



ANNO QUARTO

GEORGIIV. REGIS.

Cap. iii.

An Act for lighting, cleansing, watching, and otherwise improving the Town and Borough of *Darlington*, in the County of *Durham*.

[24th *March* 1823.]

WHEREAS the Town and Borough of *Darlington*, in the County of *Durham*, (through which the Great North Road passes) is of considerable Extent, and a Place of great Resort: And whereas it would tend greatly to the Accommodation, Safety, and Convenience, not only of the Inhabitants of the said Town and Borough, but of all Persons resorting to or travelling through the same, if the Streets, Lanes, and other public Passages and Places were properly cleansed, lighted, watched, and otherwise improved, and if certain Nuisances, Annoyances, and Obstructions were removed, and Provision made for preventing the like in future; but as such Purposes 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 *George Allan, John Allan, John Arden, Thomas Allan, Richard Atkinson Clerk, Thomas Backhouse, Jonathan Backhouse, Jonathan Backhouse the younger, William Backhouse, James Backhouse, John Backhouse, William Backhouse the younger, John Baxter, William Bell, Robert Botcherby, John Botcherby,* Commission-
ers.
[*Local.*] G g Thomas

Thomas Bowes, Jacob Brantingham, William Gascoigne Brantingham, George Bainbridge Brown, Thomas Buttery, Richard Carlisle, Ralph Child, Thomas Chilton, Thomas Clark, Anthony Colling, Robert Colling, William Crowe, Thomas Craddock, William Emmerson Dennison, John Dinsdale, John Dixon, Robert Dixon, Christopher Dove, William Dove, John Dove, James Dove, Samuel Forster the younger, Joseph Forster, Thomas Forster, Charles Gollop, William Gray, Robert Harrison, William Henderson, Perkin Hinde, Thomas Horner, Thomas Horner of Northgate, George Horner, Ralph Horner, Ralph Horner the younger, Christopher Hird, Thomas Haw, Richard Hodgson, John Janson, William Janson, Francis Kipling, William Kitching, Richard William Johnston, John George Lambton, Harrington Lee, William Lee, George Dixon Lightfoot, William Lightfoot, David Mac Keown, Francis Mewburn, George Middleton, Robert Middleton, William Ord, John Peacock Doctor of Medicine, Thomas Pease, Edward Pease, Joseph Pease, Joseph Pease the younger, Isaac Pease, John Pease, the Perpetual Curate of Darlington for the Time being, John Beaumont Pease, Richard Pickersgill, Nathaniel Plews, William Pomfret, Thomas Pomfret, John Pomfret, Joseph Porter, George Proven, James Rickaby, William Ridsdale, Lawrence Ridsdale, Jervis Robinson, Thomas Pickering Robinson, John Robinson, John Robinson of Northgate, William Robson, Thomas Rumford, William Rumford, William Rymer, Pinckney Simpson, Thomas Simpson, Henry Frederick Smith, Jeremiah Savage, William Skinner, William Skinner the younger, John Holt Skinner, Ralph Smith, John Smurthwaite, Thomas Smurthwaite, George Spencer, Thomas Spencer, Robert Stephenson, George Storrow, Richard Scott, John Taylor, Anthony Thistlewaite, Humphrey Thompson, Joseph Thornton, Thomas Todhunter, Edward Todhunter, John Tolson, James Toulmin, James Trenholm, John Tweddle, John Turner, William Walters, Bright Wass, James Watson, Richard Wilson, and Robert Wilson, and the several other Persons from Time to Time to be elected and appointed in Manner herein-after mentioned, shall be and they are hereby appointed Commissioners for lighting, cleansing, watching, and otherwise improving the said Town and Borough of Darlington, and for putting this Act into Execution.

Limits of the Act.

II. And be it further enacted, That the Limits of this Act shall for all the Purposes thereof be deemed and taken to comprise the whole of that Part of the Town and Borough of *Darlington* which is within the Constableries of *Darlington Bondgate*, and of *Darlington Borough*, and of *Priestgate* and *Prebend Row*; and for the Purposes of this Act the whole of such Constableries shall be considered to be within the Limits of the Town and Borough of *Darlington*.

Appointment of new Commissioners.

III. And be it further enacted, That in case any of the Commissioners appointed or hereafter to be appointed under or by virtue of this Act, shall die, or shall refuse, neglect, or become incapable to act as a Commissioner in the Execution of this Act, then and so often it shall be lawful for the surviving or remaining Commissioners under this Act, or any Five or more of them, assembled at the then next or some subsequent Meeting which shall be held by virtue of this Act, and they are hereby required, (the Death or Refusal, Neglect to act, or Disability of the Commissioner or Commissioners so dying, or refusing, neglecting,
or

or becoming incapable to act as aforesaid, and the intended Election of his or their Successor or Successors, being expressed in the Notice or Summons for such Meeting), to elect and appoint a Commissioner in the Room or Stead of every such Commissioner so dying, or refusing, neglecting or becoming incapable to act as before mentioned; and every such new Commissioner so from Time to Time elected and appointed as herein-before is directed shall be joined with the other Commissioners, and have the like Powers and Authorities vested in him in all Respects whatsoever, for putting this Act in Execution, as if he had been named a Commissioner in and by this Act.

IV. Provided always, and be it further enacted, That no Person shall be capable of acting as a Commissioner in the Execution of this Act unless he be a Householder resident within the said Town or Borough of *Darlington*, and shall really and *bonâ fide* be possessed of Real or Personal Property, or both Species of Property taken together, amounting to the Value of Eight hundred Pounds above Reprizes; nor shall any Person be capable of acting as a Commissioner in the Execution of this Act (except in administering the Oath or Affirmation herein-after mentioned) until he shall have taken and subscribed before One or more of the said Commissioners, (who is and are hereby empowered to administer the same), an Oath or Affirmation in the Words or to the Effect following; (that is to say),

‘ I *A. B.* do swear [*or, being a Quaker, do solemnly affirm*], That I am really and *bonâ fide* possessed of Real Property [*or of Personal Property, or of Real and Personal Property added together, as the Case may be*] amounting to the Value of Eight hundred Pounds above Reprizes; and that I will faithfully, truly, and impartially, according to the best of my Skill and Judgment, execute and perform all and every the Powers and Authorities reposed in me as a Commissioner by virtue of an Act passed in the Fourth Year of the Reign of King *George the Fourth*, intituled, *An Act, &c.* [*here set forth the Title of this Act*].
‘ So help me GOD.’

V. Provided always, and be it further enacted, That if any Person not appointed a Commissioner by this Act, or not having taken and subscribed the Oath, or being a Quaker the Affirmation, hereinbefore mentioned, or not being otherwise duly qualified, shall nevertheless presume to act as a Commissioner for putting this Act in Execution, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds, together with full Costs of Suit, to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster*; and every Person so prosecuted, or against whom such Action shall be brought, shall prove that he was at the Time of acting qualified as aforesaid, or otherwise shall pay the said Penalty, without any other Proof given on the Part of the Plaintiff or Prosecutor than that such Person has acted as a Commissioner in the Execution of this Act: Provided nevertheless, that all Acts and Proceedings of any Person acting as a Commissioner in the Execution of this Act, though not qualified as aforesaid, previous to his or their being convicted of the said Offence, shall, notwithstanding such Conviction,

Qualification.

Oath.

Penalty on Commissioners acting not being qualified.

Conviction, be as good, valid, and effectual as if such Person had been qualified according to the Directions of this Act.

Commissioners, being Justices, may act.

VI. And be it further enacted, That it shall be lawful for such of the said Commissioners as are or shall be Justices of the Peace to act as such in the Execution of this Act, notwithstanding their being Commissioners, except in such Cases where they shall be personally interested.

Meetings of Commissioners.

VII. And be it further enacted, That the said Commissioners shall meet in the Town Hall in *Darlington* aforesaid, or at some other convenient Place there, on the Second *Tuesday* next after the passing of this Act, or as soon afterwards as conveniently may be; and the said Commissioners shall proceed in the Execution of this Act, and shall afterwards meet at the same or some other convenient Place in *Darlington* aforesaid, on the Second *Tuesday* in the Months of *January*, *April*, *July*, and *October* in every Year, for the Purpose of carrying this Act into Execution, without any Notice being given to the said Commissioners of such Meetings.

Adjournments.

VIII. Provided always, and be it further enacted, That it shall be lawful for the said Commissioners assembled at such Meetings, or any One of them, to adjourn for any shorter Space of Time, and to meet at the Place aforesaid, or at any other convenient Place in *Darlington* aforesaid, but in every such Case Notice of such adjourned Meeting in Writing or Print, to which Notice the Name of the Clerk of the said Commissioners shall be subscribed or printed, shall be fixed on the Market Cross in *Darlington* aforesaid, and also be delivered at the Place of Abode of such of the said Commissioners as shall be resident in *Darlington* aforesaid, at least Two Days before the Time appointed for the same; and at all Meetings to be held in pursuance of this Act, the said Commissioners shall defray their own Expences (except for the Use of the Room or Apartment where such Meetings shall be held, which shall be paid for out of any Monies to be received by virtue of this Act), and no Act of the said Commissioners shall be valid unless made or done at some Meeting to be held by virtue of this Act; and that all Powers and Authorities by this Act granted to or vested in the Commissioners appointed or to be appointed by or by virtue of this Act, shall from Time to Time be exercised by the major Part of them present at their respective Meetings, to be holden as aforesaid, the Number of such Commissioners present not being less than Five, except only in the Cases herein mentioned as requiring a greater or less Number of them; and that in all Cases the said Commissioners shall vote by Ballot in case the same shall be desired by any Three or more of the said Commissioners then present; and in all Cases where the Number of Votes upon any Question shall be equal (including the Chairman's Vote) the Chairman shall have the casting Vote; and at every Meeting to be held under or in pursuance of this Act, the first Business thereof shall be the Election of one of the Commissioners present to be Chairman, to preside at the same Meeting.

IX. And be it further enacted, That if after any Adjournment of any Meeting of the said Commissioners, it shall at any Time be thought necessary that an earlier Day of Meeting should be appointed than the Day to which such Meeting shall be adjourned, it shall be lawful for the Clerk to the said Commissioners, by or under an Order in Writing signed by any Two or more of such Commissioners, or for any Two or more of such Commissioners (although not assembled at a Meeting), to call a Meeting of the said Commissioners, to be held at such Time and Place within the said Town of *Darlington* as they shall think proper, by Notice in Writing, mentioning the Time and Place and Purpose of such Meeting, (such Time not being less than Seven Days after Publication of such Notice), and all the Proceedings of the said Commissioners at such Meetings shall be as valid and effectual as they would have been in case such Commissioners had met in pursuance of an Adjournment, but no other Business shall be proceeded upon but what shall have been specified in such Notice.

Meetings on Emergencies.

X. And be it further enacted, That no Order made by the said Commissioners shall be revoked or altered at any subsequent Meeting, unless at a Meeting to be holden for that express Purpose, nor unless a greater Number of Commissioners shall attend at such Meeting to revoke or alter such Order than were present when such Order was made; any thing herein contained to the contrary thereof notwithstanding.

No Order to be revoked, unless by a greater Number of Commissioners than made the Order.

XI. 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 Acts, Orders, and Proceedings relative to the Execution of this Act, and of 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, shall be deemed Originals, and shall be allowed to be read in Evidence in all Courts whatsoever, and elsewhere, concerning any thing done in pursuance of this Act; and such Book and Books shall at all 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 in a Book.

XII. 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 in the Execution of this Act, and 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, and any Creditor or Creditors on the Rates hereby authorized to be made, without Fee or Reward; and the said Commissioners and Creditors shall and 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 Clerk shall refuse to permit, or

Accounts to be kept.

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shall not permit any of the said Commissioners or Creditors to inspect such Book or Books, or to take such Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum not exceeding Five Pounds.

Appointment
of Officers.

XIII. 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, Collector or Collectors, Receiver or Receivers of the Rates, Assessments, and Monies herein mentioned, and such other Officer and Officers, Person and Persons for the Execution of this Act, as the said Commissioners shall think proper, and 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, pay such Salaries, Wages, or Allowances to the said Officers and other Persons as the said Commissioners shall think reasonable; and the said Commissioners shall and they are hereby required to take such sufficient Security from every such Treasurer and other Officer for the due Execution of his Office as they shall think proper; 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 disbursed and paid, and for what Purposes, together with the Vouchers for such Payments, and shall pay all such Monies 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 next after being thereunto required by the said Commissioners by Notice in Writing, signed by their Clerk, to be given 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 Satisfaction respecting the same, then in every such Case, upon Complaint made by the said Commissioners, or any Three 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 he 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, without some reasonable Excuse to be allowed by such Justice, 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 the Testimony of any credible Witness or Witnesses upon Oath, (which Oath such Justice is hereby empowered to administer), it shall appear to such Justice that any of the Money which shall have been collected

collected or raised by virtue of this Act shall be due from 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 Officer or 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 such Goods and Chattels, 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 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 Borough, County, City, Town Corporate, or Place where such Offender shall be or reside, there to remain without Bail or Mainprize until he shall have made a true and perfect Account and Payment as aforesaid, or until he shall have compounded with such Commissioners for such Money, and shall have paid such Composition, which 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 shall 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 Six 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 Person, 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.

XIV. And be it further enacted, That if any Collector or Receiver of Monies to be levied by the Authority of this Act shall die, or become incapable of acting in the Execution of this Act, it shall and may be lawful to and for the said Commissioners, or any Three or more of them, though not assembled at a Meeting in pursuance of this Act, by any Writing under their Hands, to appoint any Person to be Collector or Receiver of the Monies until a Collector or Receiver shall be appointed by the said Commissioners at a Meeting to be holden in pursuance of this Act; any thing herein contained to the contrary notwithstanding.

Appointment
of Officers
in case of
Death.

XV. Provided always, and be it further enacted, That it shall not be lawful for the said Commissioners to appoint the same Person who may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, to be 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 to be the Clerk to the said Commissioners for executing this Act; and if any Person shall act in both the

Clerk and
Treasurer to
be different
Persons.

Capacities

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, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, Wager of Law, nor more than One Imparlance shall be allowed.

Commissioners to sue and be sued in the Name of the Clerk.

XVI. And be it further enacted, That the Commissioners appointed and to be appointed by and under this Act shall and may sue and be sued, and take all Bonds or Securities in the Name or Names of their Treasurer or Treasurers, or Clerk for the Time being to be appointed under this Act, or either or any of them; and that no Action or Suit which may be brought by or against the said Commissioners, or any of them, in relation to this Act, in the Names of their Treasurer or Treasurers, or Clerk, shall abate or be discontinued by the Death or Removal of such Treasurer or Treasurers, or Clerk, or by the Act of him or them, without the Consent of the said Commissioners (as the Case may be), but the Treasurer or Treasurers, or Clerk for the Time being, shall always be deemed Plaintiff or Plaintiffs, Defendant or Defendants, in every such Action or Suit, (as the Case may be): Provided always, that all and every such Treasurer or Treasurers, or Clerk, shall be reimbursed out of the Monies to be raised by virtue of this Act, all such Costs, Damages, and reasonable Expences as he or they shall be put unto or become charged or chargeable with by reason of his or their so being made Plaintiff or Plaintiffs, Defendant or Defendants as aforesaid; provided that the Action or Defence shall be prosecuted, or carried on and continued (as the Case may be) with the Consent of the said Commissioners.

Actions against Clerk and Treasurer to be brought in the Name of a Commissioner.

XVII. Provided always, and be it enacted, That in any Action to be brought by the said Commissioners against the Treasurer or Treasurers, or Clerk for the Time being, the same shall be commenced and prosecuted in the Name of One of the Commissioners for executing this Act; and that no such Action shall abate or be discontinued by reason of the Death or Resignation, or by the Act of such Commissioner, without the Consent of the said Commissioners or any Five or more of them, but that such Commissioner in whose Name any such Action shall be brought shall be deemed to be the Plaintiff in every such Action, and shall be fully reimbursed and paid, out of the Monies to arise by virtue of this Act, all such Damages, Costs, Charges, and Expences as by the Event or in consequence of any such Action or Proceeding he shall pay, bear, expend or be put unto, or become chargeable with, by reason of his being made such Plaintiff as aforesaid.

Commissioners empowered to cause the Streets, &c. to be

XVIII. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, for the Purpose of lighting the Streets and other public Passages and Places of the Town and Borough of *Darlington* aforesaid, from Time to Time and
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at such Time or Times as they shall think fit, 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 Materials and Things for lighting such Lamps either by Oil or Gas, or in any other Manner as they shall judge necessary, and to direct the same to be affixed and set up on or against the Walls and Palisadoes of all or any of the Houses, Tenements, or Buildings or Walls in any of the Streets and other Public Passages or Places in the Town and Borough of *Darlington* aforesaid, or in any other Manner they shall think proper and convenient, and from Time to Time to take or cause the same to be taken down, altered or removed, when and so often as they shall think fit, and to cause such Lamps or any of them to be lighted at such Seasons of the Year, and 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 Streets and other Public Passages or Places in the Town and Borough of *Darlington* aforesaid: Provided always, that if any Injury or Damage shall be occasioned to any Rails, Palisadoes, 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, or by laying down, taking up, altering, or repairing any such Works as aforesaid, the said Commissioners shall immediately cause such Injury or Damage to be well and sufficiently repaired, and to defray the Expences attending the same out of the Money to be raised by virtue of this Act.

lighted, and
to purchase
Lamps.

Commission-
ers to repair
Damage done
to Walls or
Rails by af-
fixing or
altering
Lamp Irons.

XIX. 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 the 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 Streets or other Public Passages or Places, or any Post, Iron, or 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 County of *Durham*, and he is hereby required upon Complaint to him made by 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 for the said County; 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

Penalty for
wilfully
breaking
Lamps.

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(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 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, 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 negligently breaking Lamps.

XX. 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, or any Post, Iron, Cover, or Furniture thereof respectively, and shall not upon Demand make Satisfaction for the Damage done, then and in every such Case it shall be lawful for any Justice of the Peace for the said County, and he is hereby required, upon Complaint made thereof by any Person, 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 had been served with such Summons, or that the same had been left at his, her, or their usual Dwelling or last Place of Abode, (if known), 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 any credible Witness, 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 Fine or Penalty can or may be levied and recovered by virtue of this Act.

Commissioners empowered to cause Streets, &c. to be lighted with Oil or Gas.

XXI. Provided always, and be it further enacted, That it shall and may be lawful to and for the said Commissioners to light or cause to be lighted the several Streets and other Public Passages and Places in the Town and Borough of *Darlington* aforesaid, or such of them as they shall think proper, either with Oil Lamps or by means of Gas or Inflammable Air, as the said Commissioners shall think fit, and to direct what Part or Parts of the said Town and Borough shall be lighted with Oil, and what Part or Parts by means of Gas or Inflammable Air; and it shall and may be lawful to and for the said Commissioners from Time to Time to contract and agree with any Company or Companies of Proprietors, or other Person or Persons, to light the same by means of Oil or Gas or Inflammable Air, in such Manner, and upon or under such Terms and Conditions, Stipulations and Agreements, as the said Commissioners shall think proper; and in case it shall be determined to light all or any of the said Streets and other Public Passages and Places in the Town and Borough of *Darlington* aforesaid with Gas or Inflammable Air, then it shall be lawful for the said Commissioners to break up or authorize to be broken up the Soil and Pavement of any of the Footways or Carriageways of any such Street or other Public Passages and Places, and permit to be dug,

sunk,

sunk, and constructed Trenches, and Pipes, and Stopcocks, Plugs, or Branches, and all other Works and Machinery to be laid down and made by any Company or Companies of Proprietors, or other Person or Persons with whom the said Commissioners may contract for the Conveyance of the said Gas or Inflammable Air, for the Purpose of lighting the several Streets and other public Passages and Places in the Town and Borough of *Darlington* aforesaid, or any Part or Parts thereof, and from Time to Time to permit and suffer such Pipes, Stopcocks, Plugs, or Branches, Works and Machinery, to be altered, varied, and repaired; but nothing herein contained shall authorize or empower the said Commissioners, or any Person or Persons acting by or under their Authority, to carry, lay, or fix, or continue any Pipe or Pipes, or other Thing for the Conveyance of the said Gas or Inflammable Air, through or against any Dwelling House or Dwelling Houses, or public or private Buildings, Hereditaments, and Premises, without the Consent in Writing of the Owner and Occupier of every such Dwelling House or Building respectively first had and obtained for that Purpose; and nothing herein contained shall extend or be construed to extend, so as to authorize or empower the said Commissioners, or any Person or Persons acting by or under their Authority, to lay or carry any Pipe or Pipes in, through, over, or upon any private Lands or Grounds without the Consent of the Owner and Owners, and Occupier and Occupiers first had and obtained for that Purpose.

XXII. Provided always, and be it further enacted, That it shall and may be lawful to and for the said Commissioners, in case they shall deem it expedient to light the said Streets and other public Passages and Places in the Town and Borough of *Darlington* aforesaid with Gas or Inflammable Air, (without contracting for the same), and for that Purpose to erect or cause to be erected Gasometers, Cisterns, Pillars, and all the other necessary Apparatus to produce, conduct, supply, and receive such Gas or Inflammable Air, in such Manner as they shall think expedient and necessary; and for that Purpose to take or rent from any Person or Persons any Building or Buildings, Erection or Erections, Lands, Tenements, or Hereditaments in the Town and Borough of *Darlington* aforesaid, (who shall be willing to let the same), or to purchase of any Person or Persons any Building or Buildings, Erection or Erections, Lands, Tenements, and Hereditaments, in the Town and Borough of *Darlington* aforesaid, not exceeding Three Acres, (who shall be willing to sell or dispose of the same), to erect and make such suitable Buildings thereon for the manufacturing of Gas or Inflammable Air as aforesaid.

Commissioners may erect Apparatus to make Gas themselves.

XXIII. And be it further enacted, That the said Commissioners, and the Person or Persons with whom they shall or may contract, shall and they are hereby required to have the said Works inspected at least Twice in every Year by One or more such experienced Person or Persons as aforesaid, to see the same are in a fit State, and properly conducted and managed; and in case of any Error, Want of Repair, Insufficiency or other Management being pointed out, to cause the same to be forthwith corrected, amended, and repaired according to the Opinion of such Person or Persons as aforesaid.

Works to be inspected Twice in every Year.

XXIV. And

Commissioners empowered to let out Gas Lights, in case they light the Streets themselves.

XXIV. And be it further enacted, That in case the said Commissioners shall deem it expedient to erect such Gas Apparatus, and to light the said Streets and other public Passages and Places in the Town and Borough of *Darlington* aforesaid, with Gas or Inflammable Air, without contracting for the same as aforesaid, it shall and may be lawful to and for the said Commissioners, after sufficiently lighting the said Streets and other public Passages and Places as aforesaid, to let out or grant to any Person or Persons whomsoever, who shall be willing to take the same, any Light or Lights, or Argand, Cockspur, Batwing or any other Kind of Burner or Burners, and to supply the same with Gas or Inflammable Air, upon such Terms and Conditions, and at such Annual Rents for the same, and in such Manner as they the said Commissioners shall from Time to Time think proper: Provided nevertheless, that all Money to proceed therefrom or arise thereby be in the first place applied to defray the Expences of the Gas Apparatus and other Things connected therewith; and if there shall be any Overplus, then the same shall be applied generally for the Purposes of this Act.

Penalty on using more Gas than contracted for.

XXV. And be it further enacted, That if any Person or Persons shall enlarge the Aperture of any such Burner or Burners, so as to consume a larger Quantity of Gas than such Burner or Burners would otherwise consume, every such Person or Persons so offending shall for each and every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Service Pipes to be kept fully charged with Gas.

XXVI. And be it further enacted, That the Branch or Service Pipes which shall or may be put down by the said Commissioners for lighting the Streets and other public Passages and Places in the Town and Borough of *Darlington* aforesaid, shall be kept fully charged with Gas, and the Stopcocks shall be so turned as not to impede or prevent the said Branch or Service Pipes being completely filled with Gas during the Time the same shall be lighted.

To prevent the escape of Gas.

XXVII. And be it further enacted, That whenever any Gas shall be found to escape from any of the Pipes which shall be laid down or set up by the said Commissioners in pursuance of this Act, the said Commissioners shall, immediately after receiving Notice by Parol or in Writing of any such Escape of Gas, from any Inhabitant or Inhabitants of the said Town and Borough of *Darlington*, cause the most speedy and effectual Measures to be taken to stop and prevent such Gas from escaping; and in case the said Commissioners shall not within Twenty-four Hours next after such Notice, by Parol or in Writing, being given of any such Escape of Gas, effectually stop and prevent the Gas from escaping, and wholly and satisfactorily remove the Cause of Complaint, then and in every such Case the said Commissioners shall for every such Offence forfeit and pay the Sum of Five Pounds for each and every Day after the Expiration of Twenty-four Hours from the Time of giving any such Notice, during which the Gas shall be suffered to escape as aforesaid; which Penalty shall from Time to Time be recoverable in a summary Way, on the Oath of One or more credible Witness or Witnesses, by Information, to be laid and exhibited before some One or more Justice or Justices of the Peace for the said County, and shall and may be

be recovered and levied, with all reasonable Charges, by Distress and Sale of the Goods and Chattels of the said Commissioners, by Warrant of any such Justice or Justices of the Peace as aforesaid, in Manner herein-after mentioned.

XXVIII. And be it further enacted, That it shall not be lawful for the said Commissioners, or for any other Person or Persons whomsoever, to carry or convey, or cause to be carried or conveyed, any Washings or Liquids, or any Lime, or other Ingredients, Matter, or Thing whatsoever, which shall arise or be produced in manufacturing or producing any Gas or Inflammable Air whatsoever, in or by the prosecuting of any of the Gas Works, into any River, Pond, Ditch, Brook, or Canal, or into any Sewer, Conduit, or other Place whatsoever, by which it may ultimately be carried or conveyed into any River, Pond, Ditch, Brook, or Canal.

Ingredients used in manufacturing Gas not to be conveyed into any Rivers, &c.

XXIX. Provided always, and be it further enacted, That if any Body Politic or Corporate, or Person or Persons whomsoever, shall at any Time drain or convey, or cause or suffer to be drained or conveyed, or to run or flow, any Washings or other Waste Liquids, Substances, or Things whatsoever, which shall arise or be produced in the Prosecution of the said Gas Works, or in the Manufacture or Process of making or procuring such Gas, into any River, Brook, or running Stream, Reservoir, Aqueduct, Feeder, Pond, Springhead, or Well, or into any Drain, Sewer, or Ditch communicating therewith, or do or cause to be done any Annoyance, Act, or Thing, to the Water contained in any such River, Brook, or running Stream, Reservoir, Aqueduct, Waterway, Feeder, Pond, or Springhead, Well, Drain, Sewer, or Ditch, then and in every such Case the Body Politic or Corporate, or Person or Persons so offending, shall forfeit and pay for every such Offence the Sum of Two hundred Pounds, and such Penalty or Forfeiture shall and may be sued for and recovered, together with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Complaint, Suit, or Information, wherein no Essoign, Protection, Privilege, Wager of Law, nor more than One Imparlance shall be allowed, and the whole thereof shall be paid to the Person or Persons who shall inform or sue for the same: Provided always, that no such Penalty or Forfeiture shall be recoverable unless the same be sued for within Twelve Calendar Months from the Time of such Annoyance, Nuisance, Injury, Damage, Act, or Thing shall have ceased and determined: Provided also, that over and above, and in addition to the said Penalty of Two hundred Pounds (and whether such Penalty shall have been sued for or recovered or not), in case any of the said Washings or other Waste Liquids, or noisome or offensive Liquids, Substances, or Things, shall be drained, conducted, or conveyed, or caused or suffered to run or flow in Manner aforesaid into any River, Brook, or running Stream, or any Reservoir, Aqueduct, Waterway, Feeder, Pond, Springhead, or Well, or into any Drain, Sewer, or Ditch communicating therewith, or any such Annoyance, Act, or Thing shall be done or caused to be done as aforesaid, and Notice thereof in Writing shall have been given by any Person or Persons to whom the same shall belong, or by any other Person or Persons whomsoever, to the Person or Persons so offending, and such Person or Persons shall not, within Twenty-four Hours after such Notice shall have been given to

Penalty for conveying Washings into any River, Stream, &c.

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them or him as aforesaid, stop, hinder, or prevent all and every such Washings, Waste Liquids, or noisome or offensive Liquids, Substances, or Things, from being drained, conducted, or conveyed, or from running or flowing in Manner aforesaid, and every such other Annoyance, Nuisance, Injury, Damage, Act, or Thing from being done as aforesaid, then and in every such Case such Body Politic or Corporate, or Person or Persons so offending, shall forfeit and pay the Sum of Twenty Pounds for each and every Day such Washings, Waste Liquids, or noisome or offensive Liquids, Substances, or Things, shall be so drained, conducted, or conveyed, or caused or suffered to run or flow in Manner aforesaid, or such other Annoyance, Act, or Thing shall be so done or caused to be done as aforesaid; and such last-mentioned Penalty shall and may be recovered and levied in such and the like Manner as any other Penalty or Forfeiture is in and by this Act directed to be recovered and levied, and shall be paid to the Informer, or to the Person or Persons who in the Judgment of the Justice or Justices before whom the Conviction shall take place, shall have sustained any Annoyance, Injury, or Damage by any such Act so done or committed.

This Act not to prevent Commissioners being proceeded against for a Nuisance, &c.

XXX. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to prevent any Person or Persons from proceeding by Indictment or otherwise against the said Commissioners, or against any of their Officers, Servants or Workmen, in respect of any Works of the said Commissioners, or the Means which shall be by them used in maintaining, making, or preparing the said Gas or Inflammable Air, or in using the same, as a public or private Nuisance.

Commissioners may purchase Lands of Bodies Corporate, &c.

XXXI. And be it further enacted, That in order to enable the said Commissioners to construct or make Gasometers and other necessary Works, and to erect any Manufactory or Manufactories for the Purposes of this Act, it shall and may be lawful to and for the said Commissioners, or any Five or more of them, to treat, contract, and agree with the Owners of and Persons interested in any Lands, Tenements, Hereditaments, and Premises, with their Appurtenances, which they shall deem necessary to purchase for the Purposes of this Act (not exceeding the Quantity of Three Statute Acres in the whole); and it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, Husbands, Guardians, Trustees, Feoffees in Trust, Committees, Executors, Administrators, and all other Persons whomsoever, not only for or on Behalf of themselves, their Heirs and Successors, but also for or on Behalf of the Person or Persons entitled in Reversion, Remainder, or Expectancy after them, and for and on Behalf of their Cestuique Trusts, whether Femes Covert, Infants, or Issue unborn, Lunatics, Idiots, or other Person or Persons whomsoever, and to and for all Femes Covert who are or shall be seised of or interested in their own Right, and to and for all and every Person and Persons whomsoever who are or shall be possessed of or interested in any such Lands, Tenements, Hereditaments, or Premises, to contract with the said Commissioners for the Sale thereof; and all Contracts, Sales, and Conveyances which shall be so made shall be good, valid, and effectual, to all Intents and Purposes, without Fine or Recovery, and shall be a complete Bar to all Estates Tail and other Estates, Rights, Titles, Trusts, and

and Interests whatsoever, any Law, Statute, Usage, Custom, or other Matter to the contrary notwithstanding; and all such Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, Husbands, Guardians, Trustees, Feoffees, Committees, Executors, Administrators, and all other Persons, shall be and are hereby indemnified for what they or any of them shall do by virtue or in pursuance of this Act.

XXXII. And be it further enacted, That if there shall be any Money to be paid for any Lands, Tenements, Hereditaments, or Premises, purchased, taken, or used by virtue of the Powers of this Act, for the Purposes thereof, which shall belong to any Body Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, Tenant for Life or in Tail, Husband, Guardian, Trustee, Feoffee, Committee, Executor, Administrator, or other Person as aforesaid, such Money shall, in case the same shall amount 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 *ex parte* the Commissioners for lighting, cleansing, and watching the Town and Borough of *Darlington*, together with the Name or Names of such Person or Persons as any Five or more of the said Commissioners shall by Writing signed by them direct or appoint, to the Intent that such Money may be applied under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, Hereditaments, and Premises, towards the Discharge of any Debt or Debts, or such other Incumbrance, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, Hereditaments, and Premises, or affecting other Lands, Tenements, Hereditaments, or Premises standing and being 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 and with the like Direction and Approbation of the said Court, in the Purchase of other Messuages, Lands, Tenements, Hereditaments, and Premises, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Messuages, Lands, Tenements, Hereditaments, and Premises, which shall be taken or used for the Purposes of this Act, stood and were settled and 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 High Court of Chancery, upon an Application made thereto as aforesaid, 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 Body or Bodies, Person or Persons, who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, Hereditaments, and Premises so hereby directed to be

Directing
Application
of Purchase
Money when
amounting to
200*l.* and
upwards.

be purchased, in case such Purchase or Settlement were then actually made.

Directing
Application
of Purchase
Money when
less than
200*l.* and
exceeding
20*l.*

XXXIII. Provided always, and be it further enacted, That if any Money to be paid for any Lands, Tenements, Hereditaments, and Premises to be purchased, taken, or used for the Purposes aforesaid, and belonging to any Body Politic, Corporate or Collegiate, Corporation Aggregate or Sole, Tenant for Life or in Tail, Husband, Guardian, Trustee, Feoffee in Trust, Committee, Executor, Administrator, or other Person as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then and in all such cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in cases of Infancy, Idiocy, or Lunacy, (to be signified in Writing under their respective Hands) to be paid into the Bank, in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner herein-before directed; or otherwise the same shall be paid at the like Option to Two Trustees, to be named by the Person or Persons making such Option, and approved of by Three or more of the said Commissioners, (such Nomination and Approbation to be signified by Writing under the Hands of the nominating and approving Parties), in order that such Principal Money, and the Dividends to arise therefrom, may be applied in Manner herein-before directed, so far as the Case shall be applicable, without obtaining or being required to obtain the Direction or Approbation of the said High Court of Chancery.

Directing
Application
of Purchase
Money not
exceeding
20*l.*

XXXIV. Provided also, and be it further enacted, That where any such Money so to be paid as last before mentioned (except as aforesaid) shall not exceed the Sum of Twenty Pounds, then and in all such cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, Hereditaments, and Premises so to be purchased, taken, or used for the Purposes of this Act, in such Manner as the said Commissioners, or any Five or more of them, shall think fit; or in cases of Infancy, Idiocy, or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

Expences of
Purchases
may be al-
lowed by the
Court.

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

XXXVI. And

XXXVI. And be it further enacted, That all Conveyances and Assurances of any Lands, Tenements, Hereditaments, or Premises to be made to the said Commissioners, shall be made in the Form or to the Effect following; (that is to say),

Sales and Conveyances to be made.

‘ I [or we, as the Case may be] of
 ‘ in Consideration of the Sum of to me [or us,
 ‘ or otherwise, as the Case may be] paid by the Commissioners appointed
 ‘ under or by virtue of an Act passed in the Fourth Year of the Reign
 ‘ of His Majesty King George the Fourth, intituled *An Act [here insert*
 ‘ *the Title of this Act]*, do hereby grant and release [or assign, as the Case
 ‘ maybe] to the said Commissioners and their Successors, all [here describe
 ‘ the Premises to be conveyed] and all my [or our] Right, Title, and Interest
 ‘ in and to the same, and every Part thereof; to hold to the said Commis-
 ‘ sioners and their Successors for ever, [or as the Case may be] during
 ‘ all the Remainder of my [or our] Term, Estate, and Interest in the
 ‘ said Premises. In Witness whereof, I [or we] have hereunto set my
 ‘ Hand and Seal, [or our Hands and Seals] this Day
 ‘ of in the Year of our Lord

Form of Conveyance.

XXXVII. And whereas the said Commissioners under the Provisions of this Act may purchase Lands, Tenements, Hereditaments, or Premises, which may be found inconvenient or unnecessary, or not wanted for the Purposes thereof; be it therefore enacted, That it shall be lawful for the said Commissioners from Time to Time to sell and dispose of, and by Indenture or Indentures to grant and convey, by way of absolute Sale in Fee Simple, for a Consideration in Money, all or any Part or Parts of the Lands, Tenements, Hereditaments, and Premises which may have been so purchased, and which shall be inconvenient or unnecessary, or shall not be wanted for the Purposes of this Act, and to purchase other Lands, Tenements, Hereditaments, and Premises in lieu thereof, by virtue of the Powers herein-before contained; and upon Payment of the Money which shall arise by or from the Sale or Sales of such Lands, Tenements, Hereditaments, and Premises, or of any Part or Parts thereof, it shall be lawful for the Treasurer for the Time being to the said Commissioners to sign and give a Receipt or Receipts for the Money for which the same shall be sold, which Receipt or Receipts shall be sufficient Discharges to any Person or Persons for the Money therein and thereby expressed or acknowledged to be received; and such Person or Persons having *bonâ fide* paid the same shall not afterwards be answerable or accountable for any Loss, Misapplication, or Non-application of such Purchase Money, or any Part thereof, or be bound to see to the Application of the same.

Resale of Lands inconvenient or not wanted.

XXXVIII. 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 cleansing and watering the several Streets and other public Passages and Places in the Constableries of *Darlington Bondgate*, and of *Priestgate* and *Prebend Row* aforesaid, 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
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Commissioners to direct Streets to be cleansed.

Person or Persons for cleansing 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 Contracts into complete Execution as they shall think proper.

Commissioners may contract to cleanse the Constabulary of Darlington Borough.

XXXIX. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, and they are hereby authorized and empowered, to contract with the Owner or Owners or Lessees for the Time being of the Market Tolls of *Darlington* aforesaid, in such Manner and upon such Conditions as they the said Commissioners shall think proper, to enable them the said Commissioners, by such Means as aforesaid, to cleanse and water, or to cause to be cleansed and watered, the several Streets and other public Passages and Places in the Constabulary of *Darlington Borough* aforesaid, and to carry away the Dust, Dung, Manure, Dirt, and Soil thereof: Provided always nevertheless, that nothing in this Act contained shall extend or be construed to establish or confirm the Right of the Owner or Owners, or the Lessees of the said Tolls, to the Dust, Dung, Manure, Dirt, and Soil within the said Constabulary of *Darlington Borough*, or to deprive any other Person or Persons of his, her, or their Claim to such Dust, Dung, Manure, Dirt, and Soil.

Commissioners not to be personally answerable for Nonperformance of Contracts.

XL. Provided always, and be it further enacted, 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 Commissioners personally, or their respective Estates, be answerable for or subject to the Payment of any of the Mortgages to be granted in pursuance of this Act; and that all Money which shall be expended by or recovered against any of the said Commissioners, or any Person or Persons employed by them, by Means of any Action, Suit, 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 by and out of the Money which shall come to the Hands of the Treasurer to the said Commissioners 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.

Inhabitants to sweep Pavements opposite to their Houses.

XLI. And be it further enacted, That from and after the passing of this Act, all Persons occupying Houses, Buildings, Tenements, Shops, Warehouses, Yards, Gardens, or Stables, in any of the Streets and other public Passages and Places within the said Town and Borough of *Darlington*, shall sweep and cleanse or cause to be swept and cleansed the Footways, Paths, and Pavements, the whole Length of the Front of their respective Houses, Buildings, Tenements, Shops, Warehouses, Yards, Gardens, or Stables, to the full Extent of the Foot-pavement before the same, between the Hours of Seven and Ten of the Clock in the Forenoon, Once or oftener in every Week, as the said Commissioners shall from Time to Time order and require; and also in Times of Frost or Snow shall cause all the Ice and Snow to be swept and removed from such Foot-pavements from Time to Time within Two Hours after they shall

shall be required so to do by the said Commissioners, or any Three or more of them, upon pain of forfeiting and paying any Sum of Money not exceeding Ten Shillings for every Neglect therein.

XLII. And be it further enacted, That the Owner or Owners, or Proprietor or Proprietors, or Occupier or Occupiers for the Time being of each House or Building fronting the Street, and the Footpath of the Front whereof is or shall be flagged or paved by virtue of the Directions of this Act, shall, within Twenty Days next after Service of any Order or Direction for the Purpose, signed by Nine or more of the said Commissioners, on him, her, or them personally, or left at his, her, or their last or usual Place of Abode, put up and place, and for ever afterwards keep in Repair and Condition, a Spout of the whole Length of such Front, with a Pipe or Trunk to be fixed to the Front or Side of such House or Building, from the Roof down to the Ground, to carry off or conduct the Water from the Roof of such House or Building in such a Manner that such Water shall pass underneath the Flagging or Foot-pavement into the common Channel, and so as not to fall upon or incommode the Persons passing over or along the flagged or paved Footway; and every Tenant or Occupier of any such House or other Building, except Houses or Buildings held on Lease granted for any Term of Twenty-one Years or upwards, who shall put up or place any such Spout, Pipe, or Trunk, or keep the same in repair, shall be entitled to deduct and retain out of the Rent payable to the Owner or Proprietor, or Owners or Proprietors of such House or Building, so much Money as such Tenant or Occupier shall have expended in putting up or placing, or in keeping in repair, any such Spout, Pipe, or Trunk; and the Payment of such Expences by any such Tenant or Occupier shall be sufficient Discharge for him, her, or them, for so much of his, her, or their Rent as the Amount of such Expences shall be equal to, and shall be abated and allowed to him, her, or them by the Owner or Owners, or Proprietor or Proprietors of such House or Building, out of such Rent; and if any such Owner or Owners, or Proprietor or Proprietors, or Occupier or Occupiers, shall for the Space of Twenty Days after Service as aforesaid of any such Order or Direction, neglect to put up or place, or neglect to repair any Spout or Pipe or Trunk as aforesaid, then and in any and in every such Case it shall be lawful for the said Commissioners to cause any such Spout, Pipe, and Trunk to be put up or placed against any such House or Building, at the Expence of the Owner or Proprietor thereof; and in case any such Owner or Proprietor shall refuse to pay such Expences, the same shall and may be levied and recovered by the said Commissioners by the same Ways and Means as are herein-after provided for levying and recovering the Rates and Assessments hereby granted, and as the Rates and Assessments by this Act granted may be levied and recovered.

Water from the Roof of Houses to be carried off by Spouts and Pipes.

XLIII. And be it further enacted, That in case any Slaughterhouse, Hogsty, Necessary-house, or other noisy, noisome, or offensive Building or Place whatsoever, or any Stone-yard in or near any of the said Streets and other public Passages and Places, shall (upon Complaint made to the said Commissioners by any of the Inhabitants or Persons residing therein) be deemed a Nuisance to any such Inhabitant or Person, it shall and may be lawful to and for the said Commissioners, by Notice in Writing

Slaughter-houses, Hogsties, and other Erections to be removed, if deemed a Nuisance.

under

under the Hands of any Nine or more of the said Commissioners, or under the Hand of their Clerk for the Time being, to order any such Nuisance or Offence to be removed; and in case the same shall not be removed within Fourteen Days next after such Notice given to the Person or Persons who ought to remove the same, or for or on whose Behalf the same is carried on, or left at his, her, or their last usual Place of Abode, such Person or Persons shall pay any Sum not exceeding Twenty Shillings for every Day the same shall continue unremoved after the Expiration of the Time mentioned in such Notice.

Offensive
Substances
to be removed
between cer-
tain Hours.

XLIV. And be it further enacted, That if any Person or Persons shall hereafter empty or cause to be emptied any Slaughterhouse, Privy, or Necessary-house, within the said Town and Borough, or carry or cause to be carried any of the Soil or other offensive Substances thereof, through any of the Streets or public Passages and Places within the said Town and Borough at any Time of the Year between *Lady Day* and *Michaelmas*, except between the Hours of Ten of the Clock in the Evening and Eight of the Clock in the Morning, or at any Time of the Year between *Michaelmas* and *Lady Day*, except between the Hours of Eight of the Clock in the Evening and Ten of the Clock in the Morning; or if any Person or Persons shall lay or cause to be laid in or upon any of the said Streets or public Passages and Places any Night Soil or other Filth, or shall suffer the same to remain there longer than may be necessary for removing the same, every Person offending in any of the Cases aforesaid shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds: Provided always nevertheless, that nothing herein contained shall be construed to extend to prevent the carrying or causing to be carried of any Ashes, Dung, or other Manure, through such Streets and other public Passages and Places at any Hour or at any Time or Times whatever.

For prevent-
ing Cattle,
Swine, &c.
straying in
the Streets.

XLV. And be it further enacted, That if any Horse, Ass, Mule, Swine, or other Beast or Cattle, shall be found straying in any of the Streets and other public Passages and Places within the said Town and Borough, it shall be lawful for any Officer or Officers appointed by the said Commissioners to impound any such Horse, Ass, Mule, Swine, Beast, or Cattle found straying as aforesaid, in the Common Pound which shall be made or erected by virtue of this Act, or in such other Place as shall be provided from Time to Time for that Purpose by the said Commissioners, and to detain the same in such Pound or Pounds or other Places as aforesaid, until the Expence of impounding and keeping the said Cattle in Pound shall be fully paid and satisfied; and if in any such Case the said Expences shall not be paid within Five Days next after such Horse, Ass, Mule, Swine, Beast, or other Cattle shall be so impounded, it shall be lawful for any Person or Persons who shall be appointed by the said Commissioners for that Purpose, to cause the same to be sold, after giving Three Days Notice of such intended Sale by the Town Crier or Bellman; and the Costs and Charges of impounding and keeping such Horse, Ass, Mule, Swine, Beast, or Cattle in Pound, and of selling the same, shall be defrayed by such Sale, and the Overplus (if any) of the Monies arising by such Sale shall be paid to the Owner or Owners of the said Horse, Ass, Mule, Swine, Beast, or Cattle, upon Demand.

XLVI. And be it further enacted, That in case any Person or Persons shall release or attempt to release any Cow, Horse, Ass, Swine, or other Live Stock or Cattle which shall be seized for the Purpose of being impounded under the Authority of this Act, from the Pound or Place where the same shall be so impounded, or shall pull down, damage, or destroy the same Pound or Place, or any Part thereof, or any Lock or Bolt belonging thereto, or with which the same shall be fastened, or shall rescue or release or attempt to rescue or release any Distress or Levy which shall be made under the Authority of this Act, until or before such Cow, Horse, Ass, Swine, or other Live Stock or Cattle seized or so impounded, or such Distress or Levy so made, shall be discharged by due Course of Law, every Person so offending shall, upon Conviction thereof before any One of His Majesty's Justices of the Peace for the County or Place where the Offence shall have been committed, either upon the Confession of the Party or Parties offending or upon the Oath of One credible Witness (and which Oath the said Justice is hereby authorized and empowered to administer), be committed by such Justice, by Warrant under his Hand and Seal, to the Common Gaol or House of Correction of the County or Place where the Offence shall have been committed, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months.

Punishment
of Persons
guilty of
Pound
Breach.

XLVII. And be it further enacted, That if any Person or Persons, either by themselves or their Servants, Workmen, or others, shall, upon any of the present or future Pavements or Flagging of the Streets and other public Passages and Places now made or built within the said Town and Borough, and used as a Footway, run, draw, drive, or carry thereon any Truck, Wheel, Sledge, Wheelbarrow, Bier, Handbarrow, 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 Cart, or wilfully ride, lead, or drive any Horse or other Beast or Cattle of any Kind whatever, on any of the said Pavements, Flagging, or Footways, or wilfully permit or suffer any Horse or other Beast or Cattle which such Persons may be riding, driving, or loading to go thereon, or shall tie or fasten any Horse or other Beast or Cattle to any House, Wall, Post, Tree, or any other Thing whatsoever, across any of the said Pavements or Footways; or if any Person shall in any such Streets and other public Passages and Places as aforesaid, sell or expose to sale any Horse, Ass, Pig, Sheep, Bull, Cow, or other Beast or Cattle in any Part of the said Town and Borough aforesaid (except in any public Market or Fair), or burn, dress, or cleanse any Cork, or hoop, fire, cleanse, wash, or scald any Cask or Tub, or empty any of the Contents of such Cask therein, or set or place any Furniture, Goods, Wares, or Merchandizes, or any Cask, Tub, Box, Pail, Bucket, Stool, Bench, or Stall on or in the said Pavements, Flagging or Footways, or erect, set up, or place any Blind, Shade, Coverlid or Awning, or any other Matter or Thing in the Front of or before any House, Shop, or other Building, so as in any way to cause an Obstruction or Impediment in the Pavements, Flagging, or Footways; or bind, make, or repair any Coach, Chaise, Waggon, Cart, Sledge, or other Carriage, or Wheels, Bodies, Springs, or other Part of any Coach, Chaise, Waggon, Cart, Sledge, or other Carriage, in any of such Streets and other public Passages and Places, (except such Carriages as may want immediate repairing from

For prevent-
ing Annoy-
ances in the
Streets.

[Local.]

M m.

any

any sudden Accident on the Spot, or which cannot conveniently be removed for that Purpose); or shoe, bleed, or farry any Horse or Beast, (except in Cases of Accidents,) or clean or dress any Horse or Beast therein, or exercise any Horse or Beast therein, or turn loose therein any Horse, Ass, Sheep, Bull, Cow, Swine, Goat or other Beast, or any Bulldog, Mastiff, or other ferocious Dog of any other Species; not being muzzled, or suffer the same to wander or be at large in any of such Streets and other public Passages and Places, or shall permit or suffer any Dog whatsoever to go at large therein after any public Notice given by the Town Crier or Bellman, during such Time as such Notice shall direct Dogs to be confined on account of any Suspicion of the Existence of Canine Madness; or if the Driver of any Waggon, Cart, Sledge, Wheels, or other Carriages, or Part of a Carriage, shall in any Part of the said Town and Borough ride on the Shafts, or in or on any Part of such Waggon, Cart, Sledge, or other Carriage, or Part of a Carriage, without Reins, or on any of the Horses or Cattle drawing the same; or if any Person or Persons having the Care thereof, or driving any Waggon, Cart, Sledge, or other Carriage on Wheels, shall not readily and promptly turn out of the Road on meeting Horses and Carriages, so as to leave a proper and sufficient Quarter for such Horses and Carriages; or if any Person driving any Coach, Chaise, Waggon, Cart, or other Carriage, in any of the said Streets and other public Passages and Places, and meeting another Coach, Chaise, Waggon, Cart, or other Carriage, shall not keep his Carriage on the Left or Near Side of the said Streets and other public Passages and Places; or if any Person or Persons shall drive any Coach, Chaise, Waggon, Cart, or other Carriage in such Manner as to prevent any other Person or Persons from passing him or them; or if any Person riding any Horse or Beast, or driving any Carriage of any Sort or Kind, shall ride or drive the same furiously, or so as to endanger the Life or Limbs of any Passenger; or in case the Owner or Driver of any Cart, Waggon, Dray or other Carriage, shall suffer the same to remain in such Part of any of the said Streets and other public Passages and Places as shall not be more than Five Yards wide, with or without Horses, longer than may be necessary for loading or unloading thereof, and in any other Part of the said Streets and public Passages and Places for more than One Hour, or shall suffer any Stage Coach, Diligence, Post Chaise, or other Carriage let to hire, to remain longer than may be necessary for the taking up or setting down of any Passenger or Passengers, or for loading or unloading their Baggage; or if any Person or Persons shall draw (except in or on some Carriage) any Timber, Block or Blocks of Wood or Stone, or other heavy Materials, in, upon, or through any of the aforesaid Streets and other public Passages and Places to the Prejudice thereof; or if any Person or Persons shall let off or fire any Musket, Gun, or Pistol, or other Fire Arms, (except in case of Necessity for Self-defence), or make any Bonfire, or let off or throw any Cracker, Squib, Rocket, or other Fireworks, or occasion any other Kind of Obstruction or Annoyance in or upon any such Streets and other public Passages and Places, or slide upon any Pavement, Flagging, or Footway, or by standing, loitering, or remaining on any Pavement or Footway or Causeway without some reasonable or good and sufficient Cause, or by any other Means shall obstruct or incommode, hinder or prevent the free Passage of any Footway or Causeway, or prejudice or annoy any Person or Persons travelling, passing, or going thereon;

or if any Person or Persons shall throw, cast, lay or sift any Ashes, (except in the Time of Frost only and to prevent Accidents), or any Coal, Stones, Lime, Bricks, Mortar, Timber, or other heavy Substances, (except Stones, Lime, Bricks, Mortar, Timber, or other Materials used for Building, which shall be placed and inclosed in manner herein mentioned, so as to prevent any Mischief happening to Passengers,) or any Dung, Soil, Filth, Rubbish, Refuse of Garden Stuff, Blood, Offal, Carrion, or any other offensive Matter or Thing, in any of such Streets and other public Passages and Places; or if any Person or Persons shall hang up, place, or expose to sale, or cause or permit to be hung up, placed, or exposed to sale, any Goods, Wares, or Merchandize whatsoever, or any Fruit, Vegetables, or Garden Stuff, Butcher's Meat, or other Matter or Thing, in or upon or so as to project over or upon the Foot or Carriageway of such Streets and other public Passages and Places, or beyond the Line of or on the Outside of the Window or Windows of the House, Shop, or Place at which the same shall be so hung up or placed or exposed to sale, or so as to obstruct or incommode the Passage of any Person or Carriage thereon; or if any Person or Persons shall, except between the Hours of Eight of the Clock in the Evening and Eight of the Clock in the Morning, kill or slaughter, or singe, scald, or dress any Beast, Swine, Calf, Sheep, Lamb, or other Cattle, either wholly or in part, in any Shop or other Place adjoining and exposed to any of such Streets and other public Passages and Places; or if any Person or Persons shall cause or permit any Blood, Filth, or other offensive Matter to run from any Slaughterhouse, Butcher's Shop, Hogstye or Dunghill, into any of the said Streets and other public Passages and Places; or fix up any Flower Pot or Bow Pot or Pots at any Window or Windows, without sufficiently guarding the same, so as to prevent their being blown or thrown down; or leave open (after Sunset) the Door or Window, Grate or other Covering of any Cellar or other under-ground Apartment or Room, or of any Area in any of the said Streets and other public Passages and Places, without having placed or left a sufficient Light to warn and prevent Persons from falling into such Cellars or other under-ground Rooms or Apartments or Areas; or bait or cause to be baited any Bull, Bear, or other Animal, or throw at any Cock or Fowl, in the Manner called Cock Throwing, or set up any Cock or Fowl to be thrown at in any such Manner, or play at Football, or any other Game or Games, to the Annoyance of any Inhabitant or Inhabitants, or Passenger or Passengers; or if any Person or Persons shall wilfully break, aid or abet or assist in wilfully breaking any Glass or Window Panes or Windows in or belonging to any Dwelling House or Building, or shall throw or cast any Animal or Carcase, or other Offal or Filth, into any public or private Well, Pump, Pool, or Reservoir for Water, within the said Town and Borough; or if any Person or Persons shall commit any other Kind of Obstruction, Nuisance, or Annoyance in any Part of such Streets and other public Passages and Places; each and every Person so offending in any of such Cases, or the Owner or Proprietor of any such Horse, Beast, Cattle, Carriage, Goods, Matter, or Thing aforesaid, as the case may be, (in any of such Cases where the Person actually offending cannot afterwards be found or discovered), shall for each and every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Lamps,
Lamp Posts,
&c. vested in
Commission-
ers.

XLVIII. And be it further enacted, That all the Gasometers, Paving Stones and Pipes, and all the Lamps, Lamp Irons, Lamp Posts, Watch Boxes, Warehouses, and other Houses and Buildings which shall be erected or fixed up by virtue of this Act, and all Materials, Implements, and other Matters and Things which shall be purchased or provided by the said Commissioners for the Purposes of this Act, and also all the Dirt, Dust, Dung, Ashes, and Filth to be swept, gathered, and collected in and from the several Streets and other public Passages and Places within the said Constableries of *Priestgate* and *Prebend Row*, and *Darlington Bandgate*, or any of them, shall belong to and be the Property of and are hereby vested in the said Commissioners; and the said Commissioners shall and may cause to be brought any Action or Actions, or direct the preferring of any Bill or Bills of Indictment (as the Case may require) against any Person or Persons who shall take, steal, or carry away, detain, spoil, injure or destroy the several Articles and Things hereby vested in 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 and be deemed and taken to be sufficient to state generally that the Article or Articles, Thing or Things, for or on account of which such Action or Actions shall be brought, or Bill or Bills of Indictment shall be preferred, is or are the Property of the Commissioners for the Improvement of the Town and Borough of *Darlington*, without particularly stating or specifying the Names of all or any of the said Commissioners; and the said Commissioners shall have full Power and Authority from Time to Time to sell and dispose of, for the Purposes of this Act, all or any of the said Articles and Things, or any Part or Parts of the same respectively, to any Person or Persons and in such Manner as they the said Commissioners shall think proper.

Penalty on
damaging
Materials.

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

Watchmen
to be ap-
pointed.

L. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and empowered from Time to Time, to appoint such Number of Watchmen and Patroles to be employed within the said Streets and other public Passages and Places, for so long in the Night, with such and the like Powers and Authorities as are or may be vested in Constables and other Peace Officers, for and during such Time as they are acting as such Watchmen and Patroles, and under such Regulations and for such Wages as they shall think proper, and to provide them with proper Arms, Ammunition, Weapons, and Clothing for the Discharge of their Duty; and also to erect Watch Houses and Watch Boxes in such Place or Places as they may think proper; and if any Watchman or Patrole appointed as aforesaid shall neglect to perform his Duty, or shall in anywise misbehave himself in the Execution of his Office, he shall forfeit and pay any Sum not exceeding Forty Shillings.

LI. And

LI. And be it further enacted, That if any Victualler or Keeper of a Public House shall knowingly or willingly harbour or entertain any Watchman, to be employed under or by virtue of this Act, or permit or suffer any such Watchman to remain in such his or her Public House, during any Part of the Time appointed for his being on Duty as aforesaid, every such Victualler or Keeper of a Public House shall for every such Offence forfeit and pay any Sum not exceeding Twenty Shillings.

Penalty on Publicans harbouring Watchmen.

LII. And for raising Money to enable the said Commissioners to carry the several Purposes of this Act into Execution, be it further enacted, That One or more Rate or Rates, Assessment or Assessments, shall be laid or assessed by the said Commissioners once or oftener in every Year, as they shall judge it needful, upon the Messuages, Tenements, Houses, and other Buildings, Yards, Gardens, and Tolls of Fairs and Markets for the Time being, within the said Town and Borough of *Darlington* or the Precincts thereof, in any Sum not exceeding in the Whole Two Shillings and Sixpence in the Pound in any One Year, of Two-third Parts only of the annual Value to let for the Time being of such Messuages, Tenements, Houses, and other Buildings, Yards, Gardens, and Tolls respectively; and the Money so to be rated or assessed shall from Time to Time be levied upon and paid by the Tenant or Occupier of such Messuages, Tenements, Houses, and other Buildings, Yards, Gardens, and Tolls respectively, by Quarterly or other Payments, to such Person or Persons as the said Commissioners shall appoint to be Collector or Collectors of the same, to be by him or them paid over to the Treasurer or Treasurers of the said Commissioners.

Rates to be made.

LIII. Provided always, and be it further enacted, That One Half Part of the said Rates or Assessments herein-before directed or empowered to be levied upon Messuages, Tenements, Houses and other Buildings, Yards, and Gardens, shall be borne by the respective Landlords or Proprietors, and the other Half Part thereof shall be borne by the respective Tenants or Occupiers of such Messuages, Tenements, Houses, and other Buildings, Yards, and Gardens, to be rated and assessed by virtue of this Act, but the Whole of such Rates or Assessments shall nevertheless from Time to Time be paid to the Collector or Collectors appointed or to be appointed in manner directed by this Act by the respective Tenants or Occupiers of the said Messuages, Tenements, Houses and other Buildings, Yards, and Gardens so rated or assessed by virtue of this Act; and all such Tenants or Occupiers shall and may, and they are hereby authorized and empowered to deduct and retain out of their respective Rents such Sums of Money as they shall respectively pay as aforesaid for and on behalf of their respective Landlords, and all such Landlords are hereby respectively required to allow such Deductions and Payments upon Receipt of their respective Rents.

One Half of Rate to be allowed by Landlord to Tenant.

LIV. And be it further enacted, That the Lessee, Landlord, or Owner of every House within the said Town or Borough of *Darlington*, which is or shall or may be let out ready-furnished to a Lodger or Lodgers, shall be liable or subject to the Rates or Assessments directed by this Act to be made, raised, and levied according to Two-third Parts of the yearly Value of the Premises; and that every Person renting or occupying

Lessees of Houses let to Lodgers to pay Rates.

[Local.]

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any

any such ready-furnished House as aforesaid shall be liable and compellable to the Payment of the said Rates or Assessments, not exceeding in any case the Amount of the Rent reserved or payable for the same, to be recovered in Manner herein-after mentioned; and that every such respective Occupier or Occupiers who shall pay any such Rate or Assessment, or from whom the same shall be recovered in pursuance of this Act, shall and may deduct the same from and out of his or her next Rent, and the Lessee, Landlord, or other Person or Persons who shall be in the actual Receipt of the Rack or improved Rent of such House is and are hereby required to allow the same accordingly; and the Receipt for such Payment shall be a sufficient Discharge for such Tenant or Tenants, Occupier or Occupiers, for so much Money as he, she, or they shall pay, or shall be levied on him, her, or them by virtue of this Act.

Poor Persons not to be assessed.

LV. Provided always, and be it further enacted, That no Person or Persons, who by reason of his, her, or their Poverty or Inability only is, are, or shall be excused from the Payment of or shall be left out of the Rates and Assessments made for the Relief of the Poor of the said Town and Borough of *Darlington*, shall be subject or liable to be rated or assessed in any Rate or Assessment to be made by virtue of this Act.

Mode of charging Houses let in separate Apartments.

LVI. Provided also, and be it further enacted, That where any House or Tenement shall be divided into or let or occupied in Two or more separate Tenements or Apartments, or where the same shall be let under the yearly Rent of Five Pounds, or shall be occupied by any Person or Persons who shall by reason of his, her, or their Poverty be excused from Payment of the Rates made for the Relief of the Poor of the Parish or Township wherein he, she, or they shall reside, or who on that account shall not be charged with such Poor Rate, the same respectively shall nevertheless be subject to the Rates or Assessments granted by this Act; and the Landlord or Proprietor of every such House or Tenement shall be assessed to and liable to pay the said Rates or Assessments granted by this Act, and shall for the Purposes of this Act be deemed to be the Occupier thereof.

Poor Rate may be inspected.

LVII. And be it further enacted, That it shall be lawful for any Person or Persons, having an Order under the Hands of any Three or more of the said Commissioners, to inspect and take Copies of or Extracts from all or any of the Rates made for raising Money for the Relief and Maintenance of the Poor within the Town and Borough of *Darlington* aforesaid; which Inspections, Copies, or Extracts the Person or Persons having the Custody of such Rates respectively are hereby required to permit and suffer to be made without Fee or Reward, upon Production of such Order; and in case any Person having the Custody of any such Rates shall neglect or refuse so to do within Three Days after such Order shall have been produced and shown to him, or a Copy thereof left at his usual Place of Abode, he shall for every such Neglect or Refusal forfeit and pay any Sum not exceeding Five Pounds.

Rate Book Evidence.

LVIII. And be it further enacted and declared, That the Book of Rates to be delivered to the Collectors or other Officers to the said Commissioners, and all Entries afterwards made therein, or examined Copies thereof respectively, being signed by any Three or more of the said Commissioners,

missioners, shall be received as Evidence of the Rates imposed by virtue of this Act, and of the Payment of such of them, or any Part thereof, as shall by such Entries appear to have been paid to such Collectors.

LIX. And for the better enforcing Payment of the Rates or Assessments to be made by virtue of this Act, be it further enacted, That if any Person or Persons liable to pay any of the Rates or Assessments to be made by virtue of this Act shall refuse or neglect to pay the Money rated or assessed upon him, her, or them, and all Arrears due thereon; or if any Person or Persons liable to pay any of the said Rates or Assessments shall at any Time begin to remove his, her, or their Goods, Chattels, Furniture, Cattle, or other Effects from the Messuage, Building, Land, Tenement, Hereditaments, or Premises, in his, her, or their Occupation within the said Town or Borough of *Darlington*, or to sell and dispose of, or cause to be sold or disposed of, such Goods, Chattels, Furniture, Cattle, or other Effects therein by Public Auction, or sell, dispose of, or carry away his, her, or their Goods, Chattels, Furniture, Cattle, or other Effects as aforesaid, without first paying all Arrears due or rated in respect of such Messuage, House, Building, Lands, Tenements, Tolls, Hereditaments, or Premises, (including the current Quarter which shall be considered as due), then and in any of the said Cases it shall be lawful for the Collector or Collectors, for the Time being to be appointed in pursuance of this Act, to collect and levy such Rates and Assessments and all Arrears due thereon, and the Rate or Assessment for such Quarter wherein such Removal or Sale shall begin to be made as aforesaid, in case the same shall not be forthwith paid, (although previous to the Time for the Payment of the Rate or Assessment for such Quarter), by Warrant under the Hand and Seal or Hands and Seals of One or more Justice or Justices of the Peace for the said County of *Durham*, by Distress and Sale of the Goods, Chattels, Furniture, and other Effects of or belonging to the Person or Persons whose Rate or Rates shall then be due or payable as aforesaid; and if within Four Days next after such Distress shall be made, the said Rates or Assessments, and all Arrears due thereon, together with the reasonable Costs and Charges of taking and keeping the said Distress shall not be paid, the said Collector shall cause the said Goods, Chattels, Furniture, Cattle, and other Effects to be appraised and sold, or such Part thereof as shall be sufficient to pay such Rates or Assessments, together with all Arrears due thereon, and the reasonable Costs and Charges of making such Distress and of keeping and selling the same, returning the Overplus (if any) to the Owner or Owners of such Goods, Chattels, Furniture, Cattle, and other Effects respectively.

LX. And for the more speedy and effectual raising of Money for the Purposes of this Act, be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby empowered from Time to Time to borrow and take up at Interest any Sum or Sums of Money, not exceeding in the Whole the Sum of Two thousand Pounds at any one Time, upon the Credit of the Rates or Assessments hereby granted, and by Writing under their Hands and Seals to mortgage or assign over the said Rates or Assessments, or any Parts thereof, to the Person or Persons who shall advance or lend such Money, or his, her, or their Trustee or Trustees, as a Security for the Money so to be borrowed, together with Interest

Arrears of Rates how to be recovered.

Commissioners may borrow Money.

Interest for the same; and every such Mortgage or Assignment may be according to the Form following; (that is to say),

Form of the
Mortgage.

‘ BY virtue of an Act passed in the Fourth Year of the Reign of His
 ‘ Majesty King George the Fourth, intituled *An Act, &c.* [*here set*
 ‘ *forth the Title of this Act*], We, being
 ‘ of the Commissioners appointed by virtue of the said Act,
 ‘ in Consideration of the Sum of Pounds paid to us
 ‘ by *A. B.* [*insert the Name, Place of Abode, and Addition of the Lender*],
 ‘ for the Purposes of the said Act, do grant and assign unto the said *A. B.*
 ‘ his Executors, Administrators, and Assigns, such Proportion of the
 ‘ Rates or Assessments arising by virtue of the said Act, as the said Sum
 ‘ of doth or shall bear to the whole Sum which is or
 ‘ shall be borrowed upon the Credit of the said Rates or Assessments; to
 ‘ be had and holden from this Day until the said Sum of
 ‘ Pounds, with Interest henceforth for the same, at the Rate
 ‘ of Pounds *per Centum per Annum*, to be paid Half-yearly,
 ‘ shall be fully repaid and satisfied. In witness whereof we have here-
 ‘ unto set our Hands and Seals this Day of
 ‘ in the Year of our Lord .’

Money may
be raised on
Annuities.

And every such Mortgage or Assignment shall be good, valid, and effectual in the Law, provided that the whole Sum to be charged on the Credit of the said Rates or Assessments shall not at any Time exceed the Sum of Two thousand Pounds: Provided always, that in case the said Commissioners shall think it advisable to raise all or any Part of the Money necessary for the Purposes aforesaid, by the granting of Annuities for the Life or Lives of any Person or Persons, then it shall be lawful for the said Commissioners and they are hereby authorized and empowered, by any Writing or Writings under their Hands and Seals, to grant any Annuity or Annuities to any Person or Persons who shall contribute, advance, and pay into the Hands of the Treasurer to the said Commissioners any Sum or Sums of Money for the absolute Purchase of any such Annuity or Annuities, to be paid and payable during the natural Life of every such Contributor, or the natural Life of every such Person or Persons as shall be nominated by or on Behalf of such Contributor at the Time of the Payment of his or her Contribution or Purchase Money; and the Grant of every such Annuity may be made in the Form or to the Effect following; (that is to say),

Form of
Grant of
Annuity.

‘ BY virtue of an Act passed in the Fourth Year of the Reign of King
 ‘ George the Fourth, intituled *An Act, &c.*, [*here set forth the Title of*
 ‘ *this Act*], We being of the
 ‘ Commissioners appointed by virtue of the said Act, in Consideration of
 ‘ the Sum of Pounds paid to us by *A. B.* [*insert the Name,*
 ‘ *Place of Abode, and Addition of the Lender*] for the Purposes of the said
 ‘ Act, do hereby grant unto the said *A. B.*, his Executors, Administrators,
 ‘ and Assigns, One Annuity or yearly Sum of Pounds out
 ‘ of the Rates or Assessments arising by virtue of the said Act, which
 ‘ Annuity or yearly Sum of shall be paid to
 ‘ the said *A. B.*, his Executors, Administrators, and Assigns, at the Town
 ‘ House in *Darlington* aforesaid, Quarterly, upon the Day
 ‘ of , the Day of , the
 ‘ Day

Commissioners from Time to Time to charge the said Rates or Assessments in Manner aforesaid with such Sum or Sums of Money as they shall think fit or proper, and the Interest thereof at such lower Rate aforesaid, and to pay off and discharge the Mortgages, Assignments, and Securities bearing a higher Rate of Interest.

Mode of
transferring
Securities.

LXIII. And be it further enacted, That it shall be lawful for the Persons entitled to any of the Securities for Money borrowed, or for the Annuities granted as aforesaid, by Writing under their Hands to transfer the same respectively to any Person or Persons according to the Form following, or in any other Form of Words to the like Purport or Effect, as the Case may be; (that is to say),

Form of
Transfer.

‘ I *A. B.* [*insert the Name, Place of Abode, and Addition of the Person assigning*] do hereby assign the within Mortgage [*or Grant of the within mentioned Annuity*], and all my Right and Title in and to the Principal Money and Interest [*or Annuity*], and all Arrears now due thereon and thereby secured, unto *C. D.* [*insert the Name, Place of Abode, and Addition of the intended Assignee*], his Executors, Administrators, and Assigns. Dated this _____ Day of _____ in the Year of our Lord _____

Entries to be
made of
Securities.

And Entries or Memorials of all such Mortgages or Assignments, and the Grants of Annuities which shall be made in pursuance of this Act, and of all Transfers thereof, expressing in Words at length the Name, Additions, and Places of Abode and other Descriptions of all such Persons as shall from Time to Time be entitled to the Principal Money and Interest, or the Annuities thereby respectively secured, shall be entered in a Book to be kept for that Purpose by the Clerk to the said Commissioners, to which Book any Person interested shall at all Times have Access, and shall have free Liberty to inspect the same without Fee or Reward; and for the Entry of every such Transfer or Assignment the said Clerk shall be paid Two Shillings and Sixpence and no more; and every such Transfer or Assignment, after such Entry thereof as aforesaid, shall entitle the Person or Persons to whom the same shall be made, and his, her, or their Executors, Administrators, or Assigns, to the Benefit of the Security or Grant thereby transferred; and all Persons to whom such Mortgages, Assignments, or Grants of Annuities shall be made, or who shall be entitled to the Monies or Annuities thereby secured, shall be, in Proportion to the Sums therein respectively mentioned, Creditors on the said Rates or Assessments equally one with another, without any Preference in respect to the Priority of advancing such Money, or the Dates of any such Mortgages, Assignments, or Grants respectively.

Application
of the Money.

LXIV. And be it further enacted, That all the Money to arise by the said Rates, Assessments, and other Monies hereby granted, or to be levied or recovered by virtue of this Act, and which may be borrowed on the Credit thereof, shall be paid to the Treasurer to the said Commissioners, or to such other Person or Persons as they shall appoint, and shall be applied and disposed of, in the first Place in paying and defraying the Charges and Expences which shall be incident to and attending the obtaining and passing this Act, and in the next Place in paying and discharging the Interest of the Monies which shall be borrowed

rowed and the Annuities which shall be granted under this Act, and then from Time to Time in defraying the Charges and Expences of lighting, cleansing, and watching the Streets and other public Passages, and Places of and in the said Town and Borough, and in defraying and paying all Expences which the said Commissioners and other Officers shall necessarily sustain and be put unto in carrying this Act into Execution, or in prosecuting or defending any Prosecutions, Actions, or Suits in any Manner relative to the Execution of this Act, or of any thing to be done under or by virtue of the same, and for such other Uses and Purposes as are herein expressed; and the Residue of all such Money shall be paid and applied in reducing, paying off, and discharging all such Principal Sums as shall be borrowed as aforesaid.

LXV. And be it further enacted, That if any Person or Persons shall advance, pay, or lend any Money towards defraying the Expence of obtaining and passing this Act, he, she, or they shall be repaid the same, together with lawful Interest, out of the first Monies to be raised by virtue of this Act. Persons advancing Money to be repaid with Interest.

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

LXVII. And be it further enacted, That all Penalties and Forfeitures by this Act imposed, the Manner of levying or recovering whereof is not hereby particularly directed, shall be levied and recovered by Distress and Sale of the Goods and Chattels of the Offender or Offenders, by Warrant under the Hand and Seal of any Justice of the Peace for the said County (which Warrant such Justice is hereby required and empowered to grant), upon the Confession of the Party or Parties, or upon the Oath of One or more credible Witness or Witnesses (which Oath such Justice is hereby empowered to administer), rendering the Overplus (if any) of the Money arising by such Sale on Demand to the Party or Parties whose Goods and Chattels shall be so distrained; and after deducting the Charges of such Distress and Sale, all such Penalties and Forfeitures when recovered (if not herein directed to be otherwise applied) shall be paid, one Half to the Informer or Informers, and the other Half to the Poor of the Town and Borough of *Darlington*; or in case it shall appear to such Justice, on the Oath of any credible Witness (which Oath any Justice is hereby empowered to administer), or on the Confession of the Offender or Offenders, that such Offender or Offenders hath or have not sufficient Goods and Chattels within the Jurisdiction of such Justice, whereon the Penalty or Forfeiture and Charges of levying the same can be raised, or in case sufficient Distress shall not be found after such Warrant shall have been issued, or if such Penalty and Forfeiture shall not be forthwith paid, it shall be lawful for such Justice and he is hereby authorized and required by Warrant under his Hand and Seal to cause such Offender or Offenders to be committed to the Common Gaol. Recovery and Application of Penalties.

Gaol or House of Correction of the said County, City, Borough, or Place, there to remain without Bail or Mainprize for any Time not exceeding Six Calendar Months, unless such Penalties and Forfeitures and all reasonable Charges shall be sooner paid or satisfied.

Offenders may be detained till Warrants of Distress issued, and Return made thereon.

LXVIII. Provided always, and be it further enacted, That in every Case in which any Person or Persons shall be convicted of any Offence against this Act, upon which any Penalty or Forfeiture, or any Costs, Charges, or Expences shall be incurred and adjudged to be paid, it shall and may be lawful to and for the Justice or Justices by or before whom such Offender or Offenders shall be so convicted, and he and they are hereby respectively authorized and required, in case such Offender or Offenders shall not on such Conviction and Adjudication forthwith pay down such Forfeiture and Costs, to detain such Offender or Offenders in safe Custody, in some convenient and proper Place to be appointed for that Purpose by such Justice or Justices, until such Justice or Justices shall have issued his or their Warrant in Manner herein-before directed for the levying such Forfeiture and Costs upon the Goods and Chattels of such Offender or Offenders, and until it shall have been ascertained, on Return made to such Warrant, that such Offender or Offenders respectively hath or have not any Goods and Chattels sufficient whereon to make and levy such Penalty and Costs; any thing herein contained to the contrary notwithstanding.

Commissioners may reward Informers.

LXIX. And be it further enacted, That it shall and may be lawful for the said Commissioners to reward any Informer or Informers as they shall think proper, so as such Reward does not exceed One Moiety 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.

Plaintiff shall not recover after Tender of sufficient Amends.

LXX. Provided always, and be it further enacted, That no Plaintiff or Plaintiffs shall recover in any Action for any Irregularity, Trespass, or wrongful Proceeding, if sufficient Tender of Amends shall be made by or on the Behalf of the Party or Parties who shall have committed or caused to be committed any such Irregularity, Trespass, or wrongful Proceeding, before such Action brought; and in case no such Tender shall have been made, it shall be lawful for the Defendant or Defendants in any Action, by Leave of the Court where such Action shall depend, at any Time before Issue joined, to pay into Court such Sum of Money as he or they shall see fit, whereupon such Proceedings or Order and Judgment shall be had, made, or given by such Court as in other Actions where the Defendant is allowed to pay Money into Court.

Appeal.

LXXI. Provided always, and be it further enacted, That if any Person shall think himself or herself aggrieved by any Rate or Assessment which shall be made in pursuance of this Act, he or she may apply to the said Commissioners at their First Meeting to be holden after the Expiration of Five Days after demanding of such Rate or Assessment, and the said Commissioners are hereby authorized and empowered, if they shall think such Person aggrieved, to give such Relief in the Premises as to them shall seem reasonable; and if any Person shall be dissatisfied with the Determination of the said Commissioners therein, or if any Person shall think himself or herself

herself aggrieved by any Matter or Thing to be done in pursuance of this Act, every such Person may appeal to the Justices at any General or Quarter Sessions of the Peace to be holden for the County of *Durham* within Three Calendar Months next after the Cause of Complaint shall have arisen, such Appellant first giving Fourteen Days Notice at the least in Writing of his or her Intention to bring such Appeal, and of the Matter thereof, to the Respondent or Respondents, and also to the Clerk to the said Commissioners, and within Five Days after such Notice entering into a Recognizance before some Justice of the Peace of the said County, with a sufficient Surety or Sureties conditioned to try such Appeal and abide the Order of and pay such Costs as shall be awarded by the Justices at such Sessions; and the Justices at such Sessions shall hear and finally determine the Cause and Matter of such Appeal in a summary Way, and award such Costs to the Party appealing or appealed against as they shall think proper; and their Determination therein shall be final, binding, and conclusive to all Parties to all Intents and Purposes.

LXXII. Provided always, and be it further enacted, That upon all Appeals from and against any of the Rates or Assessments to be made or imposed by Authority of this Act, the Justices of the Peace (where they shall see just Cause for Relief) shall and are hereby empowered to amend the said Rates or Assessments, in such Manner only as shall be necessary for giving Relief to the Person or Persons so appealing, in case they shall think proper so to do, without quashing or altering such Rates or Assessments with respect to any other Person or Persons mentioned in the same.

Justices to amend Rates appealed against, without altering the other Rates.

LXXIII. And be it further enacted, That no Rate or Assessment, or any Proceedings to be had touching any Order made, or other Matter or Thing to be done or transacted in or relating to any Complaint or Appeal, or any Order or Determination thereon in pursuance of this Act, shall be quashed and vacated for want of Form only, or be removed or removeable into any of His Majesty's Courts of Record at *Westminster* or *Durham*, by Certiorari, or by any other Writ or Process whatsoever; any Law, Statute, or Usage to the contrary in anywise notwithstanding.

Rates and Proceedings not to be quashed for Want of Form, or be removed by Certiorari.

LXXIV. And be it further enacted, That if any Person or Persons shall be summoned as a Witness or Witnesses to give Evidence before any Justice or Justices of the Peace, touching any Matter of Fact in any Information or Complaint for any Offence against this Act, whether on the Part of the Prosecutors, or of the Person or Persons complained of, or if any Person or Persons shall be summoned as a Witness or Witnesses to give Evidence at any General Quarter Sessions of the Peace for the County of *Durham*, or Adjournment thereof, upon any Appeal by virtue of this Act, whether upon the Part of the Appellant or of the Respondent, and any such Person or Persons so summoned as aforesaid shall refuse or neglect, after Payment or Tender of his or her Expences, Costs, and Charges, to appear at the Time and Place to be for that Purpose appointed, without a reasonable Excuse for such his, her, or their Refusal or Neglect, to be approved of by such Justice or Justices, or appearing shall refuse to be examined upon Oath, and to give Evidence before such Justice or Justices of the Peace, or at any such Sessions or Adjournment thereof, then and in either of the said Cases every such Per-

For compelling the Attendance of Witnesses.

[Local.]

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son

son shall forfeit for every such Offence any Sum not exceeding Five Pounds.

Inhabitants
may give
Evidence.

LXXV. And be it further enacted, That in all Actions, Prosecutions, Informations, Causes, and Proceedings whatsoever, relating to or concerning the Execution of this Act, an Inhabitant residing within the said Town or Borough of *Darlington* shall not be deemed incompetent to give Evidence by reason of his being such Inhabitant, or of his being charged with or liable to pay any Rate or Assessment by virtue of this Act.

Form of Con-
viction.

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

‘ Durham } BE it remembered, That on the Day of
‘ to wit. } in the Year of our Lord
‘ A. B. is convicted before me C. D., One of His Majesty’s
‘ Justices of the Peace for the said County, [*specifying the Offence, and*
‘ *the Time and Place when and where the same was committed, as the Case*
‘ *may be*]; and I the said Justice do therefore adjudge him to forfeit and
‘ pay the Sum of . . . Given under my Hand and Seal the
‘ Day and Year above-mentioned.’

Persons dis-
training not
to be deemed
Trespassers
for Want of
Form.

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

Limitation
of Actions.

LXXVIII. And be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for any thing done under this Act until Fourteen Days Notice thereof shall be given in Writing to the Clerk for the Time being to the said Commissioners, or after sufficient Satisfaction, or Tender thereof, hath been made to the Party or Parties aggrieved, or after Six Calendar Months next after the Meeting at which the Cause of Complaint arose, or after the Fact was committed, at which such Action or Suit shall be brought; and all such Actions or Suits shall be laid and tried in the County where the Cause of Action shall have accrued, and not elsewhere; and the Defendant or Defendants in any such Action or Suit may plead the General Issue, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if it shall appear to have been so done, or that such Action or Suit was brought before Fourteen Days Notice thereof given as aforesaid, or that sufficient Satisfaction was made or tendered as aforesaid,

General
Issue.

or if any such Action or Suit shall not be commenced within the Term for that Purpose herein-before limited, or shall be laid in any other County or Place than as aforesaid, then and in any or either of the said Cases the Jury shall find for the Defendant or Defendants; and if a Verdict shall be found for such Defendant or Defendants, or if the Plaintiff or Plaintiffs in any such Action or Suit shall become nonsuited, or shall suffer a Discontinuance of any such Action or Suit, or if upon Demurrer Judgment shall be given for the Defendant or Defendants, then and in any or either of the Cases aforesaid such Defendant or Defendants shall have Treble Costs, and shall have such and the like Treble Costs. Remedy for recovering the same, as any Defendant or Defendants hath or have in other Cases by Law.

LXXIX. And be it further enacted, That all such Commissioners as are or shall be Justices of the Peace may act as Justices in all Matters under the Authority of this Act, notwithstanding their being Commissioners; and that in all Cases where any Justice or Justices of the Peace is or are authorized by this Act to examine any Person or Persons on Oath or Affirmation, it shall be lawful for such Justice or Justices, and he and they is and are hereby required to administer such Oath. Commissioners in Commission of the Peace may act as Justices.

LXXX. 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.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1823.

THE UNIVERSITY OF CHICAGO
DEPARTMENT OF CHEMISTRY
58 CHEMISTRY BUILDING
CHICAGO, ILLINOIS 60637

1968

1968