



ANNO QUINQUAGESIMO NONO

GEORGI II. REGIS.



Cap. xxxiv.

An Act for paving, lighting, watching, and improving the Town of *Burnley*, in the County Palatine of *Lancaster*. [19th May 1819.]

WHEREAS the Town of *Burnley*, in the Parochial Chapelry of *Burnley*, in the County Palatine of *Lancaster*, is become a Place of considerable Trade and great Population; and divers of the Highways, Streets, Markets, public Passages and Places within the said Town are not properly paved, repaired, cleansed, lighted or watched, and are subject to divers Nuisances, Obstructions, and Encroachments; and it would tend to the Protection and Preservation of the Lives and Property of the Inhabitants of the said Town, and be of great Advantage to all Persons resorting to and travelling through the same, if the said Highways, Streets, Markets, public Passages and Places, were properly paved, repaired, cleansed and watched, and the Nuisances, Obstructions and Encroachments therein were removed, and prevented for the future; but, as the several Purposes aforesaid cannot be effected without the Aid and Authority of Parliament; May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all and every Person and Persons who now is or are, Commissioners. Owners of any Messuage or Messuages, Dwelling House or Dwelling Houses, Warehouse or Warehouses, or Building or Buildings, Lands, Tene-

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Tenements or Hereditaments, situate within the Distance of One thousand three hundred and twenty Yards from the *Merestone* herein-after mentioned, amounting in the whole to the yearly Value of Fifty Pounds or upwards; or being Tenant or Tenants, Occupier or Occupiers of the like Property as aforesaid, or of any of the Descriptions thereof, situate within the said Distance of One thousand three hundred and twenty Yards from the said *Merestone*, amounting in the whole to the yearly Value of One hundred Pounds or upwards, shall be and they are hereby constituted, appointed and declared to be Commissioners for putting and carrying the several Powers and Purposes of this Act into Execution, so far as the same shall relate to the lighting, watching, paving, cleansing, and amending the said Town of *Burnley*, and the Highways, Streets, Markets, public Passages and Places thereof, comprised within the said Distance of One thousand three hundred and twenty Yards from the said *Merestone*.

Commissioners to take an Oath.

II. Provided always, and be it further enacted, That no Person shall be capable of acting as a Commissioner in the Execution of this Act, except in placing the *Merestone*, and administering the Oaths or Affirmations herein-after mentioned, until he shall have taken and subscribed, before any Two or more of the Persons, qualified as aforesaid, present at any Meeting to be held by virtue of this Act (and who are hereby authorized and required to administer the same to each other) one of the Two next following Oaths or Affirmations, as his Case may require; and that no Person shall be capable of acting as a Commissioner in the Execution of this Act, except for the Purposes herein-before mentioned, until he shall have taken and subscribed in like Manner the Third Oath or Affirmation herein-after set forth :

[First Oath.]

Oath.

I *A. B.* do swear, [or, being One of the People called Quakers, do solemnly affirm and declare], That I am really and *bona fide* Owner of a Messuage or Messuages, Dwelling House or Dwelling Houses, Warehouse or Warehouses, or other Building or Buildings, Lands, Tenements or Hereditaments, of the yearly Value of Fifty Pounds or upwards, situate within the Distance of One thousand three hundred and twenty Yards from the *Merestone* placed in the Town of *Burnley*, under the Authority of an Act of Parliament, intituled *An Act* [here insert the Title of this Act.] So help me GOD.

[Second Oath.]

I *A. B.* do swear, [or, being One of the People called Quakers, do solemnly affirm and declare], That I am Tenant or Occupier of a Messuage or Messuages, Dwelling House or Dwelling Houses, Warehouse or Warehouses, or other Building or Buildings, Lands, Tenements or Hereditaments, of the yearly Value of One hundred Pounds or upwards, situate within the Distance of One thousand three hundred and twenty Yards from the *Merestone* placed in the Town of *Burnley*, under the Authority of an Act of Parliament, intituled *An Act* [here insert the Title of this Act.] So help me GOD.

[Third Oath.]

I *A. B.* do swear, [or, being One of the People called Quakers, do solemnly declare and affirm], That I will truly and impartially, according

according to the best of my Skill and Judgment, execute and perform
all and every the Powers and Authorities reposed in me by virtue of
an Act of Parliament, intituled *An Act* [here insert the Title of this
Act.]
So help me GOD."

III. Provided also, and be it further enacted, That no Person shall act as a Commissioner in the Execution of this Act (except in administering the Oaths or Affirmations herein-before mentioned, and except at the First Meeting to be holden under this Act) on the same Day on which he shall himself have taken and subscribed such Oath or Affirmations; and if any Person not appointed a Commissioner by this Act, or not being otherwise duly qualified, 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 Twenty Pounds, together with full Costs of Suit, 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*, or in the Court of Common Pleas at *Lancaster*, by Action of Debt, Bill, Plaint or Information, wherein no Essoign, Protection, Wager of Law, or more than one Imparance, shall be allowed; and every Person so sued or prosecuted shall prove that he is qualified as aforesaid, 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 hath acted as a Commissioner in the Execution of this Act: Provided always, that all Acts and Proceedings of any Person or Persons acting as a Commissioner in the Execution of this Act, though not duly qualified as aforesaid, previous to his or their being convicted of the said Offence, shall, notwithstanding such Conviction, be as good, valid, and effectual as if such Person or Persons had been duly qualified to act as a Commissioner or Commissioners according to the Directions of this Act.

Penalty on
Persons acting
not qualified.

IV. Provided also, and be it further enacted, That when and so soon as a Valuation of Property, within the Limits of this Act, shall be made and completed under the Powers and Provisions of this Act, no Person shall thereafter be deemed or taken to be duly qualified to act as a Commissioner under this Act (except as before is excepted), unless the Property of such Person, in Right of which he shall claim to act as such Commissioner, shall, at the Time of his so acting, be really and truly stated in the then existing Valuation Book, made by virtue of this Act, to be of the actual Value of One hundred Pounds *per Annum*, or Fifty Pounds *per Annum*, as the Case may be or require; any thing herein-before contained to the contrary notwithstanding.

Qualification
to be regu-
lated by Va-
luation of
Property.

V. And be it further enacted, That the said Commissioners shall meet and assemble together at the *Black Bull Inn*, in the Town of *Burnley*, if the said House shall be then open, but if not, then at some other convenient House or Place in the said Town of *Burnley*, upon the Third *Monday* next after the passing of this Act, between the Hours of Ten and Eleven in the Forenoon, in order to put this Act into Execution; and shall afterwards meet in the same Place, or at such other Place within the said Town as the said Commissioners shall from Time to Time direct and appoint, and between the Hours aforesaid, on the First *Monday* in every Month, for the Purpose of carrying this Act into Execution, without any Notice being given to the said Commissioners of such Meeting; and the said

Meeting of
Commission-
ers.

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Commissioners shall at all their Meetings pay and defray their own Expences.

Commissioners at their First Meeting to place the Merestone.

VI. And be it further enacted, That the said Commissioners who shall assemble at such Meeting, shall before they take or administer any of the Oaths herein-before directed, or do any other Matter or Thing in pursuance of this Act, put and place a *Merestone* in the Centre of the public Street opposite the great Front Door of the *Black Bull Inn* in *Burnley* aforesaid, upon a Level with the Pavement of the said Street, in such a Manner as that the same shall not be an Annoyance to Horses or Carriages passing along the said Street, such *Merestone* to remain there fixed for the Purposes of this Act; but in case such *Merestone* shall at any Time be removed or broken, the said Commissioners are hereby authorized and directed to put another *Merestone* in the same Place, in the Stead of the *Merestone* which may be so removed or broken.

Commissioners may adjourn.

VII. And be it further enacted, That it shall and may be lawful for the said Commissioners, or any Two or more of them, to adjourn from any longer or shorter Space of Time than the First *Monday* in the next Month immediately subsequent to the last Meeting; or to any other Place or Places than the said *Black Bull Inn*; but that in every such Case Notice of such Adjournment in Writing, or printed, signed by the Clerk for the Time being to the said Commissioners, shall be given, by affixing such Notice on the outer Door of the Parochial Chapel of *Burnley*, Four Days at least before every such Meeting.

Meetings on Emergencies.

VIII. And be it further enacted, That if it shall at any Time or Times be thought necessary that a Meeting of the Commissioners should be holden on an earlier Day than the First *Monday* in the Month immediately subsequent to the last Meeting, or after any Adjournment on an earlier Day than the Day to which such Meeting shall have been adjourned, then and in every such Case the Clerk to the said Commissioners (on an Order signed by Five or more of the said Commissioners, mentioning the Time, Place, and Purpose of such earlier Meeting, being given to him, or left at his last or usual Place of Abode), shall forthwith give Notice of the Meeting to be holden on such earlier Day, in Manner before directed, and of the Time, Place, and Purpose which shall be mentioned in the Order of the said Commissioners (such Time not being less than Four Days after such Notice); and all Proceedings of the said Commissioners at such earlier Meeting shall be as good and valid as they would have been in case such Commissioners had met on the First *Monday* in the Month immediately subsequent to the last Meeting, or in pursuance of any Adjournment.

No Act valid unless at a Meeting.

IX. And be it further enacted, That no Act of the said Commissioners shall be or be deemed to be good and valid unless made and done at a Meeting to be holden as aforesaid, by virtue of this Act (except as may be herein excepted); and all the Powers and Authorities by this Act granted to or vested in the said Commissioners, shall from Time to Time be exercised by the major Part of them present at any public Meeting, the Number present at such Meeting not being less than Five (except in such Cases where by this Act a greater Number is required); and all the Orders and Proceedings of the major Part of such Commissioners present at such Meetings shall have the same Force and

and Effect as if the same were made or done by all the Commissioners for the Time being; and at every such Meeting, One of the said Commissioners, to be appointed by a Majority of Commissioners present, shall be a Chairman, and shall have a casting Vote in case of Equality of Votes. Chairman to be appointed at each Meeting.

X. And be it further enacted, That there shall be provided and kept a proper Book or Books, in which fair and regular Entries shall be made of all the Acts, Orders and Proceedings of the said Commissioners relative to the Execution of this Act, and the Names of the Commissioners who shall be present at the respective Meetings to be holden in pursuance of this Act; and such Entries being signed by the Chairman of each respective Meeting, or by the Clerk to the said Commissioners, by their Order, shall be deemed Originals, and shall be allowed to be read in Evidence in all Courts whatsoever, in all Cases, Prosecutions, Suits and Actions touching or concerning any thing done in pursuance of this Act; and such Book and Books shall, at all the Meetings of the said Commissioners, be open and liable to their Inspection, and to the Inspection of all Persons affected by this Act, without Fee or Reward. Proceedings to be entered.

XI. And be it further enacted, That no Order made by the said Commissioners shall be revoked or altered at any subsequent Meeting, unless at some Meeting to be held for that express Purpose, of which Six Days Notice of the Intention of such Meeting shall be given by the Clerk to the said Commissioners, by fixing the same upon the Doors of the Parochial Chapel of *Burnley* aforesaid. No Order to be revoked, &c.

XII. And be it further enacted, That at a Meeting of the said Commissioners, which shall be held on the First *Thursday* in the Month of *July*, yearly, at the Place herein-before mentioned, or to be appointed as aforesaid; the Accounts of all Monies received and paid from Time to Time, by virtue or in Execution of this Act, by any Person or Persons whomsoever, shall be produced and stated to the said Commissioners. Annual Meetings for auditing Accounts, &c.

XIII. Provided always, and be it further enacted, That no Person shall be capable of acting as a Commissioner in the Execution of this Act, during such Time as he shall hold any Office or Place of Profit under the said Commissioners, or during such Time as he shall have any Share or Interest in any Contract or Work to be performed or done under any of the Powers of this Act, or in any Matter wherein he shall be in anywise personally or beneficially interested (except as a Creditor on the Rates, Assessments or Monies herein directed to be made, levied, collected and received), but that it shall be lawful for such of the said Commissioners as are Justices of the Peace to act as such Justices in the Execution of this Act, notwithstanding their being Commissioners, except only in Cases where they shall be personally interested. Commissioners not to act when interested.

XIV. And be it further enacted, That the said Commissioners shall and may from Time to Time, whenever they shall think necessary, by Writing under their Hands, appoint and employ a Treasurer or Treasurers, Clerk or Clerks, Assessor or Assessors, Collector or Collectors, Receiver or Receivers of the Rates, Assessments and Monies to be raised by them, or by their Order, and also a Surveyor or Surveyors, and such other Officer Officers to be appointed.

[Local.]

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and Officers, Person and Persons, for the Execution of this Act, so far as the same shall relate to the lighting, watching and cleansing the said Highways, Streets, Markets, public Passages and Places, situate within the Limits of this Act, as they the said Commissioners shall think proper; which respective Officers, if the said Commissioners shall see Occasion, shall be by them sworn to the due and faithful Discharge of their several Offices, in such Form of Oath as the said Commissioners shall appoint, according to the Nature of their respective Offices; and the said Commissioners shall and may from Time to Time remove them, or any of them, and in like Manner appoint others in the Room of those removed; and out of the Monies to be raised by virtue of this Act by the said Commissioners, pay such Salaries, Wages or Allowances to the said Officers and other Persons, as they the said Commissioners shall think reasonable; and the said Commissioners shall and they are hereby required to take such Security from every such Treasurer, Collector, and other Officers, as they the said Commissioners shall think reasonable; and all such Officers so to be appointed shall under their Hands (at such Time and Times, and in such Manner as the said Commissioners shall direct), deliver to the said Commissioners, or to such Person or Persons as they shall appoint, true and perfect Accounts in Writing of all Matters and Things committed to their Charge, and of all Monies which shall have been received by such Officers and Persons respectively by virtue of this Act, and how much thereof hath been paid and disbursed, and for what Purposes, together with the Vouchers for such Payments, and shall pay all such Money as shall remain due from them respectively to the said Commissioners, or to such Person or Persons as they shall appoint; and if any such Officer or Person shall refuse or wilfully neglect to make and render any such Accounts, or to produce or deliver up the Vouchers relating to the same, or to make Payment as aforesaid, or shall refuse or neglect to deliver to the said Commissioners, or to such Person or Persons as they shall appoint, within Ten Days after being thereunto required by the said Commissioners, by Notice in Writing to be given to or left at the last or usual Place of Abode of such Officer or Person, all Books, Papers and Writings in his Custody or Power, relating to the Execution of this Act, and to give Information and Satisfaction to the said Commissioners respecting the same, then and in every such Case, upon Complaint made by the said Commissioners, or any Two or more of them, or by any Person or Persons whom they shall appoint for that Purpose, of any Neglect or Refusal as aforesaid, to any Justice of the Peace for the County, City, Town Corporate, or Place wherein such Officer or Person so neglecting or refusing shall reside or be, such Justice may and is hereby authorized and required, by a Warrant under his Hand and Seal, to cause the Officer or Person so refusing or neglecting to be brought before him, and upon his appearing, or having been summoned and not appearing, or not being to be found, 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 or Witnesses upon Oath (which Oath such Justice is empowered to administer), it shall appear to such Justice that any of the Money which shall have been collected or raised by the said Commissioners by virtue of this Act, shall be in the Hands of such Officer or Person, such Justice may, and he is hereby authorized and required, upon Nonpayment thereof, by Warrant under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such

such Officer and Person; and if no Goods or Chattels of such Officer or Person can be found sufficient to answer and satisfy the said Money, and the Charges of distraining and selling the same; or if it shall appear to such Justice that such Officer or Person shall have refused, or wilfully neglected to render or give such Account, or to produce the Vouchers relating thereto, or that any Books, Papers or Writings relative to the Execution of this Act, shall be in the Custody or Power of such Officer or Person, and he shall have refused or wilfully neglected to deliver up, or give Satisfaction respecting the same as aforesaid, then and in any of the Cases aforesaid, such Justice shall commit such Offender to the Common Gaol or House of Correction for the County where such Offender shall be or reside, there to remain, without Bail or Mainprize, until he shall have made and given a true and perfect Account and Payment as aforesaid, or until he shall compound with the Commissioners for such Money, and shall have paid such Composition in such Manner as they shall appoint (which Composition the said Commissioners are hereby empowered to make and receive), and until he shall have delivered up such Books, Papers and Writings as aforesaid, or have given Satisfaction in respect thereof to the said Commissioners: Provided always, that no Person who shall be committed by virtue of this Act, on account of his not having sufficient Goods or Chattels, shall be detained in Prison for any longer Term than Twelve Calendar Months; provided also, that if any Money shall remain due from such Officer or Person, Officers or Persons, the Commitment of him or them to Prison shall not be deemed a Discharge for the same, nor exonerate his or their Surety or Sureties; but such Officer or Officers or Persons, and his and their Surety or Sureties, shall remain liable to the Payment thereof, in the same Manner as if such Officer or Person had not been committed to Prison.

XV. And be it further enacted, That the said Commissioners may sue and be sued in the Name of their Clerk for the Time being, and all Actions and Suits which may be necessary or expedient to be brought for the Recovery of any Penalty, or Sum or Sums of Money due or payable from or to them by virtue of this Act, or for or in respect of any other Matter or Thing done by them of or relating to this Act, may be brought in the Name of the said Clerk; and that no Action or Suit which may be brought, commenced, or prosecuted by or against the said Commissioners, or any of them, by virtue or on account of this Act, in the Name of their Clerk, shall abate or be discontinued by the Death, Suspension, or Removal of such Clerk, or by any Act or Default of such Clerk done or suffered without the Consent or Direction of the said Commissioners, but the Clerk to the said Commissioners for the Time being shall always be deemed Plaintiff or Defendant in every such Action or Suit (as the Case may be), except in such Action or Actions as shall be prosecuted between the said Commissioners and their Clerk for the Time being; in which Action or Suit any One of the said Commissioners shall or may be Plaintiff or Defendant, as the Case may be: Provided always, that every such Clerk or Commissioner in whose Name any Action or Suit shall be commenced, prosecuted, or defended in pursuance of this Act, shall always be reimbursed and paid, out of the Monies to arise by virtue of this Act, all such Damages, Costs, Charges, and Expences, as such Clerk or Commissioner shall be put to, or become chargeable with by reason of his being so made Plaintiff or Defendant therein; and no

Provision for bringing and defending Actions in the Name of the Clerk.

such Clerk or Commissioner shall be personally answerable or liable to the Payment of the same, or any Part of the same, unless such Action or Suit shall arise in consequence of his own wilful Neglect or Default, or have been brought or commenced without the Order or Direction of the said Commissioners, or any Five or more of them.

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

XVI. And be it further enacted, That the said Commissioners shall and they are hereby required 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 for or on account of this Act, 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 reasonable Times, be open to the Inspection of the said Commissioners, or any Creditor or Creditors on the Rates or Assessments 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, or any Part or Parts thereof, without paying any Thing for the same; and in case the said Clerk 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, to be levied and recovered in Manner herein-after mentioned.

Clerk restrained from acting as Treasurer, and vice versa.

XVII. Provided always, and be it further enacted, That it shall not be lawful for the said Commissioners to appoint the Person who 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 appoint the Person who may be appointed Treasurer, or the Partner of any such Treasurer, the Clerk to the said Commissioners 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 any 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* or elsewhere, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Effoign, Protection, or Wager of Law, or more than one Imparance, shall be allowed.

Commissioners to appoint Watchmen.

XVIII. And be it further enacted, That the said Commissioners shall and they are hereby required from Time to Time to appoint such Number of able-bodied Men as they shall judge proper to be employed as Watchmen, and as a Patrol, within the Limits of this Act, under such Regulations, and subject to such Orders, as the said Commissioners shall make and give from Time to Time in that Behalf; and to provide proper Watch-houses, Watch-boxes, or Places for the Reception of such Watchmen and Patrol, and for the safe Custody of such Persons as may be apprehended by such Watchmen or Patrol while on Duty, and to pay such Watchmen and Patrol, while on Duty, reasonable Wages or Allowances; and also to appoint One or more fit Person or Persons in the
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Stead of any Watchman or Watchmen, Patrolman or Patrolmen, who shall die, or who shall be discharged from his or their Office by the said Commissioners; and also to impose from Time to Time any Fine not exceeding Forty Shillings on any Watchman or Watchmen, Patrolman or Patrolmen, for every Neglect or Misbehaviour (such Fine to be deducted out of the Wages of such Watchman or Watchmen, Patrolman or Patrolmen), and from Time to Time to make such Orders and Regulations as they the said Commissioners shall deem expedient for the better Government of the Watchmen or Patrolmen to be so appointed, and to repeal such Orders and Regulations, or any of them, and to substitute others; and it shall and may be lawful to and for such Watchmen or Patrolmen, or any of them, and they are hereby required, in their respective Stations, to apprehend and secure, in some proper Place or Places of Security, to be for that Purpose appointed, within the Limits of this Act, all Malefactors, Rogues, Vagabonds, idle and disorderly Persons, Disturbers of the public Peace, Prostitutes, and all suspected Persons who shall be found wandering or misbehaving themselves during the Hours of keeping Watch, and to conduct all such Persons, as soon as conveniently may be, before some Justice of the Peace for the said County of *Lancaster*, to be examined and dealt with according to Law.

XIX. And be it further enacted, That if any Victualler or Keeper of any Public-house shall knowingly harbour or entertain, or suffer to remain in his or her Public-house, any such Watchman or Watchmen as aforesaid, during any Part of the Time appointed for his or their being on Duty, every such Victualler or Keeper shall, on Conviction, forfeit and pay any Sum not exceeding Five Pounds.

Penalty on
Victuallers
harbouring
Watchmen.

XX. And be it further enacted, That it shall and may be lawful to and for the said Commissioners to give such Rewards in Money to the Watchmen and Patrolmen respectively to be appointed as aforesaid, who may be disabled or wounded in the Execution of their Office, as they the said Commissioners shall think reasonable; such Money to be paid out of the Monies to be raised by them the said Commissioners for the Purposes of this Act.

Power to re-
ward disabled
Watchmen.

XXI. And whereas it is expedient for the Safety of His Majesty's liege Subjects, that the King's Peace be constantly kept within the said Town; be it therefore further enacted, That the Justices of the Peace acting in and for the said County of *Lancaster* shall, as they shall see Occasion, at any Petty Sessions to be holden in the said Town of *Burnley*, upon Application made to them by the said Commissioners, or any Five or more of them, assembled at any Meeting for that Purpose, from Time to Time appoint a competent Number of able-bodied Men as Assistant Constables of the said Township of *Burnley*, in keeping the Peace therein, and within the Limits of this Act; and also for executing all such Warrants, Precepts, and Orders as the said Justices, or any of them, shall from Time to Time direct to the said Constables or Assistant Constables, or any of them, to be by them executed within the said Town, or within the Limits of this Act, together with a Superior or Superintendant of such Assistant Constables; such Superintendant Constable to be nominated by the said Commissioners assembled as aforesaid, and for such Pay as the said Justices shall direct; all which Superintendant and Assistant Constables, when appointed, shall

For more
effectually
preserving the
King's Peace
within the
said Town;

be invested with the like Privileges, Powers and Authorities, and shall be subject to the like Duties, and entitled to the like Protection and Indemnity, and be subject to the like Punishment, Penalties and Forfeitures, as Constables are or shall be by virtue of any existing Law whatsoever.

and for defraying the Charge thereof.

XXII. And be it further enacted, That the said Justices, when such Constables have been appointed as aforesaid, at their said Petty Sessions, shall from Time to Time order and direct what Remuneration shall be made to such Superintendant and other Constable or Constables respectively, for his or their Services in the Execution of his or their said Duties; and also to order and direct any such Remuneration to be paid to such Superintendant and other Constable or Constables out of the Monies raised or to be raised for the Purpose of lighting and watching the said Markets, Streets, Squares, Ways, Lanes, and public Passages and Places, by virtue of this Act.

Commissioners to make a Map of the Buildings and Lands, and lodge the same with the Clerk of the Peace;

XXIII. And be it further enacted, That the said Commissioners shall, as soon as conveniently may be after the passing of this Act, make or cause to be made a Map or Plan of all Buildings and Lands situate within the Limits of this Act, and cause a Copy of such Plan or Map to be deposited with the Clerk of the Peace of the County Palatine of *Lancaster*, or his Deputy, to be kept amongst the Records of the said County, in the Custody of such Clerk of the Peace or his Deputy, to the End that Recourse may be had to the same at all Times hereafter by all Persons whomsoever interested in the Premises; for which depositing the Sum of One Guinea shall be paid to the said Clerk of the Peace, or his Deputy; and such Plan or Map, or a true Copy thereof, under the Hand of the said Clerk of the Peace, or his Deputy for the Time being, shall be allowed and admitted as Evidence in all Courts of Law and Equity; and every such Plan or Map shall be from Time to Time inspected by all Persons, on Payment of the Sum of Two Shillings and Sixpence to the said Clerk of the Peace for such Inspection; and that such Plan or Map shall be binding and conclusive upon all Persons whomsoever for the Purposes of this Act, so far as the same is made and done in pursuance of this Act; and that One other Copy of the said Plan or Map, signed by the said Commissioners, be deposited with the said Clerk to the said Commissioners, to be fixed up in his Office, for the free and open Inspection of all Persons at convenient Hours, without Fee or Reward.

another Copy to be placed in the Office of the Clerk of the Commissioners for the like Purposes.

Manner of fixing Rates.

XXIV. And be it further enacted, That the Charges and Expences of lighting, watching, paving, cleansing, watering, amending, improving, and regulating the said Markets, Streets, Squares, Ways, Lanes, public Passages and Places, within the Limits of this Act, which lie within the Township of *Burnley* aforesaid, and of otherwise putting this Act into Execution in respect thereof, shall at all Times be borne and defrayed by the Tenants or Occupiers of Dwelling Houses, Shops, Warehouses, Coach Houses, Stables, Cellars, Vaults, Yards, Gardens, Lands, Tenements, Tithes, Buildings and Hereditaments in that Part of the said Township of *Burnley* which lies within the Limits of this Act, (save and except any Houses, Buildings, and other Hereditaments, and occupied for the Purposes of any public Charity, and also all Churches, Chapels, and other Buildings licensed to be used for

for the Purpose of Divine Worship, which are not intended to be made liable to the Rates hereby imposed); and the said Commissioners shall, and they are hereby authorized, empowered, and required, when and so often as they shall think necessary, to make One or more separate Rate or Rates, Assessment or Assessments, in every Year, to be signed by the said Commissioners, or any Five or more of them, upon the Tenants or Occupiers of all such Dwelling Houses, Shops, Warehouses, Coach Houses, Stables, Cellars, Vaults, Yards, Gardens, Lands, Tenements, Tithes, Buildings, and Hereditaments which lie within that Part of the said Township of *Burnley* which lies within the Limits of this Act (except as aforesaid), for the Purposes of defraying the Charges and Expences of lighting, watching, paving, cleansing, watering, amending, improving, and regulating the said Markets, Streets, Squares, Ways, Lanes, public Passages and Places, within that Part of the said Township of *Burnley* which lies within the Limits of this Act; and that the Charges and Expences of lighting, watching, paving, cleansing, watering, amending, improving, and regulating the said Markets, Streets, Squares, Ways, Lanes, public Passages and Places, within that Part of the said Limits which lies within the Township of *Habergham Eaves*, in the said Parochial Chapelry of *Burnley*, and of otherwise putting this Act into Execution in respect thereof, shall at all Times be borne and defrayed by the Tenants or Occupiers of Dwelling Houses, Shops, Warehouses, Coach Houses, Stables, Cellars, Vaults, Yards, Gardens, Lands, Tenements, Tithes, Buildings and Hereditaments in that Part of the said Township of *Habergham Eaves* which lies within the Limits of this Act (save and except any Houses, Buildings and other Hereditaments used and occupied for the Purposes of any public Charity, and also all Churches, Chapels, and other Buildings licensed to be used for the Purpose of Divine Worship, which are not intended to be made liable to the Rates hereby imposed); and the said Commissioners shall and they are hereby authorized, empowered, and required, when and so often as they shall think necessary, to make One or more separate Rate or Rates, Assessment or Assessments, in every Year, to be signed by the said Commissioners, or any Five or more of them, upon Tenants or Occupiers of all such Dwelling Houses, Shops, Warehouses, Coach Houses, Stables, Cellars, Vaults, Yards, Gardens, Lands, Tenements, Tithes, Buildings and Hereditaments which lie within that Part of the said Township of *Habergham Eaves* which lies within the Limits of this Act (except as aforesaid), for the Purposes of defraying the Charges and Expences of lighting, watching, paving, cleansing, watering, amending, improving, and regulating the said Markets, Streets, Squares, Ways, Lanes, public Passages and Places, within that Part of the said Township of *Habergham Eaves* which lies within the Limits of this Act; and the Money or Monies so rated or assessed on the said Tenants or Occupiers shall be paid by them respectively to the Collector or Collectors, or other Person or Persons appointed by the said Commissioners to collect the same; and if any Tenant or Occupier of any of the Premises aforesaid shall neglect or refuse to pay his or her Proportion or Proportions of any of the said Rates or Assessments respectively, to the said Collector or Collectors, or other Person or Persons, for the Space of Seven Days after Demand made thereof, the same shall be levied and recovered on all and every such Tenant or Tenants, Occupier or Occupiers so neglect-

Directions as to how the Expences of lighting Habergham Eaves shall be paid.

ing or refusing, by Distress and Sale of his, her, or their Goods and Chattels, by Warrant under the Hand and Seal or Hands and Seals of any One or more Justice or Justices of the Peace acting for the said County of *Lancaster*, such Defaulter having been first duly summoned by such Justice or Justices to appear before him or them, at a Time and Place mentioned in such Summons, to shew Cause for such Neglect or Refusal; and the Overplus (if any) of the Monies to be raised by such Distress and Sale, shall be returned, on Demand, to the Owner or Owners of the Goods and Chattels so distrained and sold, together with what shall remain unfold, after deducting all Costs, Charges, and Expences previous to and attending such Distress and Sale, such Costs, Charges, and Expences to be ascertained and directed by the said Justice or Justices; and in default of such Distress, it shall be lawful for any such Justice or Justices to commit such Person to the Common Gaol or House of Correction for the County of *Lancaster*, there to remain, without Bail or Mainprize, for any Time not exceeding Three Calendar Months, or until Payment of such Sum or Sums of Money as shall have been found to be due and in Arrear upon all or any such Assessment or Assessments as aforesaid, together with all Costs, Charges, and Expences attending the Recovery thereof, such Costs, Charges, and Expences to be ascertained and directed by the said Justice or Justices.

Power of
Commission-
ers to amend
Rates.

XXV. And be it further enacted, That if the said Commissioners shall at any Time or Times neglect or omit to rate or assess any Person or Persons liable to pay or be charged with any Rate or Assessment to be made by virtue of this Act, or shall, in any such Rate or Assessment, over-rate or under-rate any Person or Persons liable to pay any such Rate or Assessment, then and in every such Case it shall be lawful for the said Commissioners to rate and assess, in the said Rate or Assessment, such Person or Persons so omitted to be rated and assessed, and to lessen or raise the Rate or Rates, Assessment or Assessments of such Person or Persons so over-rated or under-rated, or otherwise to alter or amend such Rate or Rates, Assessment or Assessments, so as to make the same conformable to the true Intent and Meaning of this Act; and it shall and may be lawful to and for the said Commissioners, and they are hereby empowered to strike out the Name or Names of any Person or Persons not liable to the Payment of the Rates hereby directed to be made; and that all such Additions to or Alterations or Amendments in such Rates or Assessments, shall be as valid and effectual as if the same had been Part of the Rates or Assessments originally made.

For recover-
ing of Ten-
ant's Pro-
portion of
Rates in case
of Removal.

XXVI. And be it further enacted, That in case any Tenant or Tenants, Occupier or Occupiers, shall remove out of or from any House, Building, Land or other Hereditaments, before such Rate or Rates, Assessment or Assessments, shall be paid by him, her, or them, and shall reside out of the said Limits, then and in every such Case, if he, she, or they shall neglect or refuse to pay the same for the Space of Seven Days next after the same shall be demanded by the Collector, or by any Person authorized by the said Commissioners for that Purpose, such Part and Parts of such Rate or Rates, Assessment or Assessments, as is and are herein-before imposed on such Tenant and Tenants, Occupier and Occupiers, shall and may be levied by Distress and Sale of the

Goods and Chattels of such Tenant or Tenants, Occupier or Occupiers, by Warrant under the Hand and Seal or Hands and Seals of any One or more Justice or Justices of the Peace for the said County Palatine of Lancaster; which Warrant such Justice or Justices is and are hereby empowered to grant, upon Proof made before him or them, upon Oath, of such Demand and Nonpayment, together with the Costs and Charges attending the same, such Costs and Charges to be ascertained by such Justice or Justices; and the Goods and Chattels so distrained shall and may be sold and disposed of for and towards the Payment of the said Rates and Assessments, Costs and Charges, rendering the Overplus (if any) to the Owner or Owners thereof on Demand; and in default of such Distress, it shall be lawful for such Justice or Justices to commit such Person to the Common Gaol or House of Correction for the said County, there to remain, without Bail or Mainprize, until Payment of all such Sum or Sums of Money as shall have been found due and in Arrear upon all or any such Assessment or Assessments as aforesaid, together with all Costs, Charges, and Expences attending the Recovery thereof; such Costs, Charges, and Expences to be ascertained and directed by the said Justice or Justices as aforesaid.

XXVII. And be it further enacted, That in all Cases where any Person or Persons shall remove from, or quit the Possession of any House, Building, Land, Ground or other Hereditament, 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, and in like Manner as if such Person or Persons had not removed from or quitted the Possession of the same; and in all Cases where any Person or Persons shall come into or occupy any House, Building, Ground or other Hereditament, 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 and 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.

Persons removing to pay in proportion.

XXVIII. And be it further enacted, That every Person being Landlord or Tenant, who shall let his or her House in separate Apartments or ready-furnished, to any Lodger or Lodgers, or for any less Term than One Year, shall, for the several Purposes of this Act, be deemed and taken to be the Occupier thereof, and may be rated and assessed accordingly.

Landlord to pay for furnished Houses.

XXIX. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to authorize or empower the said Commissioners to rate or assess any Person or Persons whomsoever, towards the Charges and Expences of lighting and watching the said Markets, Streets, Squares, Ways, Lanes, public Passages and Places

Proviso in favour of Gardens from which the Occupier seeks his Livelihood.

[Local.]

9 B

Places

Places within the Limits of this Act, or of putting this Act into Execution in respect thereof, for or in respect of the Possession of any Orchards, Nursery or other Grounds, or Garden or Gardens, occupied by any Person or Persons whomsoever seeking a Livelihood by the Occupation thereof.

Application
of Money
raised by
Commission-
ers.

XXX. And be it further enacted, That all the Money to be raised by the said Commissioners, or to arise by the said several and respective Rates, Assessments, or other Monies hereby granted or allowed to be assessed and levied by the said Commissioners, or received by them, under or by virtue of this Act, or which may be borrowed by them on the Credit thereof, or advanced by way of Annuities, as herein-after mentioned, shall be paid to the Treasurer of the said Commissioners, or to such other Person or Persons as they shall appoint; and separate Accounts shall be kept as to such Parts of the said Limits as lie within the said Township of *Burnley* and *Habergham Eaves* respectively, of all such Rates and Assessments and Sums of Money; and shall be applied and disposed in the first Place in paying and defraying, as to each Township, the Proportion of such Township of the Charges and Expences which shall be incident to and attending the obtaining and passing this Act; and in the next Place, from Time to Time, in defraying the Charges and Expences of lighting, watching, paving, repairing, cleansing, watering, and amending the Markets, Streets, Squares, Ways, Lanes, and other public Passages and Places of and within such Parts of the said Limits as lie within the said Township of *Burnley* and *Habergham Eaves* respectively, and in paying and defraying all Expences which the said Commissioners and their Officers shall necessarily sustain or be put unto in carrying this Act into Execution, and in prosecuting and defending any Actions, Suits, or Prosecutions in any Manner relative to the Execution of this Act by them, or of any Thing to be done under or by virtue thereof, and for such other Uses and Purposes as are herein expressed; all which said Monies shall be severally and separately applied to the several and respective Purposes for which the several and respective Rates and Sums shall be levied and raised, and to and for no other Uses or Purposes whatsoever.

Pavements,
&c. vested in
the Com-
missioners.

XXXI. And be it further enacted, That all the present and future Pavements in the several Markets, Streets, Squares, Ways and Lanes, and other public Passages and Places within the said Limits, and the Stones, Gravel, and other Materials of which as well the Footways as Carriageways of such Markets, Streets, Squares, Ways, Lanes, and other public Passages and Places, do and shall consist, and all the Dirt, Dust, Dung, Ashes and Filth to be swept, gathered, and collected in or from those Places, or any of them; and also all Lamps, Lamp-irons, Lamp-posts, and other Materials thereunto belonging, Watch-boxes, Watch-houses, and other Houses and Buildings, and all other Matters and Things which shall hereafter be used, erected, or fixed up by the said Commissioners by virtue of this Act; and all Materials, Implements, and other Things which shall be purchased or provided by the said Commissioners for the Purposes of this Act, shall belong to and be the Property of and are hereby vested in the said Commissioners, and the said Commissioners shall be known by the Name of "The Commissioners for the Improvement of the Town of *Burnley*, in the County Palatine of *Lancaster*;" and the said Commissioners shall and may cause to be

brought any Action or Actions, or direct the preferring of any Bill or Bills of Indictment, as the Case may require, against any Person or Persons who shall steal, take, or carry away, detain, spoil, injure or destroy the several Articles and Things hereby vested in them the said Commissioners as aforesaid, or any of them, or any Part or Parts thereof; and in all such Actions and Bills of Indictment respectively, it shall be deemed and taken to be sufficient to state generally, that the Article or Articles, Thing or Things, for or on account of which such Action or Actions shall be brought, or Bill or Bills of Indictment preferred, is or are the Property of "The Commissioners for the Improvement of the Town of *Burnley*, in the County Palatine of *Lancaster*," without particularly stating or specifying the Name or Names of all or any of the said Commissioners; and the said Commissioners shall have Power and Authority from Time to Time to sell and dispose of, for the Purposes of this Act, all or any of the said Articles and Things, or any Part or Parts of the same respectively, to such Person or Persons, and in such Manner as the said Commissioners shall think proper.

XXXII. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized, empowered and required, from Time to Time to cause the present or any future Markets, Streets, Squares, Ways, Lanes, and other public Passages and Places within the said Limits, to be repaired, amended, raised, lowered, widened or altered, both in the Carriage and Footways, and to be from Time to Time amended and kept in good Repair, upon such Levels and in such Manner, and with such Sorts and Kinds of Materials, as they shall judge necessary and proper; and also to cause the said Markets, Streets, Squares, Ways, Lanes, and other public Passages and Places, to be cleansed, lighted, watched and watered, in such Manner as the said Commissioners shall think proper; and all Encroachments, Obstructions, Nuisances and Annoyances therein to be removed, and Drains, Sinks, Gutters and Water-courses to be made for conveying Water off and from the said Markets, Streets, Squares, Ways, Lanes, and other public Passages and Places, in such Manner as they the said Commissioners shall think proper; and that no Persons shall, without the Consent of the said Commissioners, alter the Form, or break up the Ground or Pavement of the Carriage or Footways within any of the said Markets, Streets, Squares, Ways, Lanes, or other public Passages or Places, or make the same otherwise than as directed by the said Commissioners, upon Pain of forfeiting any Sum not exceeding Five Pounds for every such Offence; and such Person so offending shall also pay to the Surveyor, or other Person so appointed by the Commissioners, to receive the same, all Costs, Charges and Expences of restoring the Ground or Pavement of such Carriageway or Footway to its former State; all such Penalties, Costs, Charges and Expences to be levied and recovered in like Manner as any Penalty is by this Act directed to be recovered.

Commissioners to cause Streets, &c. to be repaired and paved.

XXXIII. And whereas there are several Lanes, Courts, Passages and Places within the Limits of this Act, which are not public Highways, or repaired by virtue of the public Highway Act, and the Occupiers of the adjoining Premises may neglect or refuse to comply with the Requisitions of this Act; and which, by reason of the Narrowness and bad State of Repairs of such Lanes, Courts, Passages and Places, are Nuisances and

Commissioners to repair, cleanse, &c. Lanes, &c. not public Highways.

Offences

Offences to the Inhabitants within the said Limits, and may contribute much to produce contagious Diseases; be it therefore enacted, That the said Commissioners shall and may and they are hereby empowered (in case of any Neglect or Refusal), for the Space of Two Days after Notice in Writing, or printed, signed by the Clerk to the said Commissioners, by their Order, and served upon the Occupier or Occupiers of such Premises respectively, to repair, pave, cleanse, scour and drain such Lanes, Courts, Passages and Places, or cause the same to be done in such Manner as the said Commissioners shall think right and proper, and to charge the several Occupiers of such Premises respectively with the Expences thereof, in such Proportions as to the said Commissioners shall seem fair and reasonable; and on Refusal to pay or reimburse the said Commissioners all such Charges and Expences which shall or may be occasioned thereby, the same shall and may be recovered in like Manner as any Penalty or Forfeiture is by this Act authorized to be recovered.

In certain Cases Tenant may deduct Rates from his Rent.

XXXIV. Provided always, and be it further enacted, That in all Cases where the Landlord or Owner of such Hereditaments and Premises shall, by Agreement or otherwise, be liable to repair, pave, cleanse, scour or drain such Lanes, Courts, Passages and Places as aforesaid, it shall be lawful for the Tenant or Occupier of such Hereditaments and Premises to retain and deduct out of his or her Rent all such Money as shall have been so charged upon him or her by the said Commissioners as aforesaid: Provided also, that where such Hereditaments and Premises are empty and unoccupied, it shall and may be lawful for the said Commissioners to charge every such Landlord or Owner thereof with the Expences so incurred by them in repairing, paving, cleansing, scouring, and draining such Lanes, Courts, Passages and Places as aforesaid.

Commissioners may water the Highways, Streets, &c.

XXXV. And be it further enacted, That the said Commissioners shall have full Power and Authority to cause all or any of the Highways, Streets, Squares, Ways, Lanes, and other public Passages and Places within the Limits of this Act, to be watered, when, where, and as often as Need or Occasion shall be or require, and for such Purpose to cause such Number of Wells and Pumps to be dug, sunk, and made in any of the said Highways, Streets, Squares, Lanes, or other public Passages and Places, as may be necessary, and from Time to Time to alter the same as there shall be Occasion; provided that no such Well or Pump shall be sunk or made so as to injure any House or other Building, or any Vault or Cellar under any of the said Highways, Streets, Squares, Lanes, or other public Passages or Places.

Power for Commissioners to declare new Streets to be public Highways;

XXXVI. And be it further enacted, That when any of the Streets, Lanes, or Ways within the Limits of this Act, which are already laid out, or which shall hereafter be laid out in any Part of the said Limits, shall be well and sufficiently made and paved, or otherwise put in good Order and Repair, and completed to the Satisfaction of the said Commissioners, or any Five or more of them, assembled at any Meeting for putting this Act in execution, it shall and may be lawful for the said Commissioners, so assembled as aforesaid, or any Five or more of them, and they are hereby empowered, from Time to Time to declare the same to be public Highways; and from and after such Declaration made, and not sooner, the same and every of them shall be deemed and taken to be public Highways

ways to all Intents and Purposes; and it shall also be lawful for the said Commissioners to connect any such Streets, or open the same into any other Streets or public Ways, with the Consent of the Owner, Proprietor, and Occupier of the Lands, Houses, and Premises which may intervene and be necessary to use for such Purpose.

to extend or connect such Streets with any others, with Consent of Owners.

XXXVII. Provided also, and be it further enacted, That all new Streets which shall hereafter be made within the Limits of this Act shall be paved and completed by the Person or Persons building the Houses in such new Streets, in such Manner and in such Proportions as shall be ordered and directed by the said Commissioners, so as that such new Streets shall be made and completed with Pavement and Footways, in like Manner as the other Parts of the said Townships; and shall thereafter become subject to the like Rules and Regulations, as to the future Care and Repair thereof, as the other Streets of the said Town within the Limits of this Act.

Builders to be compellable by the Commissioners to pave and complete Streets.

XXXVIII. Provided always, and be it further enacted, That in case the Person or Persons building any House or Houses in any such new Street, shall not pave and complete the said new Street in Manner aforesaid, within Two Calendar Months next after Notice given so to do by the Clerk to the said Commissioners, it shall and may be lawful to and for the said Commissioners, by Writing under their Hands, to order any such Streets to be paved and completed, and the Costs and Charges thereof shall be paid and reimbursed to the said Commissioners, or to their Order, by the Owner or Owners of such House or Houses; 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; and in case the Owner or Owners of any such House or Houses shall not reside within the Limits of this Act, then the Occupier or Occupiers of such House or Houses shall be liable to pay the Share or Shares of such Owner or Owners, in Manner aforesaid, and shall and may deduct the same out of the Rent payable by him, her, or them to such Owner or Owners.

In case Owners do not pave, Commissioners may at the Owner's Expence.

XXXIX. And be it further enacted, That for the better carrying this Act into Execution, it shall and may be lawful to and for the said Commissioners, and they are hereby empowered, from Time to Time, as they shall see Occasion, to describe and determine the Limits and Extents of the several Markets, Streets, Squares, Ways, Lanes, public Passages and Places within the Limits of this Act; in such Manner as they shall think proper, and shall and may paint, engrave or describe, or cause to be painted, engraved or described, on a conspicuous Part of some House or other Building, at or near the Corner of every such Market, Street, Square, Way, Lane, public Passage and Place, the Name by which such Market, Street, Square, Way, Lane, public Passage and Place now is or shall be called, and may order and direct the several Houses, Shops, Warehouses and Buildings within the said several Markets, Streets, Squares, Ways, Lanes, public Passages and Places, or any of them, to be numbered with Figures, painted or placed on some conspicuous Part of the Door of every such House, Shop, Warehouse, or other Building, or such Part thereof as the said Commissioners shall think proper; and if any Person shall wilfully destroy, obliterate, or deface

Streets, &c. to be named.

[Local.]

9 C

any

any of such Names or Numbers, or any Part thereof, or cause or procure the same to be done, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Penalty on
Owners not
restoring
Numbers.

XL. And be it further enacted, That when any such Number or Numbers, Figure or Figures, painted or put on any House, Shop, Warehouse or other Building, or on the Door or Doors thereof, within the Limits of this Act, shall be defaced or rubbed out, the Owner or Owners, Occupier or Occupiers of such House, Shop, Warehouse or other Building, where the Number or Numbers, Figure or Figures shall have been so defaced or rubbed out, shall, upon personal Notice given to him, her, or them, or upon Notice in Writing left at such House, Shop, Warehouse, or other Building, signed by the Clerk to the said Commissioners, cause the same Number or Numbers, Figure or Figures to be in the same Manner painted or put on such House, Shop, Warehouse, or other Building, or on some conspicuous Part of the Door thereof respectively, within Seven Days after such Notice shall have been served or left as aforesaid; and in case of Neglect or Refusal to comply with such Order, every such Owner or Occupier shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

For prevent-
ing An-
noyances in
the Streets.

XLI. And be it further enacted, That if any Person or Persons shall upon any of the Footways or Foot-pavements within the Limits of this Act, run, draw, drive, or carry thereon any Truck, Wheel, Sledge, Wheelbarrow, Handbarrow, Bier or Carriage whatsoever, or roll any Cask or Tub, other than for the necessary Loading or Unloading thereof, unto, upon, from, or out of any Carriage, or for any longer Space than the Extent of the Premises in the Occupation of the Person from or to whose House or Building such Cask or Tub shall be rolled (such Premises adjoining to or having immediate Communication with such House or Building from or to which such Cask or Tub shall be rolled); or if any Person shall wilfully drive any Cart or Carriage whatsoever, or shall ride, lead, or drive any Horse or other Beast, or any Cattle whatsoever, on any of the said Footways or Foot-pavements, or set any Cask, Tub, Pail, Bucket, Stool, Bench, Stall, or any other Matter or Thing, so as in any Manner to cause any Obstruction or Impediment in the Footway or on the Foot-pavement, or shall in any Market, Street, Square, Way, Lane, or other public Passage or Place within the Limits of this Act, hoop, fire, cleanse, wash or scald any Cask or Tub, or hew, saw or cut any Stone, Wood or Timber, or bore any Timber, or make or repair any Coach, Chaise, Waggon, Sledge, or other Carriage (except such as may want immediate Repair, from any sudden Accident on the Spot, or which cannot conveniently be removed for that Purpose, such unavoidable Repair to be done and completed with all convenient Speed); or if any Person shall hang out, or cause to be hung out, any Linen or Cloth, or any Article of Wearing Apparel, or other Article, for the Purpose of Sale, or of airing the same, upon or from any Door or Window, within any Market, Street, Square, Way, Lane, public Passage or Place within the Limits of this Act, or fix or tie up any Line, Rope, or Cord for any such Purpose; or if any Person shall in or upon any Market, Street, Square, Way, Lane, public Passage or Place within the said Limits, shoe, bleed, farry or kill any Horse
or

or other Beast or Cattle (except in case of Accident); or if any Person shall within any Market, Street, Square, Way, Lane, or other public Passage or Place within the said Limits, (except only in such Places as the said Commissioners shall direct,) show or expose any Stallion or Stone Horse, or expose to sale any Horse or other Beast, or turn loose any Horse, Mule, Ass, or other Beast; or if any Person shall make or assist in making of any Bonfire (except by the Permission of some One Justice of the Peace for the said County,) or shall wantonly let off or fire any Gun, Pistol, Blunderbuss, or other Fire-arms, or shall let off any Serpent or Rocket, or throw any Cracker, Squib or other Fireworks, or play at Football or any other Game or Games; or if any Person shall kill or slaughter, or shall scald, singe, dress, or cut up any Animal, either wholly or in part, in any of such Markets, Streets, Lanes, public Passages or Places, or cause or permit any Blood to run from any Slaughter-house, Butcher's Shop or Shambles into the same, or any of them, or shall slack, water, or mix any Lime, Mortar, or Cement; or shall hang up, place, or expose to Sale any Goods, Wares, or Merchandize whatsoever, or any Fruit, Vegetables, or Garden-stuff, Butchers-Meat, Pastry, Confectionary, or other Matter or Thing, in, upon, or projecting over the Footway or Carriageway of any such Markets, Streets, Squares, Ways, Lanes, public Passages or Places, so as to obstruct or incommode the Passage of any Person, Carriage, or Horse therein; or shall cause any Privy or Necessary-house, within the Limits of this Act, to be emptied (except within the Hours of Ten of the Clock at Night and Six of the Clock in the Morning), or shall at any Time throw out of any Door or Window, upon any such Carriageway or Footway, any Water or Filth, or the Contents of any Utensil or Vessel whatsoever, or shall lay or deposit or shall cause or permit to be laid or deposited the Contents of any such Privy or Necessary-house, or any Part thereof, upon any Carriageway or Footway within the Limits of this Act; or shall for the Purpose of obtaining or collecting Manure, or for any other Purpose, stop up or impede the Passage of any Common Sewer, Ditch or Watercourse; or if any Person or Persons shall permit or suffer his, her, or their Mastiff, Bull-dog, or any other dangerous Animal, to go at large without being safely and sufficiently muzzled; or shall commit or permit any other kind of Obstruction or Annoyance in or upon any such Street, Way, Lane, public Passage or Place within the Limits of this Act; then and in every such Case every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds; provided nevertheless, that nothing herein contained shall extend or be construed to extend to prevent or hinder any Person or Persons from placing, by lawful Authority, any Stall, Booth, Stool, Bench, or Form for the Sale of Goods or Wares, or from exposing to Sale any Meat, Poultry, Vegetables, Fruit, or any other Matter or Thing, in any Market Place or Street within the Limits of this Act, and in such Place and on such Day or Days as are now or shall be permitted by the said Commissioners, so as such Stall, Booth, Stool, Bench, or Form be not placed upon any Footpath within the Limits, and so as there may be free Access to the Houses, Shops and other Buildings in the said Market Place or Street.

XLII. And be it further enacted, That if the Driver of any Waggon, Cart, Car, Dray, or other Carriage, shall ride upon any such Carriage in any Highway, Market, Street, Square, Way, Lane, public Passage

Drivers of Carriages punishable for Misbehaviour.
or

or Place within the Limits of this Act, not having some other Person on Foot or on Horseback to guide the same (such Carriages as are usually conducted by some Person holding the Reins of the Horse or Horses drawing the same excepted); or if the Driver of any Carriage whatsoever shall in any such Highway, Market, Street, Square, Way, Lane, public Passage or Place, furiously drive the same, or shall by Negligence or wilful Misbehaviour cause any Hurt or Damage to any Person or Carriage, or shall wilfully be at such Distance from such Carriage whilst it shall be passing in any such Highway, Market, Street, Square, Way, Lane, public Passage or Place, that he cannot have the Directions and Government of the Horse or Horses, or other Cattle drawing the same, or shall furiously drive the same, or by Negligence or wilful Misbehaviour prevent, hinder, or interrupt the Passage of any other Carriage, or of any of His Majesty's Subjects, in or along any such Highway, Market, Square, Street, Way, Lane, public Passage or Place; or if any Person driving any Coach, Chariot, Chaise, loaded Waggon, Cart or other Carriage, upon any such Highway, Market, Square, Street, Way, Lane, public Passage or Place, shall not keep his or her Coach, Chariot, Chaise, loaded Waggon, Cart or other Carriage, upon his or her left or near Side of such Highway, Market, Square, Street, Way, Lane, public Passage or Place; then and in every such Case every such Driver so offending, and being convicted of any such Offence, either by his own Confession, the View of a Justice of the Peace, or by the Oath of One or more credible Witness or Witnesses before any Justice of the Peace for the said County Palatine of *Lancaster*, shall for every such Offence forfeit and pay any Sum not exceeding Twenty Shillings, in case the Driver shall not be the Owner of such Carriage; and in case such Driver be the Owner of such Carriage, then any Sum not exceeding Forty Shillings; and every such Driver offending in any of the said Cases shall and may, by Authority of this Act, with or without any Warrant, be apprehended by any Person or Persons who shall see such Offence committed; and it shall and may be lawful to and for the Person or Persons so apprehending such Driver, to convey such Driver, or to cause him to be conveyed or delivered to a Constable or other Peace Officer, in order to be conveyed before some Justice of the Peace for the said County Palatine of *Lancaster*, to be dealt with according to Law; and if any such Driver, in any of the Cases aforesaid, shall refuse to disclose his Name, it shall and may be lawful to and for the Justice of the Peace before whom he shall be taken, or to whom any such Complaint shall be made, to commit him to the House of Correction, there to remain for any Time not exceeding Three Calendar Months, or to proceed against such Offender for the Penalty aforesaid, by a Description of the Person and the Offence, and expressing in such Proceedings that such Driver refused to disclose his Name.

Penalty for suffering Carts and Carriages to remain in the Streets.

XLIII. And be it further enacted, That if after the passing of this Act any Waggon, Cart, Dray or other Carriage shall be left to stand or remain in or upon any Market, Street, Square, Way, Lane, public Passage or Place within the Limits of this Act, and with or without Horses or other Cattle, for any Time longer than shall be necessary for unloading or loading thereof, or in case the same shall not be standing during the Time of the unloading or loading thereof as near to the Side of such Market, Street, Square, Way or Lane, Passage or Place; or if any Stage Coach, Diligence, Post Chaise or other Carriage let to hire, shall be left

to stand or remain in any of the said Markets, Streets, Squares, Ways, Lanes, Passages and Places as aforesaid, with or without Horses, for any longer Time than shall be necessary for the taking up or setting down the Passengers thereof, and for loading or unloading their Baggage; or if any Sacks of Grain, Potatoes, Fruit, or any Timber, Bricks, Lime, Stones, Slates, Hay, Straw, Wood, Faggots, Coals, Boards, Tubs, Goods, Wares or Merchandize, or other Materials or Things whatsoever, shall be laid or placed, or left to remain in or upon any of the said Streets, Squares, Ways, Lanes, public Passages or Places, either in the Carriageway or Footway, for any longer Time than shall be necessary for moving and housing the same; or if any broken Glass or Earthenware, Ashes, Rubbish, Dust, Dirt, Dung, Filth, or any other Nuisance or Annoyance whatsoever, shall be wilfully thrown or cast into or laid in or upon any of the said Markets, Streets, Squares, Ways, Lanes, public Passages or Places; then and in every such Case the Driver or other Person so leaving to stand or remain every such Waggon, Cart, Dray, Coach, Diligence, Post Chaise or other Carriage, and the Person or Persons who shall have so laid, placed, or left such Sacks of Grain, Potatoes, Fruit, or any Timber, Brick, Lime, Goods, Wares and Merchandize, Materials and other Things, in or upon any of the said Markets, Streets, Squares, Ways, Lanes, public Passages or Places, and the Person and Persons who shall wilfully throw, cast or lay, or cause to be thrown, cast or laid, any broken Glass or Earthenware, Ashes, Rubbish, Dirt, Dung, Filth, or any other Nuisance or Annoyance into or upon any of the said Markets, Streets, Ways, Lanes, public Passages or Places, shall for every Offence in any of the Cases aforesaid, forfeit and pay any Sum not exceeding Twenty Shillings.

XLIV. Provided nevertheless, and be it further enacted, That no Person shall be subject to any Penalty, by virtue of this Act, for or on account of any Building Materials, Rubbish or Dirt being in or upon any of the said Markets, Streets, Squares, Ways, Lanes, public Passages or Places before or near the House or Building of such Person, occasioned by the building or pulling down, rebuilding or repairing such House or Building, so as there be convenient Room left for Carriages to pass, and a sufficient Way kept clear for Foot Passengers, and so as the Owner or Occupier of such House or Building do cause such Materials, Rubbish and Dirt to be removed out of such Market, Street, Square, Way, Lane, public Passage or Place, within a reasonable Time after such building, pulling down or repairing shall be finished, or upon Notice to be given to him or her in Manner herein-after directed for the Service of Notices, signed by the Clerk to the said Commissioners, and so that during the Time the same shall be laying in such Market, Street, Square, Way, Lane, public Passage or Place, such Owner or Occupier shall guard and fence off the same, either by a temporary Railing or otherwise, and also set up and maintain a sufficient Light or Lights during the whole of the Night-time, to the Satisfaction of the said Commissioners, to prevent Accidents and Mischief happening therefrom.

Proviso in favour of Builders.

XLV. And be it further enacted, That whenever the Pavements or Flagging of any of the said Markets, Streets, Squares, Ways, Lanes, public Passages or Places within the Limits of this Act, shall be broken up for the making or repairing any Vault, Drain or Sewer, or for the Purpose of laying, altering or repairing any Pipe or Pipes, Aqueduct or

For repairing the Pavement when broken up for Repair.

[Local.]

9 D

Aqueducts,

Aqueducts, or any Plug or Plugs thereof, under the said Markets, Streets, Squares, Ways, Lanes, public Passages or Places, or any of them, or for any other lawful Purpose, the Person or Persons breaking up such Pavement or Flagging, or liable to the Repair of such Vault, Drain, Sewer, Pipe, Aqueduct or Plug, and the Person or Persons for whom or by whose Order the same shall be so done, shall, and he, she or they is and are hereby required, at their own proper Costs and Charges, to make or repair such Vault, Drain, Sewer, Pipe, Aqueduct and Plug, with the least Delay, and forthwith afterwards to relay, amend, and repair the Pavement or Flagging of the said Market, Street, Square, Way, Lane, public Passage or Place so broken up, in a good and substantial Manner, to the Satisfaction of the said Commissioners, or the Surveyor appointed for the Purposes of this Act; and in default thereof, it shall and may be lawful to and for the Surveyor to the said Commissioners, or any Person or Persons acting by or under the Authority of the said Commissioners, to repair, amend, and make good the Market, Street, Square, Way, Lane, public Passage or Place so broken up; and the Costs and Charges attending the same shall be borne and paid by the Person or Persons by whom or by whose Order such Market, Street, Square, Way, Lane, public Passage or Place, or any Part thereof, shall have been so broken up; and in default of Payment thereof for Seven Days next after Demand shall be made by such Surveyor or other Person acting by or under the Authority of the said Commissioners, such Costs and Charges, together with any Sum not exceeding Ten Shillings by way of Penalty, shall and may be levied and recovered in such and the like Manner as any Penalty can or may be levied and recovered by virtue of this Act, from the Person or Persons so making Default.

Penalty on
damaging
Materials,
&c.

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

Where Ma-
terials may
be lodged.

XLVII. And be it further enacted, That during the Time any Market, Street, Square, Way, Lane, public Passage or Place shall be new paving, flagging or repairing, or any of the Grates, Drains, Sewers or other Works therein shall be altering and repairing, the said Commissioners shall and they are hereby authorized and empowered to order the necessary Materials to be lodged in that or any adjoining Market, Street, Square, Way, Lane, public Passage or Place, or Markets, Streets, Squares, Ways, Lanes, public Passages or Places, according to their Discretion; as also to stop up the Way through that or any adjacent Market, Street, Square, Way, Lane, public Passage or Place, so long as they shall judge necessary; and the said Commissioners, and all Persons acting under the Direction of the said Commissioners, are hereby indemnified from any Prosecution or Action whatsoever for so doing.

Paviors, &c.
to be ap-
pointed.

XLVIII. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time to appoint such and so many Paviors, Artificers, Workmen, Labourers, Carters and others, and also to purchase
any

any Horses, Carts, Tools, Implements and Materials, as they shall judge necessary for the Purpose of carrying this Act into Execution.

XLIX. And be it further enacted, That the said Commissioners shall have full Power and Authority to purchase or rent Lands, so that such Lands do not exceed One-half of an Acre, for depositing of Stone and other Materials for the several Purposes of this Act, and for depositing Dirt, Dung, Soil, Ashes, Cinders and Rubbish; and the Purchase Money or Rent thereof shall be paid out of the Money or Funds raised or to be raised for paving, widening, amending, cleansing, watering and regulating the Markets, Streets, Squares, Ways, Lanes, public Passages and Places by virtue of this Act, and the Property thereof shall be and is hereby vested in the said Commissioners for the Purposes of this Act.

Land to be provided for depositing Materials, &c.

L. And be it further enacted, That it shall be lawful for the Commissioners to take down, remove, alter or regulate, in such Manner, as they shall from Time to Time judge proper, all Signs or other Emblems used to denote the Trade, Occupation or Calling of any Person or Persons, and all Sign Irons, Sign Posts and other Posts, Sheds, Penthouses, Spouts, Gutters, Steps, Stairs, Cellar Doors, Cellar Lids, Bow and other projecting Windows, Window Shutters, Window Flaps, Stumps, Trees, Rails, Pales, Palisadoes, Porches, Bulks, Show Glasses and Show Boards, Pools, Cess Pools, Cisterns and Reservoirs for Water, and other Encroachments, Projections and Annoyances belonging or which shall hereafter be affixed or belong to any House or Houses or other Buildings, or which shall in any other Way be placed or fixed, and which do or shall in the Judgment of the said Commissioners obstruct the free and commodious Passage along the Carriage or Footways of any of the said Markets, Squares, Streets, Ways, Lanes, public Passages or Places of or within the Limits of this Act, or which shall in anywise interrupt the free Circulation of the Air therein, and also to cause the Water to be conveyed from the Roofs, Cornices, Eaves and Penthouses of or belonging to such Houses or other Buildings respectively, by proper Pipes or Trunks to be affixed to the Sides of such Houses or other Buildings respectively, and to be brought down to the Ground; and that the Costs, Charges and Expences attending the taking away, removing, altering or regulating such Signs, Sign Irons, Sign Posts and other Posts, Sheds, Penthouses, Spouts, Gutters, Steps, Stairs, Cellar Doors, Cellar Lids, Bow or other projecting Windows, Window Shutters, Window Flaps, Stumps, Trees, Rails, Pales, Palisadoes, Porches, Bulks, Show Glasses, Show Boards, Pools, Cess Pools, Cisterns and Reservoirs for Water, and other Encroachments, Projections and Annoyances, or any of them, and of making and affixing such Pipes or Trunks as aforesaid, shall be borne and defrayed out of the Money to be raised by the said Commissioners by virtue of this Act.

Power to remove Projections and Encroachments.

LI. And be it further enacted, That if any House or other Building in or near any Market, Square, Street, Way, Lane, or other public Passage or Place, within the Limits of this Act, shall, after the passing of this Act, be made, erected or built in such Manner or Form as in the Front or in any of the Gables or Sides thereof, to project into or over such Market, Square, Street, Way, Lane, or other public Passage or Place,

For preventing future Projections.

Place, or in any other Manner or Form than in a perpendicular Line or Direction upwards from the Foundation of such House or Building; or if any Spout, Pipe or Trunk for conveying Water from the Roof, Eaves, or Cornices of any House or other Building, in any Market, Square, Street, Way, Lane, public Passage or Place, within the Limits of this Act, shall be affixed otherwise than from the Roofs, Eaves, or Cornices thereof, on the Fronts or Sides of such Houses or Buildings respectively, and brought down to the Ground; or if any Sign, Sign Iron, Sign Post or other Post, Shed, Penthouse, Step, Stair, Cellar Door, Cellar Lid, Bow Window or other projecting Window, Window Shutter, Window Flap, Stump, Rail, Palifadoe, Porch, Bulk, Show Glass, Show Board, Pool, Cess Pool, Cistern or Reservoir for Water, or any other Encroachment or Projection against or in front or outside of any House or other Building within or adjoining to any Market, Square, Street, Lane, public Passage or Place within the Limits of this Act, shall be made, erected or built, so as to obstruct the free and commodious Passage along the Carriage or Footways of the same; then and in every such Case the Owner and Owners of every such House or other Buildings, Sign, Sign Irons, Sign Post, Shed, Penthouse, Step, Stair, Cellar Door, Cellar Lid, Bow or other projecting Window, Window Shutter, Window Flap, Stump, Rail, Pale, Palifadoe, Porch, Bulk, Show Glass, Show Board, Pool, Cess Pool, Cistern or Reservoir for Water, or other Encroachment or Projection which shall be so made, erected or built as aforesaid, or of every such Spout, Pipe or Trunk which shall be so made or affixed otherwise than aforesaid contrary to this Act, shall for every such Offence forfeit and pay any Sum not exceeding Ten Shillings a Day for every Day such House or other Buildings, Sign, Sign Iron, Sign Post or other Post, Shed, Penthouse, Step, Stair, Cellar Door, Cellar Lid, Bow or other projecting Window, Window Shutter, Window Flap, Stump, Rail, Pale, Palifadoe, Porch, Bulk, Show Glass, Show Board, Pool, Cess Pool, Cistern or Reservoir for Water, Spout, Pipe or Trunk, or other Encroachment or Projection, shall continue in such State as herein provided against; and it shall and may be lawful to and for the said Commissioners (whether any such Penalties or Forfeitures shall be levied or not) to cause all such Houses and other Buildings, Signs, Sign Irons, Sign Posts, Sheds, Penthouses, Steps, Stairs, Cellar Doors, Cellar Lid, Bow Windows or other projecting Windows, Window Shutters, Window Flaps, Stumps, Trees, Rails, Pales, Palifadoes, Porches, Bulks, Show Glasses, Show Boards, Pools, Cess Pools, Cisterns and Reservoirs for Water, Spouts, Pipes, Trunks and other Encroachments and Projections, or any of them, to be taken down, removed, and taken away.

Protection
for Corners
of Buildings.

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

be raised by virtue of this Act for paving and repairing the said Streets, Markets, Roads, Passages and Places.

LIII. And be it further enacted, That it shall be lawful for the said Commissioners to make or cause to be made proper Cefs Pools, Sinks, Soughs, Sewers, Gutters, Drains and Watercourses, for conveying the Water off and from the several Markets, Streets, Squares, Ways, Lanes, Passages and Places, and the several Houses and Buildings within the Limits of this Act, into the present public and private Sewers within the said Limits, making good any Damage that may be occasioned thereby; but the said present public and private Sewers shall be from Time to Time and at all Times repaired and renewed by the Person or Persons, and by and out of such Fund or Funds, as is and are now liable to and chargeable with the repairing and renewing the same. Power to make Cefs Pools, &c.

LIV. And be it further enacted, That where any Opening is now or may be made in the paving or flagging of any of the said Markets, Streets, Squares, Ways, Lanes, public Passages or Places, as an Entrance into or for the Purpose of conveying Coals or other Articles into any Vault or Cellar, whether such Vault or Cellar be inhabited or uninhabited, or for the Purpose of conveying Light into any Room or Cellar, or for any other Purpose, the Door, Lid or Lids, Flap or Flaps, 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 shall direct and approve of; and every such Door, Lid, Flap, 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 and enjoyed, and in such Manner and Form as the said Commissioners 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, or shall cause or permit any such Cellar Door, Cellar Lid, Flap, or Cover, within the Limits of this Act, to be left open unnecessarily at any Time between Sun-setting in the Afternoon and Sun-rising in the Morning, on any Pretence whatsoever, without the same being well and sufficiently lighted and guarded, so as to prevent Accidents from happening, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Ten Shillings, and also any further Sum not exceeding Twenty Shillings, for every Week the said Offence shall be continued. Regulating Cellar Doors or Flaps.

LV. And be it further enacted, That the Person or Persons employed by or contracting with the said Commissioners for cleansing the several Markets, Streets, Squares, Ways, Lanes, public Passages and Places within the Limits of this Act, or the Person or Persons employed by or acting under the Direction of such Person or Persons so contracting with the said Commissioners, shall Once in every Week, (that is to say), on every *Monday*, between such Hours of the Day, and also on such other Days, and at or between such Hours as the said Commissioners shall from Time to Time appoint, sweep and collect together all Dirt, Dust, Manure, Filth or Rubbish in such Markets, Streets, Squares, Ways, Lanes, public Scavenger's Duty.

[Local.]

9 E

Passages

Passages and Places, and shall also bring; or cause to be brought a Cart or other proper Carriage into such Markets, Streets, Squares, Ways, Lanes, public Passages and Places, where such Cart or other Carriages can pass, and shall at his or their Approach with such Cart or other Carriage, and not before, by the Sound of Bell, Voice, or otherwise, give Notice to the Inhabitants of his or their coming; and give the like Notice in every Court, Passage, or Place into which such Cart or Carriage cannot pass; and such Person or Persons aforesaid shall immediately, or with all convenient Speed, take the Dust, Dirt, Manure, Rubbish, Cinders, Ashes or other Filth (except Filth from any Privy or Necessary House), from the respective Premises in such several Markets, Streets, Squares, Ways, Lanes, public Passages and Places, and put the same into such Cart or Carriage; all which Dust, Dirt, Manure, Rubbish, Cinders, Ashes and Filth (except as aforesaid), as well as all such Dirt, Dung, Ashes and other Filth as shall be swept up and collected together as aforesaid, such Person or Persons shall then immediately, or so soon as may be, carry away or cause to be carried away to the Place or Places appointed for depositing the same, upon pain of forfeiting any Sum not exceeding Forty Shillings for every Offence or Neglect therein; and the Person or Persons so employed as aforesaid, shall cause the Words "Scavenger's Cart" to be painted in large Roman Letters, at least One Inch in Length each, on the Front or some other conspicuous Part of every Cart or Carriage used for the Purposes aforesaid, on pain of forfeiting any Sum not exceeding Ten Shillings for every Neglect therein; and if any such Person so employed as aforesaid shall sweep or throw away any Dust, Dirt, Manure, Ashes or Filth into any Drain, Sewer, Sink, or Watercourse within the Limits of this Act, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Twenty Shillings.

No Person to take away Dirt, &c. but Contractors.

LVI. And be it further enacted, That if any Person or Persons whomsoever, other than the Person or Persons employed by or contracting with the said Commissioners for cleansing the several Markets, Streets, Squares, Ways, Lanes, public Passages or Places within the Limits of this Act, or the Person or Persons employed by or acting under the Direction of the Person or Persons so contracting as aforesaid, shall take or carry away, or cause to be taken and carried away, any Dust, Dung, Manure, Dirt, Ashes or other Filth out of any such Markets, Streets, Squares, Ways, Lanes, or other public Passages or Places as aforesaid, every such Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Twenty Shillings.

Persons may keep the Dust, &c. within their own Premises.

LVII. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to any Ashes, Cinders, Dust, Dirt, Manure, Filth, Soil, Dung or Rubbish which any of the Inhabitants within the Limits of this Act shall have Occasion and think fit to preserve and keep within their own respective Houses, Yards and Gardens, but the same shall respectively belong to and be at the Disposal of the Person or Persons so reserving the same, so as such Ashes, Cinders, Dust, Dirt, Manure, Filth, Soil, Dung or Rubbish be not laid down or placed in any of the said Markets, Streets, Squares, Ways, Lanes, public Passages or Places within the Limits of this Act, for any longer Time than shall be necessary for the loading and carrying away the same, and so as the same do not annoy the Neighbour or Neighbours of such Person

Person or Persons, nor the Public in general; and in case such Person or Persons so reserving such Ashes, Cinders, Dung, Dirt, Manure, Filth, Soil, Dung or Rubbish shall wilfully or negligently permit or suffer the same to lay in any of the said Markets, Streets, Squares, Ways, Lanes, public Passages or Places, within the Limits of this Act, for any longer Time than Three Hours, for the Purpose of loading and carrying away the same, or shall suffer the same to annoy his or their Neighbour or Neighbours, or the Public in general, or permit or suffer the Soil or Contents of any Privy or Necessary House to remain in any of the said Markets, Streets, Squares, Ways, Lanes, public Passages and Places after the Hour of Six in the Morning, or permit or suffer the Door Lid or Cover of any Privy or Necessary House to remain open longer than shall be requisite for the emptying the Soil or Contents thereof, such Person or Persons shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings; and it shall and may be lawful for the Person or Persons to be appointed by or contracting with the said Commissioners for cleansing the said Markets, Streets, Squares, Ways, Lanes, public Passages and Places, and they are hereby authorized and directed, to take and convert such Ashes, Cinders, Dust, Dirt, Manure, Filth, Soil, Dung and Rubbish to his or their own Use and Uses, and to sell and dispose of the same, without rendering any Satisfaction for the same.

LVIII. And be it further enacted, That the respective Occupiers of Houses or other Buildings, with the Appurtenances, within the several Markets, Streets, Squares, Ways, Lanes, public Passages and Places within the Limits of this Act, the Churchwardens and Chapelwardens of every Church and Chapel, or any One or more of them, the Owner or Owners and Proprietor or Proprietors of every dead Wall and vacant Piece of Land, or any One or more of them, the Proprietor and Proprietors, Trustee and Trustees, Treasurer and Minister of every Meeting-house, or other Place of Public Worship, or any One or more of them, and the Person or Persons who for the Time being shall be the ostensible Director or Directors, Manager or Managers of every Hospital, Prison, School, and other public Building respectively, situate or being in the several Markets, Streets, Squares, Ways, Lanes, public Passages and Places within the Limits of this Act, shall and they are hereby required to cause to be well and sufficiently swept and cleansed, the Footways and Foot-pavements, the whole Length of the Front of their respective Houses, Buildings, Churches and Church-yards, Chapels and Chapel-yards, dead Walls, vacant Pieces of Ground, Meeting-houses, Hospitals, Prisons, Schools, and other public Buildings, Tenements, Yards, Gardens, or other Hereditaments, and the Channels and Watercourse opposite the same respectively, to the full Extent of the said Footways and Foot-pavements, before, behind, and on the Side or Sides of the same respectively, previous to the Hour of Nine in the Morning on every *Monday, Wednesday and Friday* in every Week, and oftener, on such other Days and at such other Times, if the said Commissioners shall from Time to Time order or require the same; and shall also cause the Dirt and Soil to arise from such sweeping and cleansing, to be collected and put together (so as not to obstruct either the Carriage or Footway, or the Channel or Watercourse aforesaid,) in order that the same may be removed by the said Scavenger or other Person to be employed for that Purpose, upon pain of forfeiting any Sum not exceeding Five Shillings for every Neglect therein.

Occupiers of Houses, &c. Churchwardens, &c. and others, to sweep the Footways adjoining to Churches, Walls, &c.

LIX. And

Power to
impound
Beasts wan-
dering in the
Streets.

LIX. And be it further enacted, That if any Sort of Cattle, Swine, or Pigs shall at any Time be found wandering about any of the Markets, Streets, Squares, Ways, Lanes, or other public Passages or Places within the Limits of this Act, the Owner or Owners thereof shall, for every such Head of Cattle, Swine or Pigs, forfeit and pay any Sum not exceeding Ten Shillings; and moreover it shall and may be lawful to and for any Person or Persons appointed by the said Commissioners, if he or they shall think proper, to seize and impound such Cattle, Swine or Pigs, and to keep the same impounded in the common Pound of the said Township of *Burnley*, or in such other Place as the said Commissioners shall appoint; and the same there to remain until the Owner or Owners thereof shall for every such Head of Cattle, Swine or Pigs so impounded, pay the Sum of Five Shillings to the Person impounding the same, together with the reasonable Charges and Expences of impounding and keeping the same; and in case the said Sum of Five Shillings and the Charges and Expences shall not be paid within Four Days next after such impounding, it shall be lawful for the said Commissioners to sell or cause the same to be sold, and the Money arising from such Sale, after deducting the said Sum of Five Shillings, and the Charges and Expences of impounding, keeping, and selling such Cattle, Swine or Pigs, shall be paid to the Person or Persons whose Property the Cattle, Swine or Pigs so sold shall appear to have been.

Lamps to be
set up.

LX. 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, and at any Time or Times after the passing of this Act, to purchase and provide such and so many Glass Lamps, of such Sorts and Sizes, and such and so many Lamp Irons and Lamp Posts, and all such other Matters and Things for lighting such Lamps, either by Oil or Gas, as they shall judge necessary, and to direct the same to be affixed and set up on or against the Walls or Palisadoes of all or any of the Houses, Tenements, or Buildings, or against any other Walls, or for supplying such Lamps with Gas, under any of the Markets, Streets, Squares, Ways, Lanes, public Passages and Places within the Limits of this Act, or in any other Manner they shall think proper and convenient, and to be taken down, altered, or removed, when and as often as they shall think fit, and to cause such Lamps, or any of them, to be lighted at such Seasons of the Year, on such Evenings, in such Manner and at such Hours of the Evening, and to be kept burning for so many Hours, as shall to them the said Commissioners seem necessary or proper for the well and sufficient Lighting of all or any of the said Markets, Streets, Squares, Ways, Lanes, public Passages and Places within the Limits of this Act: Provided always, that it shall be lawful for the said Commissioners to make any Contract, or authorize the making of any Contract or Contracts, for lighting the said Town of *Burnley* with Gas, and to provide and erect Gasometers and other Works, and to prepare or permit the preparing or laying down of all necessary Iron or other Pipes, Reservoirs, Matters and Things necessary for the lighting the said Markets, Streets, Squares, Ways, Lanes, public Passages and Places within the Limits of this Act, with Gas; provided also, that if any Injury or Damage shall be occasioned to any Rail, Palisadoe, Building or Wall, by the affixing, setting up, taking down, altering or removing any such Lamp or Lamps, or any Lamp Iron or Lamp Irons, or other Fastener thereof, the said Commissioners shall immediately cause the said

Commission-
ers to repair
Damage done
to Walls or
Rails by affix-
ing or alter-
ing Lamp
Irons.

said Injury or Damage to be well and sufficiently repaired, out of the Money to be raised by virtue of this Act.

LXI. And be it further enacted, That if any Person or Persons shall wilfully break, take away, throw down, or otherwise destroy or damage any Lamp or Lamps already erected, or which shall be erected by or by Order of the said Commissioners, or by any Person or Persons at his or their own Expence, for the Purpose of lighting any of the said Markets, Streets, Squares, Ways, Lanes, public Passages and Places, or any Post, Iron, Cover, or Furniture thereof, or shall wilfully extinguish the Light or Lights of or in any such Lamp or Lamps, it shall and may be lawful to and for any Justice of the Peace for the said County, and he is hereby required, upon Complaint to him made, by any One or more credible Witness or Witnesses of any such Offence having been committed, to issue a Warrant for apprehending the Party or Parties accused; or it shall and may be lawful to and for any Person or Persons who shall see such Offence committed, to apprehend, and also for any Person or Persons to assist in apprehending, the Offender or Offenders, and by Authority of this Act, without any other Warrant, to deliver him, her, or them into the Custody of a Peace Officer, in order to be secured and conveyed before some Justice of the Peace of the County or Place where the Offence shall be committed; and on the Party or Parties accused being brought before such Justice, such Justice shall and he is hereby required to proceed to examine upon Oath any Witness or Witnesses who shall appear or be produced to give Evidence touching such Offence; and if the Party or Parties accused shall be convicted of such Offence, either on his, her, or their Confession, or upon such Evidence as aforesaid, then and in every such Case, he, she, or they shall for every such Offence respectively, forfeit and pay any Sum not exceeding Five Pounds, and shall besides make a full Satisfaction (to be ascertained by such Justice), to the said Commissioners or other Party injured, for the Damage so done; and in case such Offender or Offenders shall not, upon Conviction, forthwith pay such Penalty by him, her, or them incurred, and also such Satisfaction as aforesaid, such Justice is hereby authorized, empowered, and required to commit such Offender or Offenders to the Common Gaol or House of Correction of the said County or Place, there to be kept to Hard Labour for any Time not exceeding Six Calendar Months, unless such Penalty and Satisfaction as aforesaid shall be sooner paid.

Penalty for
wilfully
breaking
Lamps.

LXII. And be it further enacted, That if any Person or Persons shall carelessly, negligently, or accidentally break, throw down, or otherwise destroy or damage any such Lamp or Lamps so being hung out or set up as aforesaid, or any Post, Iron, Cover or Furniture thereof respectively, and shall not, upon Demand, make Satisfaction for the Damage so done, then and in every such Case it shall be lawful for any Justice of the Peace for the County or Place where the Offence shall be committed, and he is hereby required, upon Complaint thereof made by One or more credible Witness or Witnesses, by Warrant under his Hand, to summon before him the Party or Parties complained of for doing such Damage; and upon his, her, or their appearing, or making Default to appear (Oath being made that the Party complained against

Penalty for
negligently
breaking
Lamps.

[Local.]

9 F

had

had been served with such Summons, or that the same had been left at his, her, or their usual Dwelling or Place of Abode, if known, or that he, she, or they could not be found), such Justice shall proceed to examine the Cause of such Complaint, and upon Proof thereof, either upon Confession of the Party, or the Oath of One or more credible Witness or Witnesses, shall award and order such Satisfaction to be made by the Party or Parties complained against for the Damage so done to the said Commissioners, or other Owner or Owners of such Lamp or Lamps, as to such Justice shall appear just and reasonable; and in case the Sum so awarded shall not be paid forthwith, it shall and may be lawful to and for such Justice, and he is hereby required to cause the same to be levied and recovered in such and the same Manner as any other Fine or Penalty can or may be levied and recovered by virtue of this Act.

Commissioners to direct Streets to be cleaned.

LXIII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, and they are hereby required, to nominate and appoint any Person or Persons, and to purchase or hire any Cart or Carts or other Carriage or Carriages, and also any Horse or Horses, for the Purpose of cleaning and watering the several Markets, Streets, Squares, Ways, Lanes, public Passages or Places within the Limits of this Act, and of carrying away the Dust, Dung, Manure, Dirt and Soil thereof; or it shall and may be lawful to and for the said Commissioners to contract with any Person or Persons for cleaning and watering the same, and for carrying away the Dust, Dung, Manure, Dirt and Soil thereof, upon such Terms and Conditions as they shall deem necessary, and to do and perform all such Acts, Matters, and Things for carrying such Contract into complete Execution as they shall think proper.

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

LXIV. And be it further enacted, That it shall and may be lawful to and for the said Commissioners to contract and agree with any Person or Persons, Body or Bodies Politic, Corporate, Collegiate, or Sole, as shall be or be deemed to be the Owner or Owners, Proprietor or Proprietors, or otherwise interested in any Building or Buildings, Erection or Erections, Lands, Tenements, or Hereditaments within the Limits of this Act; or of any Door or Doors, Cellar or Cellars, or of any Steps belonging thereto, or in any other Building whatsoever, which the said Commissioners shall judge necessary and proper to be purchased for the Purpose of widening, opening, and otherwise improving any of the said Markets, Streets, Lanes, public Passages or Places, or any of them, or for the Purpose of opening any Communication between any one or more Markets, Squares, Streets, Ways, Lanes, public Passages and Places, and for otherwise improving and rendering more commodious the several Markets, Streets, Lanes, Ways, public Passages and Places within the Limits of this Act, for the absolute Purchase of all such Buildings, Erections, Doors, Cellars, Steps, Projections, Encroachments, Lands, Tenements, or Hereditaments, or any of them, or for the Damage to be done thereto respectively in the Execution or for the Purposes of this Act; and to take down or alter all or any of such Buildings, Erections, Steps, Projections, Encroachments, Tenements, and Hereditaments so to be purchased, or any Part or Parts of the same respectively, and also to appropriate all or any of the Lands, Tenements,

or

or Hereditaments so to be purchased for all or any of the Purposes aforesaid, as they the said Commissioners shall think fit.

LXV. And be it further enacted, That it shall and may be lawful to and for all Bodies Politic, Corporate, or Collegiate, and all Corporations, whether Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees of or for Lunatics and Idiots, and other Trustees whomsoever, not only for and on behalf of themselves and their Heirs and Successors, but also for and on behalf of their respective Cestuique Trusts, whether Infants or Issue unborn, Lunatics, Idiots or Femmes Covert, and also to and for all Femmes Covert who are or shall be seized in their own Right, and to and for all Persons, whether Tenants for Life or Tenants in Tail, General or Special, or for Years determinable on any Life or Lives, and to and for all and every Person or Persons whomsoever, who are or shall be seized, possessed of, or interested in any Lands, Houses, Erections, Cellars, Steps, Projections, Encroachments, Lands, Tenements or other Hereditaments, or any Part thereof, which the said Commissioners are by this Act enabled to purchase for any of the Purposes of this Act, to treat, contract, and agree with the said Commissioners for the Sale thereof, or any Part thereof, and to sell and convey all or any Part thereof, and all Estate, Right, Title and Interest whatsoever, of, in, and to the same, to the said Commissioners and their Successors, for any of the Purposes of this Act; and that all Contracts, Agreements, Bargains, Sales, and Conveyances, which shall be made by virtue and in pursuance of this Act, shall, without any Fine or Fines, Recovery or Recoveries, or other Conveyances or Assurances in the Law whatsoever, be good, valid and effectual to all Intents and Purposes, not only to convey all Estate, Right, Interest, Use, Property, Claim and Demand whatsoever of the said several and respective Cestuique Trusts, and all claiming or to claim by, from, or under them; any Law, Statute, Usage, or any other Matter or Thing whatsoever, to the contrary thereof notwithstanding; and all Bodies Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, Trustees, and all other Persons whomsoever, are and shall be hereby indemnified for what they shall do by virtue and in pursuance of this Act.

Power for Bodies Politic and incapacitated Persons to sell.

LXVI. And be it further enacted, That if any Body Politic, Corporate or Collegiate, or any Corporation, whether Aggregate or Sole, or any Feme Covert, or any Tenant for Life, or Tenant in Tail, General or Special, or for Years determinable on any Life or Lives, Owner or Owners, Occupier or Occupiers, or other Person or Persons whomsoever, interested in any Building or Buildings, Erection or Erections, projecting in or upon any of the Carriageways or Footways within the Limits of this Act, or of any Door or Doors of any Cellar or Cellars, or of any Steps belonging thereto, or any other Projection or Encroachment upon any such Carriageway or Footway whatsoever, which the said Commissioners are enabled by this Act to purchase or treat for, 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,

Provision in case of Refusal or Incapacity to sell.

or

or Interests into 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 the 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 Purchaser or Purchasers, then and in every such Case the said Commissioners are hereby empowered and authorized, before any General or Quarter Sessions of the Peace to be holden for the said County, or any Adjournment thereof, to give or cause to be given to such Owner, or the Clerk or other Officer or Officers of such Bodies Politic, Corporate or Collegiate, or to leave or cause to be left at the House of the Tenant in Possession, Ten Days Notice in Writing, denoting and particularly describing the Lands, Buildings, Houses, Tenements or other Hereditaments intended to be purchased, and purporting that the Value thereof shall be adjusted and settled by a Jury at the said Sessions or Adjournment thereof; and the Justices at the said Sessions, or any Adjournment thereof, upon Proof to them made of such Notice having been given or left, are hereby authorized and required to charge the Grand Jury at such Session assembled, or the Jury to try Prisoners at such Session, well and truly upon their Oaths to assess the Value of the said Lands, Buildings, Houses, Tenements, or other Hereditaments comprised in the Notices so given, and the Damages and Recompence to be awarded or given for the same, to the respective Owner or Owners thereof, according to their respective Interests therein, and to which said Jury the said Commissioners, and all Persons interested in the said Lands, Buildings, Houses, Tenements or other Hereditaments, shall have their lawful Challenges; and the Jury, being so sworn and charged as aforesaid, and after proper Evidence on Oath to them given concerning the Nature, Quality, or Value of the Lands, Houses, Buildings, Tenements or other Hereditaments so to be sold or conveyed as aforesaid, shall by their Verdict assess the Damages and Recompence to be given for the same to the respective Owner or Owners, Occupier or Occupiers thereof, according to their respective Interests therein; and such Verdict of the said Jury, and Judgment of the said Justices upon the same, shall be final, binding and conclusive to the said Commissioners, and to all Person and Persons interested in the said Lands, Buildings, Houses, Tenements, and other Hereditaments; and such Verdict, and the Judgment of the Justices thereupon, shall be fairly entered and kept among the Records of the Sessions of the said County, and the same, or true Copies thereof, shall be taken to be good and effectual Evidence and Proof in any Court of Law or Equity whatsoever; and all Persons may have recourse to the same *gratis*, and take Copies thereof, paying Eight-pence for every Seventy-two Words, and so in proportion for any greater or less Number of Words.

The Verdict
of the Jury
not to be
binding un-
less the
Money be
paid within
Three Calen-
dar Months.

LXVII. Provided always, and be it further enacted, 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, left or deposited, according to the true Intent and Meaning of this Act, within Three 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

thing herein contained to the contrary thereof in anywise notwithstanding.

LXVIII. 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 behalf of the said Commissioners, for any such Lands, Houses, Buildings, Tenements, or other Hereditaments, or Damages as aforesaid, all the Expences of taking such Inquest, and of the Witnesses attending therein, and recording or entering the Verdict and Judgment 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 or Persons interested in the Premises in question; provided, that whenever by reason of 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 Sums to be paid by the said Commissioners to the said Owners or Persons respectively interested; and the Payment or Tender of the Remainder of such Monies, or disposing of the same in Manner by this Act directed, shall be deemed and taken to all Intents and Purposes whatsoever to be a Payment, Tender, or Disposal of the whole Sum or Sums so assessed and adjudged.

Payment of
Costs of Ver-
dict.

LXIX. And be it further enacted, That if any Money shall be paid, or agreed or awarded to be paid, for the Purchase of any Lands, Tenements or Hereditaments purchased, taken, or used by virtue of this Act, for the Purposes thereof, which shall belong to any Body Politic, Corporate or Collegiate, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee, for or on behalf of any Infant, Lunatic, Idiot, Feme Covert, or other Cestuique Trusts, or to any Person whose Lands, Tenements, or other Hereditaments are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever, such Money shall, in case the same shall be equal to or exceed the Sum of Two hundred Pounds, with all convenient Speed, be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there *ex parte* the Commissioners for executing this Act, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments, in the Purchase or Redemption of the Land Tax, or Discharge of any Debt or Debts, or such other Incumbrance, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Intents or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested under the like Direction and Approbation of the said Court in the Purchase of other Lands, Tenements and Hereditaments, which shall be conveyed

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

[Local.]

and settled to, for, and upon such and the like Uses, Trusts, Intents and Purposes, and in the same Manner as the Lands, Tenements or 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 said Court, upon such 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 Lands, Tenements and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

Application
of Compensation when
less than
200l. and not
less than 20l.

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

Application
of Compensation when less
than 20l.

LXXI. Provided also, and be it further enacted, That where such Money so agreed or awarded 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 Lands, Tenements, or Hereditaments so purchased, taken or used by the said Commissioners for the Purposes of this Act, in such Manner as the said Commissioners shall think fit; or in case of Infancy, Idiocy or Lunacy, then such Money shall be paid to his or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

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

In case of not making out Titles, or if Persons cannot be found, Purchase-Money to be paid into the Bank.

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

Where any Question shall arise as to the Title to Money, &c.

LXXIV. Pro-

Court of
Chancery
may order
Expences, of
Purchases to
be paid.

LXXIV. Provided also, and be it enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Lands, Tenements, or Hereditaments to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the Court of Chancery, and to be applied in the Purchase of other Lands, Tenements, and 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 to be from Time to Time 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.

Prescribing
Form of Con-
veyance, &c.

LXXV. And be it further enacted, That all Sales, Conveyances, and Assurances of any Lands, Tenements, or Hereditaments, to be made to the said Commissioners, 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 appointed by virtue of an Act of
‘ Parliament, made in the Fifty-ninth Year of the Reign of King George
‘ the Third, intituled [*here set forth the Title of this Act*] do hereby grant
‘ and convey to the said Commissioners and their Successors, all my
‘ Right, Title, and Interest to and in the same, and every Part thereof,
‘ to hold to the said Commissioners and their Successors for ever. In
‘ witness whereof I have hereto 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.

Provision for
Payment of
Purchase
Money.

LXXVI. And be it further enacted, That every Sum of Money to be agreed for, or awarded or assessed as aforesaid, shall be paid out of the Monies to be received by the said Commissioners by virtue of this Act; and upon Payment thereof to the Party or Persons respectively entitled to such Monies, or their Agents, or depositing the same in the Bank of England (as the Case may be) in Manner by this Act directed and required, all the Estate, Right, Title, Interest, Use, Trust, Property, Claim and Demand in Law and Equity of the Person or Persons respectively to whose Credit or Use the same shall have been paid, in, to, and out of such Lands, Buildings, Houses, Tenements or other Hereditaments, shall vest in the said Commissioners, in Trust for effecting the Purposes of this Act by them, and they shall be deemed in Law to be in the actual Seisin and Possession thereof, to all Intents and Purposes whatsoever, as fully and effectually as if every Person having any Estate in the Premises had actually conveyed the same by Lease and Release, Bargain and Sale enrolled, Feoffment with Livery of Seisin, Fine, Common Recovery, Surrender, or any other Conveyance or Assurance whatsoever; and such Payments shall not only bar all Right, Title, Interest, Claim and Demand of the Person or Persons to whose Use or Credit such Payments shall have been made as aforesaid, but also extend to and be deemed and construed to bar
Dower

Dower of the Wife and Wives of such Person and Persons, and all Estates Tail and other Estates, in Possession, Reversion, Remainder or Expectancy, and the Issue of such Person and Persons claiming under them, as effectually as Fines or Common Recoveries would do, if levied or suffered by the proper Parties in due Form of Law.

LXXVII. And be it further enacted, That all and every Person and Persons, Body and Bodies Politic, Corporate, and Collegiate, in possession of any Houses or Buildings, Lands, Tenements, or Hereditaments, which shall be purchased by virtue of this Act by the said Commissioners, or any Part thereof, shall at the End of Twelve Calendar Months next after Notice shall be given to him, her, or them for that Purpose, under the Hands of Five or more of the said Commissioners, peaceably and quietly deliver up the Possession of the said Premises to such Person or Persons as shall be authorized by the said Commissioners to take Possession thereof, they the said Commissioners making such Satisfaction to every such Person or Persons, Bodies Politic, Corporate or Collegiate, in case he, she, or they shall be required to quit before the Expiration of his, her, or their Term in the Premises, as the said Commissioners shall deem just and reasonable; and in case any Dispute or Difference shall arise touching or concerning the same, such Satisfaction or Compensation shall be settled and ascertained by a Jury in Manner herein-before mentioned; and in case any such Person, or Body Politic, Corporate or Collegiate, shall refuse to give up such Possession as aforesaid, it shall and may be lawful to and for the Sheriff of the said County Palatine to issue his Precept or Warrant, signed by him, to the Constable of and for the said Township of *Burnley*, to deliver Possession of the Premises to such Person or Persons as shall in such Precept or Warrant be nominated to receive the same, and the said Constable is hereby required to deliver such Possession accordingly, and to levy such Costs as shall accrue upon the Issuing or Execution of such Precept or Warrant on the Person or Persons so refusing to give Possession as aforesaid, by Distress and Sale of his, her, or their Goods, returning the Overplus (if any) to the Owner thereof on Demand.

Possession to
be delivered
up.

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

Power for
Commissioners to sell
such Lands
as shall not
be wanted
by them.

LXXIX. Provided always, and be it further enacted, That the said Commissioners, before they shall sell and dispose of any such Buildings or Grounds, shall first offer the same for Sale to the Person or Persons

Persons from
whom such
Lands shall
have been

[Local.]

9 H

respectively

purchased to
have the first
Offer thereof.

respectively from whom they shall have purchased such Buildings or Grounds; and in case such Person or Persons shall not then and thereupon agree, or shall refuse to re-purchase the same, then and in every such Case, an Affidavit, to be made and sworn before a Master Extraordinary in the High Court of Chancery, or before One or more of His Majesty's Justices of the Peace for the said County of *Lancaster*, by some Person or Persons no way interested in the said Buildings or Grounds, stating that such Offer was made by or on behalf of the said Commissioners, and that such Offer was not then and thereupon agreed to, or was refused by the Person or Persons to whom the same was so offered, shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made, and was not agreed to, or was refused by the Person or Persons to whom it was made (as the Case may be); and in case such Person or Persons shall be desirous of purchasing the same, and he, she, or they and the said Commissioners shall differ and not agree with respect to the Price thereof, then the Price or Prices thereof shall be ascertained by a Jury in Manner herein-before directed with respect to the disputed Value of the Premises to be purchased by the said Commissioners in pursuance of this Act; and the Expence of hearing and determining such Difference shall be borne and paid in like Manner as herein-before directed with respect to such Purchases made by the said Commissioners, *mutatis mutandis*, and the Money to arise by the Sale or Sales which may be made by the said Commissioners of such Buildings or Grounds as aforesaid shall be applied to the Purposes of this Act; but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Nonapplication of such Money.

Commissioners may contract for lighting, &c.

LXXX. And be it further enacted, That it shall and may be lawful to and for the same Commissioners to enter into any Contract or Contracts for lighting, watching, paving, flagging, widening, amending, cleansing, watering, improving, and regulating the several Markets, Squares, Streets, Ways, Lanes, public Passages and Places within the Limits of this Act, or for furnishing Materials, or any other Matters or necessary Things whatsoever to be done by them the said Commissioners for the Purposes of this Act; but before any such Contract or Contracts shall be entered into, Fourteen Days Notice at the least shall be given in some Newspaper, printed or circulated in the said County Palatine of *Lancaster*, expressing the Purpose or Purposes of such Contract or Contracts, in order that any Person or Persons willing to undertake the same may make Proposals for that Purpose, to be offered to the said Commissioners at a certain Time and Place in such Notice to be mentioned; and the said Commissioners shall and they are hereby required to take Security from every such Contractor for the due Performance of his or her Contract.

Commissioners to compound for Breach of Contract.

LXXXI. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, from Time to Time, and at all Times hereafter, to compound and agree with any Person or Persons for or on account of any Breach or Non-performance of such Contract or Contracts, at and for such Sum or Sums of Money, or upon such Terms and Conditions, as they the said Commissioners shall think proper.

LXXXII. And be it further enacted, That every such Contract or Contracts shall specify the several Works to be done, and the Prices to be received or paid for the same, and the Time or Times when the said Works are to be completed, and the Penalties to be suffered in case of Non-performance thereof, and shall be signed by the said Commissioners, or any Three or more of them, and also by the Person or Persons contracting to perform such Work respectively; which Contract or Contracts shall be entered in a Book or Books to be kept for that Purpose by the Clerk to the said Commissioners.

Contracts to be signed by Commissioners.

LXXXIII. 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 or Annuities 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 appointed by them 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.

Commissioners not answerable in their private Capacity;

but to be subject to Rates.

LXXXIV. And, in order to enable the said Commissioners to carry this Act into immediate Execution, be it further enacted, That it shall and may be lawful to and for the said Commissioners, or any Five or more of them, from Time to Time to borrow and take up at Interest such Sum or Sums of Money as they shall think necessary, so as that the Sum to be borrowed shall not at any one Time exceed in the whole Ten thousand Pounds, for the several Purposes of this Act, upon the Credit of the said Rates, Assessments, and Monies, to be made, levied, collected and received by virtue of this Act; and by Writing under their Hands and Seals to assign all or any Part of the said Rates, Assessments, or Monies, to such Person or Persons as shall lend or advance any Money thereon, or to his, her, or their Trustee or Trustees, as Security for the principal Money to be advanced, with legal Interest for the same; and the Charges and Expences of such Assignment thereof (to be made as herein-after mentioned), shall from Time to Time be defrayed by the said Commissioners out of the Monies to be borrowed; and every such Assignment shall be in the Words or to the Effect following; (that is to say),

Commissioners Power to borrow Money.

WE, _____ of the Commissioners acting in the Execution of an Act passed in the Fifty-ninth Year of the Reign of King George the Third, intituled [*here set forth the Title of this Act,*] in consideration of the Sum of _____ advanced and lent by _____ upon the Credit and for the _____

Form of Assignment.

' the Purposes of the said Act, do hereby grant and assign unto the
 ' said his Executors, Administrators, and
 ' Assigns, such Proportion of the Rates, Assessments, and Monies to
 ' be raised, levied, collected, and received by us, by virtue of the said Act,
 ' as the Sum of doth or shall bear to the whole Sum
 ' which may at any Time be borrowed, or become due and owing, or
 ' to be charged upon the Credit of the said Rates, Assessments, or
 ' Monies, to be had and holden from this Day of
 ' until the said Sum of with
 ' Interest at *per Centum per Annum* for
 ' the same, shall be repaid and satisfied. In Witness whereof, we the
 ' said Commissioners have hereunto set our Hands and Seals, the
 ' Day of in the Year of
 ' our Lord

And all such Assignments shall be numbered, commencing with
 Number One, and so proceeding in an arithmetical Progression ascend-
 ing, whereof the common Excess or Difference shall always be One;
 and every such Security shall be good, valid, and effectual, and shall
 entitle the Person or Persons to whom the same shall be made, his, her,
 or their Executors, Administrators, and Assigns, to the Payment thereof,
 and to all Profit and Advantage thereof, according to the true Intent
 and Meaning of this Act.

Power to
 borrow Mo-
 ney at a
 lower Inte-
 rest, &c.

LXXXV. Provided always, and be it enacted, That in case the said
 Commissioners can at any Time borrow or take up any Sum or
 Sums of Money at a lower Rate of Interest than the Assignments or
 Securities which shall be then in force shall bear, it shall and may be
 lawful to and for the said Commissioners to charge the said Rates,
 Assessments, or Monies, in Manner aforesaid, with such Sum or Sums
 of Money as they shall think proper, and the Interest thereof at such
 low Rate as aforesaid, and to pay off and discharge the Assignments
 or Securities bearing a higher Rate of Interest, according to the Directions
 and Regulations herein prescribed for paying of Assignments or Secu-
 rities.

Securities
 may be transf-
 ferred.

LXXXVI. And be it further enacted, That it shall be lawful for the
 Persons entitled to any of the Securities for the Money to be borrowed
 upon legal Interest as aforesaid, and their respective Executors, Adminis-
 trators, or Assigns (as the Case may be), at any Time, by Writing under
 their Hands and Seals, to transfer such Securities to any Person or Persons
 whomsoever; and every such Transfer may be in the Words or to the
 Effect following; (that is to say),

Form of
 Transfer.

' I being entitled to the Sum of
 ' secured to and his Assigns [*or, his Executors, Admi-*
 ' nistrators and Assigns, *as the Case may be*], by virtue of an Assignment
 ' bearing Date the Day of under the Hands
 ' and Seals of of the Commissioners acting in the Execution
 ' of an Act passed in the Fifty-ninth Year of the Reign of King *George*
 ' the Third, intituled [*here set forth the Title of this Act*], upon the Credit
 ' of the Rates, Assessments, and Monies granted or payable by the said
 ' Act, do hereby transfer all my Right and Title in and to the same
 ' Sum

Sum, and all Interest and other Money now due and arising thereon, unto
his Executors, Administrators, and Assigns. Dated
the Day of

And a Copy of every Security or Assignment, together with the Number or Numbers thereof, and an Extract or Memorial of every Transfer thereof respectively, shall be entered in a Book to be kept for that Purpose by the Clerk to the said Commissioners; which Extract or Memorial shall specify and contain the Date, Names of the Parties, and Sums of Money thereby transferred, to which Book any Person interested shall at all reasonable Times have Access, and shall have free Liberty to inspect the same without Fee or Reward; and for entering every such Transfer the said Clerk shall be paid by the Person to whom such Transfer shall be made the Sum of Five Shillings, and no more; and every such Transfer, after Entry thereof as aforesaid, shall entitle the Person to whom the Transfer shall be made, and his or her Executors, Administrators, and Assigns, to the Benefit of the Security thereby transferred, without any other Registry or Enrolment whatsoever.

Power to
transfer As-
signments.

LXXXVII. And be it further enacted, That the said Commissioners shall Yearly and every Year after the Expiration of the first Two Years from the Day of the Commencement of this Act, pay off and discharge One Tenth Part at the least of the Monies borrowed on the Credit of this Act, together with the Interest due thereon, and shall for that Purpose cause the Number of all Assignments or Securities granted and then in force for securing the Principal Monies lent and advanced upon the Credit of the said Rates, Assessments, or Monies, to be written upon distinct Pieces of Paper of an equal Size, and all such Papers shall be rolled up in the same Form, as near as may be, and put into a Box or Wheel, and the Number or Numbers of the said Assignment or Securities, to the Amount then intended to be paid off, shall be drawn separately out of the said Box or Wheel by the Clerk to the said Commissioners; and after every such Ballot, the said Commissioners shall cause Notice, signed by their Clerk, to be given to or left at the last or usual Place of Abode of the Person or Persons who shall be entitled to the Money to be paid off, pursuant to such Ballot; and where there is only one Creditor, to give Six Calendar Months Notice in Writing to such Creditor of the Intention of the said Commissioners to pay him or her as aforesaid; and every such Notice shall express the Sum to be paid off, together with the Interest due thereon, and that the same shall be paid on a Day and at a Place to be specified in such Notice, such Day not being sooner than Six Calendar Months after the Day of giving or leaving such Notice as aforesaid; and the Interest of the Principal Money so to be paid off shall from and after the Day so specified cease, and be no longer paid or payable, unless such Money shall be demanded pursuant to such Notice, and not paid; but the Principal Money in respect whereof such Notice shall be given, and also the Interest thereof to the Day so specified, shall nevertheless be payable on Demand.

Provision for
the Payment
of Creditors
by Ballot.

LXXXVIII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners to make, constitute, ordain, and provide from Time to Time such Bye Laws, Rules, Orders and Regulations as they shall think fit, for licensing and authorizing a sufficient Number of
[Local.]

Commission-
ers to make
Bye Laws
for regulating
Sedan Chairs,

Hackney
Coaches, and
Chaises.

Sedan Chairs, Hackney Coaches and Chaises, within the Limits of this Act, and in what Manner the Carriers, Coachmen or Drivers thereof shall conduct and behave themselves in their respective Employments; and also in what Manner such Sedan Chairs and Hackney Coaches and Chaises shall be furnished and provided, and for punishing the Misconduct and Misbehaviour of Chairmen or Carriers of Sedan Chairs, and of Coachmen or Drivers of Hackney Coaches or Chaises within the Limits of this Act; and for ascertaining what Fares and Prices, as well for Time as Distance, shall be allowed to be taken by such Chairmen, Coachmen, or Drivers, and to what Distance such Chairmen, Coachmen, or Drivers shall be obliged to go and come, in, over, round, and about every Part of the Limits of this Act, and the Precincts thereof, and the Rates and Fares to be taken for the same; and the said Commissioners may from Time to Time, as they shall think fit, repeal, alter, or amend such Bye Laws, Rules and Orders, or any of them, and shall set down what pecuniary Penalties or Forfeitures shall be incurred by Persons breaking or evading the same, or any of them; provided no such Penalty or Forfeiture shall exceed the Sum of Twenty Shillings for any one Offence: Provided always, that such Bye Laws, Rules, Orders and Regulations, or any Alteration thereof, shall not be repugnant to the Laws of that Part of the United Kingdom of *Great Britain and Ireland* called *England*, nor inconsistent with any of the Powers or Provisions in this Act contained.

Bye Laws to
be printed
and affixed
up.

LXXXIX. And be it further enacted, That the said Commissioners shall cause the Rules, Orders, and Bye Laws by this Act authorized to be made by them, and any Alteration thereof, to be from Time to Time printed and distributed, and a Copy thereof, signed by the Clerk to the said Commissioners, shall be affixed up in his Office for the free and open Inspection of all Persons at convenient Hours, without Fee or Reward; and also to be affixed upon some conspicuous Place in the said Town of *Burnley*; and the said Bye Laws, Rules, Orders, and Regulations shall be as good, valid, and effectual as if the same had been enacted in this Act; but no Bye Law, Rule, Order, or Regulation, shall have any force or effect until Ten Days next after the same shall have been affixed as aforesaid, and the same respectively shall be subject to Appeal in Manner herein-after mentioned.

Licences to
be in force
for One Year,
and to be
signed by
Five Com-
missioners.

XC. And be it further enacted, That every Licence to be granted for the Purposes aforesaid under this Act shall be granted without Fee or Reward, and shall be signed by Five of the said Commissioners at the least present at some Meeting to be held under this Act, and every Licence not so signed shall be void; and every such Licence shall continue and be in force for One Year from the Day of the Date of such Licence, and shall be made out by the Clerk for the Time being to the said Commissioners, and be duly entered in the Book of Proceedings of the said Commissioners.

Penalty on
Persons using
Sedan Chairs
without
Licence.

XCI. And be it further enacted, That if the Carrier or Carriers of any Sedan Chair, for the Purpose of letting the same to hire, or the Coachman or Coachmen, Driver or Drivers of any Hackney Coach or Chaise, shall be found using any Sedan Chair, Hackney Coach, or Chaise, within the Limits of this Act, without Licence as aforesaid; or having such Licence, shall be found using any Sedan Chair, Hackney Coach, or Chaise within the said Limits, contrary to the Rules or Regulations of the said Commis-
sioners.

soners for licensing and regulating Sedan Chairs, Hackney Coaches, or Chaises, and the Carriage Rates or Fares of the same; or if any Person or Persons shall refuse or neglect to pay on Demand any licensed Chairman or Chairmen, Coachman or Coachmen, Driver or Drivers, the Money justly due to him or them for the Fares, Hire, or Service done under any Licence or Bye Law made in pursuance of this Act, all and every of such Offences, and also all and every other Offences, Misbehaviour, Punishments, Penalties and Forfeitures whatsoever, that may arise, happen, or be incurred, committed or done by any Carrier or Carriers of any Sedan Chair, or any Coachman or Coachmen, Driver or Drivers of any Hackney Coach or Chaise, whether licensed or not, against any of the Provisions of this Act, or any of the Bye Laws to be made in pursuance thereof, for licensing of and regulating Sedan Chairs, Hackney Coaches, or Chaises, and the Carriers, Coachmen, or Drivers thereof, shall be heard and determined by any one or more Justice or Justices of the Peace for the said County Palatine of *Lancaster*, who on Complaint made thereof to him or them is and are hereby authorized and required to grant his or their Summons against the Person or Persons complained of, to appear before him or them at some Time and Place to be mentioned in such Summons, to answer the Matter of the said Complaint; and on Proof on Oath of the Service thereof, such Justice or Justices shall proceed to hear the Matter of the said Complaint on Oath, whether the Person summoned shall appear or not, and make such Order therein as to such Justice or Justices shall appear to be just, touching such Complaint, and for paying the Costs attending the Application, Hearing, and Determination of the same; and in case of any Disobedience to such Order, or in case any such Person or Persons shall be convicted before such Justice or Justices of any Offence under this Act, or any Bye Law to be made as aforesaid, and shall not immediately pay the Money or Penalty in which he or they shall be so convicted, then and in every such Case it shall be lawful for such Justice or Justices to grant his or their Warrant of Distress against the Goods and Chattels of such Person or Persons, and to seize and distrain the same, and the same to sell and dispose of for raising such Monies and Penalties, and all Costs attending the same, and after Payment thereof, to return the Overplus (if any) on Demand to the Owner of the Goods and Chattels so distrained; and if no sufficient Distress can be found, or in case of any Disobedience of such Order, then to commit the Person or Persons so convicted as aforesaid to the Common Gaol or House of Correction for the said County Palatine of *Lancaster*, there to remain for any Time not exceeding Six Calendar Months, without Bail or Mainprize, unless the Money mentioned in such Order, if it be an Order for Payment of Money, shall be sooner paid and satisfied.

XCVI. Provided always, and be it further enacted, That this Act, or any thing therein contained, or any Bye Law, Rule, Order or Regulation to be made by the said Commissioners for any of the Purposes aforesaid, in pursuance of this Act, shall not extend or be construed to extend to prohibit or hinder any Person or Persons from having or using his, her, or their own Sedan Chair, Coach or Chaise, so as the same be not used for Hire, or plying for Hire within the Limits of this Act.

Not to prevent the Use of private Sedan Chairs, &c.

XCVII. Provided always, and be it further enacted, That this Act, or any thing therein contained, shall not extend or be construed to extend to

Commissioners of any Road Act

shall continue
liable to re-
pair Ways
and Roads as
before the
passing of
this Act.

to release or discharge the Trustees or Commissioners named or appointed under or by virtue of any Act or Acts of Parliament for repairing any Highway or Road within or passing through the Limits of this Act, or any Part thereof, from the Expences of paving, widening, amending, or repairing any of the said Markets, Streets, Squares, Ways, Lanes, and Places of and within the said Limits; but that the said Trustees and Commissioners shall be and remain subject and liable to such Repairs as they were before the passing of this Act, and as they would have been if this Act had not been passed.

Mode of
Recovery of
Fines and
Forfeitures.

XCIV. And be it further enacted, That all Fines, Penalties, and Forfeitures inflicted or imposed by this Act (the Manner of levying and recovering whereof is not hereby particularly directed), or which shall be inflicted or imposed by any Rule, Order, or Bye Law of the said Commissioners, to be made under the Authority of this Act, may in case of Nonpayment thereof be recovered in a summary Way by the Order and Adjudication of one or more Justice or Justices of the Peace of the said County of *Lancaster*, on Complaint to him or them for that Purpose exhibited, and afterwards be levied, as well as the Costs of such Proceedings, on Nonpayment, by Distress and Sale of the Goods and Chattels of the Offender or respective Offenders, or Person or Persons liable to pay the same, by Warrant under the Hand and Seal or Hands and Seals of such one or more Justice or Justices, who is and are hereby authorized and required to summon and examine any Witness or Witnesses upon Oath of and concerning such Offences, Matters, and Things, and hear and determine the same, and to fix and mitigate the said Penalties and Forfeitures according to his or their Discretion and the Provisions in that respect hereinbefore contained; and the Overplus (if any) of the Money so raised or recovered, after discharging the Fine, Penalty or Forfeiture for which such Warrant shall be issued, and the Costs and Expences of recovering and levying the same, shall be rendered to the Owner or Owners of the Goods or Chattels so seized and distrained; and for want of sufficient Distress of Goods and Chattels whereon to levy as aforesaid, and in case the Fine, Penalty or Forfeiture, and the Costs of recovering the same, or any Part thereof, shall remain unpaid for the Space of Five Days after such Order and Adjudication made, it shall be lawful for such Justice or Justices, and he or they is and are hereby authorized and required, upon Application made to him or them for that Purpose, by Warrant under his or their Hand and Seal or Hands and Seals, to commit such Offender or Offenders, Person or Persons, so liable to such Payments, to the House of Correction, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, unless such Fine, Penalty, or Forfeiture, and all Costs and Expences attending the Proceedings to recover the same, shall be sooner paid and satisfied.

XCV. And be it further enacted, That every Justice of the Peace before whom any Person shall be convicted of any Offence against this Act, shall and may cause the Conviction to be drawn up according to the Form following; (that is to say),

Form of
Conviction.

‘ Lancashire, } BE it remembered, That on the Day of
‘ to wit. } in the Year of our Lord is convicted before
‘ me, One of His Majesty’s Justices of the Peace for the County of
‘ [here

‘ [here specify the Offence or Omission, and the Time and Place when and where committed, as the Case may be]. Given under my Hand and Seal, the Day and Year first above written.’

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

Proceedings not to be quashed for want of Form.

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

Distress not unlawful for want of Form.

XCVIII. Provided always, and be it further enacted, That any Body or Bodies Corporate or Collegiate, or any other Person or Persons whatsoever, thinking himself, herself, or themselves aggrieved by any Rule or Bye Law, or by any Order or Judgment made or given in pursuance of any Rule, Bye Law, or Order of the said Commissioners, or by the Order or Determination of any Justice or Justices of the Peace in pursuance of this Act, may, within Three Calendar Months after the Cause of Complaint shall have arisen, appeal to the Justices of the Peace at their next General Quarter Sessions of the Peace to be holden for the said County, the Person or Persons appealing having first given at least Fourteen clear Days Notice of such Appeal, and of the Nature and Matter thereof, to the Person or Persons appealed against, or to the Clerk to the said Commissioners, and forthwith after such Notice entering into a Recognizance before some Justice of the Peace for the said County, with sufficient Sureties, conditioned to try such Appeal, and to abide the Order and Award of the said Court thereon; and the said Justices, upon due Proof of such Notice and Recognizance having been given and entered into, shall in a summary Way hear and determine such Complaint at such General Quarter Sessions of the Peace, or if they think proper, may adjourn the Hearing thereof to the next General Quarter Sessions of the Peace to be held for the said County; and if they see Cause may mitigate any Forfeiture or Fine, and may order any Money to be returned which shall have been levied in pursuance of such Rule, Bye Law, Order, Judgment or Determination of the said Commissioners or Justices, and shall and may also award such further Satisfaction to be made to the Party injured, or such Costs to either of the Parties, as they shall judge reasonable and proper; and all such Determinations of the said Justices shall be final, binding, and conclusive upon all Parties, to all Intents and Purposes whatsoever.

Appeal may be made to the Quarter Sessions.

Justices may
relieve on
Appeal from
Rates of
Commission-
ers without
quashing the
whole.

XCIX. Provided always, and be it enacted, That in any Appeal from the said Rates or Assessments, or any of them, to be made by the said Commissioners for the Purposes of this Act, the Justices at the General Quarter Sessions to be holden for the said County of *Lancaster*, 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 for the whole Rate or Assessments 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.

Inhabitants
may be Wit-
nesses.

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

Plaintiff not
to recover
after Tender
of Amends.

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

Limitation of
Actions.

CII. And be it further enacted, That no Action or Suit shall be brought against any Person or Persons for any thing done in pursuance of this Act, or in relation to the Matters herein contained, after Three Calendar Months from the Fact committed; and every such Action or Suit shall be brought and tried in the County where the Cause of Action shall have arisen, and not elsewhere; and the Defendant or Defendants in every such Action or Suit shall or may, at his or their Election, plead specially, or the General Issue, and give this Act and the special Matter in Evidence at any Trial, and that the same was done in pursuance and under the Authority of this Act; and if the same shall appear to have been so done, or if such Action or Suit shall have been brought before the Expiration of Twenty-eight Days next after such Notice shall have been given as aforesaid, or after sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same, or shall be brought in any other County or Place than as aforesaid, then and in every of the said Cases the Jury shall find a Verdict for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Suit after the De-

General Issue.

Defendant or Defendants shall have appeared, or upon any Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, then and in every such Case the Defendant or Defendants shall recover Treble Costs, and have such Remedy for recovering the same as any other Defendant or Defendants hath or have in other Cases by Law. Treble Costs.

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

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

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

CVI. And be it further enacted and declared, That all Orders, Notices, and Summonses, which are directed or required to be given by this Act, or which are or may be directed and required to be given by any Rules, Orders, or Bye Laws made or to be made in pursuance of this Act, or which shall or may be necessary for carrying into Execution any of the Powers of the same, or any such Rules, Orders, or Bye Laws, of which the Manner of serving the same is not particularly directed by this Act, the Service of any such Order, Notice or Summons, either on the Person to whom the same ought to be given, or leaving the same, or a true Copy thereof, signed by the Clerk for the Time being to the said Commissioners, at the Dwelling House or usual or last Place of Abode of such Person, shall be good and sufficient Service of any such Order, Notice, or Summons. Directing the Manner of serving Orders, Summonses, and Notices.

CVII. 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. Public Act.

