a usual Course of Agriculture; and a Sum of Money may also be raised which may be applied to the Purposes of this Act, if the said Grass was disposed of in a proper and judicious Manner; be it further enacted, That from and after the passing of this Act the Aftermath and Grass to arise and grow yearly in and upon the said Field called *Chippenham*, from the Time of Hay Harvest until *Candlemas Day* following, shall be vested in the Mayor of the said Town and Borough, with full Power and Authority from Time to Time to sell and dispose of the said Grass to such Person and Persons as he the said Mayor shall in his Discretion think fit, and to pay the Money arising therefrom, as the same shall be received, yearly to the Treasurer to be appointed under this Act for the lighting the said Town only: Provided always, that nothing herein contained shall prevent or in any Manner impede the Races in *Chippenham*, at such Times as may be thought convenient for that Purpose; nor to prevent any Person or Persons from walking in or upon the said Field, as they have been accustomed to do.

Vesting the After-grass of *Chippenham* in Commissioners.

LXXIX. And be it further enacted, That after the said Assessment shall have been made upon the said Inhabitants for repairing the said Footways and any One or more of the Inhabitants of the said Town shall be indicted or presented for not repairing his Footway in any Street, Lane, or other public

When the Inhabitants are indicted, the Fine to be paid by the Commissioners.

public Passage or Place, and the Court before which such Indictment or Presentment shall be preferred, shall impose a Fine, Issue, Penalty, or Forfeiture on the Inhabitants for not repairing such Footway or not appearing to any such Indictment or Presentment, it shall be lawful for such Court to order the Treasurer of the said Commissioners to pay the said Fine, Issue, Penalty, or Forfeiture, together with the Costs and Charges attending the same, out of the Money then in his Hands, or next to be received by him, which Order shall be binding upon such Treasurer, and he is hereby authorized and required to obey the same.

Recovery of Penalties.

LXXX. And be it further enacted, That all Penalties and Forfeitures by this Act imposed, the Manner of levying and recovering whereof is not hereby otherwise particularly directed, and the Costs and Charges of levying the same, shall be levied and recovered by Distress and Sale of the Goods and Chattels of the Offender or Offenders, rendering the Overplus (if any) on such Distress to such Offender or Offenders, by Warrant of any Justice of the Peace for the said Town and Borough of *Monmouth*, or other Town or County where the said Offender shall reside, which Warrant such Justice is hereby empowered to grant, upon the Confession of the Party or Parties, or upon the Information of any credible Witness upon Oath; and all such Penalties and Forfeitures, when recovered, shall, if not otherwise directed to be applied by this Act, be paid One Half to the Informer or Informers, and the other Half to the Treasurer to the said Commissioners; and in case of there being no Informer, or such Informer being a Commissioner appointed under this Act, then the Whole shall be paid to the said Treasurer, such Payments to the said Treasurer to be applied for the Purposes of this Act; and in case sufficient Distress shall not be found, or such Penalties and Forfeitures shall not be paid forthwith, it shall be lawful for such Justice, and he is hereby authorized and required, by Warrant under his Hand and Seal, to cause the Offender or Offenders to be committed to the Common Gaol or House of Correction for such Town or County, there to remain, without Bail or Mainprize, for any Time not exceeding Three Calendar Months nor less than Seven Days, unless such Penalties and Forfeitures, and all reasonable Charges attending the Recovery thereof, shall be sooner paid and satisfied.

General Appeal to Sessions.

LXXXI. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by reason of any Judgment, Conviction, or Determination of any Justice or Justices of the Peace acting in Execution of this Act, or by reason of any of the Bye-Laws, Rules, Orders, and Regulations of the said Commissioners by this Act authorized to be made, or the Accounts of the said Commissioners, he, she, or they may appeal to the next General or Quarter Sessions of the Peace to be holden for the said Town and Borough of *Monmouth*, which shall happen next after the Expiration of Fourteen Days after such Judgment, Conviction, or Determination; in every or either of such Case such Appellant or Appellants first giving or causing to be given Two Days Notice at least in Writing, of his, her, or their Intention to bring such Appeal, and of the Matter thereof, to the Clerk or Clerks to the said Commissioners, and within Two Days after such Notice, entering into a Recognizance in the Sum of Twenty Pounds, with Two Sureties in the Sum of Ten Pounds each, before some Justice of the Peace for the said
Town

Town and Borough, conditioned for prosecuting such Appeal, and to abide the Order of, and pay such Costs as shall be awarded by the Justices at such General or Quarter Sessions; and the said Justices at such General or Quarter Sessions, upon due Proof of such Notice given as aforesaid, and of entering into such Recognizance, shall hear and determine the Cause and Matters of such Appeal in a summary Way, and award such Satisfaction and Costs to the Party or Parties appealing or appealed against, as they the said Justices shall think proper; and the Determination of such Justices shall be final, binding, and conclusive.

LXXXII. Provided always, and be it enacted, That in all Cases where the Mayor, Bailiffs, and Commonalty of the said Town and Borough, or either of the Justices of the Peace of the said Town and Borough, shall be Party or Parties to or interested in any Appeal from the Determination of the said Commissioners, then and in every such Case such Appeal shall be made to the Justices of the Peace at any Quarter Sessions of the Peace to be holden for the County of *Monmouth*, within Six Calendar Months next after such Cause of Complaint shall have arisen, on giving the like Notice and entering into the like Recognizance as is before directed to be given and entered into in Cases of Appeal to the Justices of the Peace for the Town of *Monmouth*; and such Justices of the Peace for the County of *Monmouth* shall hear and determine such Appeals in like Manner, and award such Costs, and make the like Order or Orders as are hereinbefore directed to be made in Cases of Appeal to the Justices of the said Town of *Monmouth*, and the Determination of the said Justices of the Peace for the County of *Monmouth* shall in like Manner be binding and conclusive.

In Cases where the Corporation are Parties, Appeal to be from the Commissioners to the County Justices.

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

Form of Conviction.

‘ BE it remembered, That on the _____ Day of _____ in the _____ Year of the Reign of His Majesty _____ of His Majesty’s Justices of the Peace for the Town of *Monmouth*, by virtue of an Act of Parliament made in the Fifty-eighth Year of the Reign of His Majesty King George the Third, intituled, [*here insert the Title of this Act, and specify the Offence and the Evidence thereof, and the Time and Place when and where the same was committed, as the Case shall be*]. Given under my Hand and Seal the Day and Year aforesaid.’

LXXXIV. And be it further enacted, That in all Actions, Prosecutions, Informations, Causes, and Proceedings whatsoever relating to or concerning the Execution of this Act, none of the said Commissioners, nor any Inhabitant within the said Borough, Town, or Liberties thereof, shall be deemed incompetent by reason of his being rated and assessed to or paying any Rate or Assessment by virtue of this Act; and every Justice as aforesaid, on any Complaint as aforesaid, may summon before him any competent Witness, under a Penalty not exceeding Forty Shillings, to be paid by any such Witness so summoned and making Default, without sufficient Excuse, to be allowed by such Justice, and shall give reasonable Costs to the Plaintiff or Defendant on the Determination of every such Complaint,

Inhabitants may be Witnesses.

[Local.]

which

which Costs shall be levied and paid as in Cases of Distress for Non-payment of any Penalty imposed by this Act.

Distress not
unlawful for
Want of
Form.

LXXXV. And be it further enacted, That when any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceedings relating thereunto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio*, on account of any Irregularity which shall afterwards be done by the Party or Parties distraining, but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damage in an Action upon the Case.

Orders not to
be quashed
for Want of
Form ;

nor remove-
able by Cer-
tiorari.

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

Directing the
Manner of
serving
Notices.

LXXXVII. And be it further enacted, That in all Cases where Notices or Summonses are directed or required to be given by this Act, or where the same shall or may be necessary for carrying into Execution any of the Powers aforesaid (the Manner of serving whereof is not particularly directed by this Act), the Delivery of any such Notice or Summons, or a true Copy thereof, to the Person or Persons to whom the same shall be directed, or to whom Notice ought to be given, or the leaving the same or a true Copy thereof at his, her, or their Dwelling House or Dwelling Houses or usual or last Place or Places of Abode, shall be a good and sufficient Service of every such Notice or Summons.

No Process
shall issue un-
less previous
Notice shall
have been
given.

LXXXVIII. And be it further enacted, That no Writ shall be sued out against, nor any Copy of any Process, at the Suit of any Person or Persons, shall be served on any Commissioner or Commissioners named or appointed in or by virtue of this Act, or against any other Person or Persons, for any Thing done in pursuance of and by Authority of this Act, until Notice in Writing of such intended Writ or Process shall have been delivered to such Commissioner or Commissioners or other Person or Persons, and also to the Clerk of the said Commissioners, or left at his and their usual Place or Places of Abode, by the Attorney or Agent of the Party intending to sue, or cause the same to be sued out and served, at least Fourteen Days before the suing out and serving the same, in which Notice shall be contained the Names and Places of Abode of the Party or Parties intending to sue, and the Cause of Action which such Party or Parties hath or have, or claimeth or claim to have against such Commissioner or Commissioners, Person or Persons, on which said Notice the Name of such Attorney or Agent, together with the Place of his Abode, shall be indorsed.

Tender of
sufficient
Amends may

LXXXIX. And be it further enacted, That it shall and may be lawful to and for such Commissioner or Commissioners, Person or Persons, at any Time

within Twenty-one Days after such Notice given or left as aforesaid, to tender Amends to the Party or Parties complaining, or to his, her, or their Agent or Attorney, and in case the same is not accepted, to plead such Tender in bar to any Action to be brought against him or them, grounded on such Writ or Process, together with the General Issue of Not Guilty, and any other Plea with the Leave of the Court; and if upon Issue joined thereon the Jury shall find the Amends so tendered to have been sufficient, then they shall give a Verdict for the Defendant or Defendants; and in such Case, or in case the Plaintiff or Plaintiffs shall become nonsuited, or shall discontinue his, her, or their Action, or in case Judgment shall be given for such Defendant or Defendants on Demurrer, such Defendant or Defendants shall be entitled to the like Costs as he or they would have been entitled to in case he or they had pleaded the General Issue only; and if upon Issue so joined the Jury shall find that no Amends were tendered, or that the same were not sufficient, and also against the Defendant or Defendants, or such other Plea or Pleas, then they shall give a Verdict for the Plaintiff or Plaintiffs, and such Damages as they shall think proper, which he, she, or they shall recover, together with his, her, or their Costs of Suit.

be pleaded in bar to such Action.

XC. And be it further enacted, That no such Plaintiff or Plaintiffs shall recover any Verdict against such Commissioner or Commissioners, Person or Persons, in any Case where the Action shall be grounded on any Act of the Defendant or Defendants in pursuance of this Act, and by the Authority thereof, unless it is proved on the Trial of such Action that such Notice was given as aforesaid, but in Default thereof such Defendant or Defendants shall recover a Verdict and Costs as aforesaid.

Plaintiff not to recover without Proof of Notice.

XCI. And be it further enacted, That in case any Commissioner or Commissioners, Person or Persons, shall neglect to tender any Amends, or shall have tendered insufficient Amends before the Action brought, it shall be lawful for him or them, by Leave of the Court where such Action shall depend, at any Time before Issue joined, to pay into Court such Sum of Money as he or they shall think fit, whereupon such Proceedings, Orders, and Judgements shall be had, made, and given in and by such Court, as in other Actions where the Defendant is allowed to pay Money into Court.

Commissioners neglecting to tender, to be at Liberty to pay Money into Court.

XCII. Provided always, and be it further enacted, That nothing in this Act shall extend or be construed to extend so as to take away, lessen, diminish, or affect the Right of the Lord of the Manor, or of the Mayor, Bailiffs, and Commonalty of the said Town, to hold Markets and Fairs within the said Town, or the Right of the said Lord, Mayor, Bailiffs, and Commonalty of the said Town, or any of their Officers or Servants, or of any other Person or Persons whomsoever, to make, erect, set up, or place Booths, Stalls, Benches, Forms, and other Things within any Market Places, Streets, or other public Places on Market Days, or during the usual Times of holding any Fair or Fairs within the said Town, or the Right of the said Lord, Mayor, Bailiffs, and Commonalty of the said Town, or any other Person or Persons, to any Rents, Tolls, Duties, or Profits whatsoever heretofore paid to them, for or in respect of any Markets or Fairs, or of any Booths, Stalls, Benches, Forms, or other Things, to be there erected, set, or placed as aforesaid, or the Right of the said

Saving Rights to Lord of the Manor, &c.

faid Lord, Mayor, Bailiffs, and Commonalty of the faid Town, or other Person or Persons, to the Ground and Soil of the Streets, Lanes, and Passages within the faid Town, or any Powers vested in the faid Lord, Mayor, Bailiffs, and Commonalty, by Charter or otherwise, or any other Right, Liberty, Franchise, Rent, Toll, Duty, Profit, or Privilege whatsoever, belonging to the faid Lord, Mayor, Bailiffs, and Commonalty of the faid Town, or other Person or Persons, not by this Act in exprefs Terms and by exprefs Words taken away, lessened, or diminished; but that the faid Lord, Mayor, Bailiffs, and Commonalty of the faid Town, Person and Persons, shall and may continue to have, hold, and enjoy all such Rights, Liberties, Privileges, and Franchises, and to have, receive, and take all such Rents, Tolls, Duties, and Profits, in like Manner as they could or might or ought to have done in case this Act had not been made.

Limitation of
Actions.

XCIII. And be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of this Act, after the Expiration of Six Calendar Months from the Time of the Fact being committed; and every such Action or Suit shall be laid or brought in the County where the Cause of Action shall have arisen, and not elsewhere; and the Defendant or Defendants, in every such Action, 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 to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if the same shall appear to have been so done, or that such Action or Suit shall have been brought after the Expiration of the Time limited for bringing the same as aforesaid, or shall be brought in any other County, then the Jury shall find 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 Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall recover Treble Costs, and have such Remedy for the same as any Defendant hath in other Cases by Law.

Public Act.

XCIV. 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.

The SCHEDULE referred to by this Act.

THE Overhangings of a House at the End of the Church Lane,
belonging to and in the Possession of Meredith.

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