



ANNO QUARTO

GEORGH II. REGIS.

Cap. lxx.

An Act for lighting and watching the Parish and Town of *Greenwich* in the County of *Kent*, and removing and preventing Nuisances therein.

[30th *May* 1823.]

WHEREAS the Streets, Lanes, Ways, public Passages and Places' within the Parish of *Greenwich* in the County of *Kent*, are not lighted and watched, and are subject to various Nuisances, Annoyances, Incroachments, and Obstructions; and it would be of great Advantage to the Inhabitants of the said Town if the said Streets, Lanes, Ways, Passages and Places were properly lighted and watched, and the Nuisances, Annoyances, Obstructions, and Incroachments therein removed, and prevented for the future; but as the several Purposes aforesaid cannot be effected without the Aid and Authority of Parliament: And whereas an Act was passed in the Twenty-sixth Year of the Reign of His late Majesty King *George* the Second, intituled *An Act for the better Relief and Employment of the Poor in the Parish of East Greenwich in the County of Kent, and for repairing the Highways and cleansing the Streets thereof*: 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 from and immediately after the passing of this Act it shall and may be lawful for the Churchwardens and Overseers of the Poor, and Governors and Directors of the Poor of the Parish of *Greenwich*, or the major Part of them at any Special Meeting for that Purpose, and

26G.2.c.100.

Church-wardens and Overseers and Governors and Directors to

[*Local.*]

provide for
lighting the
Town.

they are hereby authorized and empowered from Time to Time to provide for the lighting of the said Town and Parish, or such Parts thereof as they shall deem necessary or expedient, and to cause Lamp Irons or Lamp Posts to be put up, fixed into, upon, or against the Ground adjoining to, or the Walls or Palisadoes of any of the Houses, Tenements, or Buildings already built or hereafter to be built within the said Town and Parish, as they the said Churchwardens and Overseers of the Poor and Governors and Directors shall from Time to Time think proper and convenient; and also to cause such Number of Lamps of such Sizes and Sorts to be provided and fixed or put upon such Lamp Irons or Lamp Posts, or to cause the same when so provided and fixed to be altered, taken down, or removed, as they shall from Time to Time think proper, for well and effectually lighting the said Town and Parish with Oil or Gas, and to cause such Lamps to be lighted at such Time or Times, and to be kept lighted during the Whole or such Part of the Night as they the said Churchwardens and Overseers of the Poor and Governors and Directors shall think proper: 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 Churchwardens, Overseers, Governors, and Directors, shall immediately cause such Injury or Damage to be well and sufficiently repaired, and defray the Expences attending the same out of the Money to be raised by virtue of this Act.

Punishment
for damaging
Lamps, &c.

II. And be it further enacted, That if any Person or Persons shall wilfully take away, break, throw down, or otherwise damage any of the Lamps which shall be erected by or by Order or under the Authority of the said Churchwardens and Overseers of the Poor and Governors and Directors, or any of the Posts, Irons, or Furniture thereof, or shall wilfully extinguish the Light or Lights of any of the said Lamps, it shall be lawful for any Justice of the Peace for the said County of *Kent*, and he is hereby required, upon Complaint of any One or more of the said Churchwardens and Overseers of the Poor and Governors and Directors, or of their Clerk, and on the Oath of One or more credible Witness or Witnesses, of any such Offence, to issue a Warrant for apprehending the Party accused; or it shall be lawful 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 the Party accused being brought before any such Justice, or Oath being made before him that the Party complained against cannot be found, such Justice shall proceed to examine upon Oath any Witness or Witnesses who shall appear or be produced to give Information touching such Offence; and if the Party accused shall be convicted of such Offence, either by his, her, or their own Confession, or upon Oath made as aforesaid, he, she, or they so convicted shall for every Offence respectively forfeit and pay any Sum not exceeding Five Pounds, together with full Satisfaction (to be ascertained by such Justice), to be made to the said Churchwardens and Overseers of the Poor and Governors and Directors, by such Offender

der or Offenders, for the Damages so by him, her, or them done; and in case such Offender or Offenders shall not upon Conviction pay the Forfeiture by him, her, or them incurred, and make such Satisfaction as aforesaid, the Justice before whom such Offender or Offenders shall be so convicted, shall commit him, her, or them to the Common Gaol or House of Correction for the said County, there to be kept to hard Labour for any Time not exceeding Three Calendar Months, and such Offender or Offenders shall not be discharged before the Expiration of the Time for which he, she, or they shall be committed, unless such Forfeiture and Satisfaction shall be sooner paid and given; and One Half of the said respective Forfeitures, when recovered, shall be paid to the Informer or Informers, and the other Half thereof shall be applied for the Purposes of this Act.

III. And be it further enacted, That if any Person or Persons shall negligently or accidentally break, throw down, or otherwise damage any of the said Lamps, or any of the Posts, Irons, or other Furniture thereof, and shall not upon Demand made by the said Churchwardens and Overseers of the Poor and Governors and Directors, or by their Clerk, make Satisfaction to them, or One of them, for the Damages by such Person done, it shall be lawful for any Justice of the Peace for the said County, and he is hereby required, upon Complaint thereof made by any One of the said Churchwardens and Overseers of the Poor and Governors and Directors, or by their Clerk, to summon the Party complained of, and upon his, her, or their appearing or making default to appear (Oath being made that the Party complained of was served with such Summons, or that the same was left at his, her, or their Dwelling House or Place of Abode, if known, or that he, she, or they could not be found) such Justice shall proceed to examine the Cause of such Complaint, and upon Proof thereof, either by the Confession of the Party complained of, or by the Oath of One or more credible Witness or Witnesses, shall award and order such Satisfaction to be made by the Party complained of, for the Damage so by him, her, or them done, as to such Justice shall appear just and reasonable, and shall cause the Sum so awarded, in case the same be not paid forthwith upon the making of such Award or Order, to be recovered by Distress and Sale of the Goods and Chattels of the Person or Persons complained of, rendering to him, her, or them, upon Demand, the Overplus (if any be) after the Charges of prosecuting such Complaint and of such Distress and Sale shall be deducted.

Persons
damaging
Lamps, &c.
not paying
on Demand
to be sum-
moned forth-
with before
a Justice.

IV. And whereas it is by the said Act enacted, that the Office of Surveyor of the Highways in the said Parish should cease and determine: And whereas the Duties of the said Office are imposed upon the Churchwardens and Overseers and Governors and Directors of the Poor of the said Parish for the Time being: And whereas Inconvenience may arise in the Execution of the said Office, from the Number of Persons on whom the Duties of the said Office are imposed; be it enacted, That the Vestry Clerk of the said Parish of *Greenwich* for the Time being shall be and he is hereby declared to be the Surveyor of the Highways for the said Parish, and shall execute the said Office by and under the Direction of the Churchwardens and Overseers and Governors and Directors of the Poor of the said Parish.

Vestry Clerk
to be Sur-
veyor of the
Highways.

V. And

Church-wardens and Overseers and Governors and Directors may contract for Gas.

V. And be it further enacted, That it shall and may be lawful for the Churchwardens and Overseers and Governors and Directors of the Poor of the Parish of *Greenwich* for the Time being, or the major Part of them at any Special Meeting for that Purpose assembled, to contract and agree with any Gas Light Company, or any Body or Bodies Politic or Corporate, or any Person or Persons willing to supply the same, for so many Public Lamps to be set up and kept lighted with Gas by the said Company, or Body or Bodies, or other Person or Persons, at such Parts of the Town and Parish of *Greenwich*, and for such Periods of Time as they shall deem expedient and necessary, and to pay the Expence of such Contract, and of lighting and keeping lighted the said Lamps, and all other Expences incident to such Contract and lighting, in manner herein-after mentioned.

Church-wardens and Overseers and Governors and Directors may allow the breaking up of the Streets for laying Pipes for lighting.

VI. And be it further enacted, That it shall be lawful for the said Churchwardens and Overseers and Governors and Directors of the Poor, to authorize and empower any Gas Light Company, or Body or Bodies Politic or Corporate, or other Person or Persons aforesaid; by their Servants, Agents, Workmen and others, from Time to Time to make and erect such Retorts, Gasometers, Receivers and other Buildings, Cisterns, Engines, and other Apparatus, Cuts, Drains, Sewers, Watercourses, Reservoirs, and other Works and Devices, and to sink and lay Pipes, in such Manner as they shall think necessary or proper for the Purpose of providing such Gas to the said Parish; and further to authorize and empower any Gas Light Company, or Body or Bodies, or other Person or Persons as aforesaid, to break up the Soil and Pavements of any of the Streets, Highways, Roads, Ways, Lanes, and Passages within the said Parish, and to dig and sink Trenches and Drains, and lay Mains or Pipes, and put Stopcocks, Syphons, Plugs, or Branches from such Pipes, in, under, across, and along the Streets, Highways, Roads, Ways, Lanes and Passages, when and in such Manner as shall be necessary for supplying any Light, and from Time to Time to alter the Position of, and to repair, relay, and maintain such Pipes, Stopcocks, Syphons, Plugs and Branches; and also to carry, fit up, and furnish any Pipe or Pipes, Cocks or Branches, or other necessary Apparatus, from any Main or Pipe laid in any Street, Highway, Roadway, Lane, Footpath or Passage, by virtue of this Act, for the Purpose of lighting any public or private Lamp in the said Parish from any of such Mains or Pipes; and to erect and set up any Machine or other Apparatus necessary or requisite, or which may be deemed advisable, for securing to any Dwelling House or Houses, Manufactories, public or private Buildings, a proper and competent Supply of Gas; and for measuring and ascertaining the Extent of such Supply; and also to alter or amend any Work which shall have been so placed when bad or imperfect, or which shall be injured or damaged, and to do all such Acts, Matters, and Things as they shall from Time to Time think necessary and convenient, for completing, amending, repairing, improving, supplying and using the same; provided that all public Streets, Highways, Roads, Lanes and Passages, shall only be broken up with the Consent of the said Churchwardens and Overseers, and Governors and Directors, signified by Writing under the Hand of their Clerk for the Time being, and specifying the particular Places to be so broken up; and that nothing herein contained shall extend, or be construed to extend, to enable the said Gas Light Company, or any other Person or Persons, to lay any
Pipe

Pipe or Pipes for supplying the said Town or Parish with Gas in, through, over or upon any private Lands or Grounds, or through or against any Dwelling House, or to continue the same, without the Consent in Writing of the Owner or Owners, and Occupier or Occupiers thereof respectively.

VII. Provided always, and be it further enacted, That any Gas Light Company, or any Company of Proprietors of Waterworks, or other Person or Persons, in laying or repairing any Pipes, Plugs, Stopcocks, Branches, or other Apparatus, shall do as little Damage as may be, and shall forthwith fill in the Trenches, and make good the Pavements and Roads, and carry away the Rubbish occasioned thereby; and the said Company or other Person or Persons shall in the meantime fence or guard and affix Lights during the Night at or near the Place or Places where any Ground shall be opened, in such Manner as to prevent Accidents to Passengers, Cattle, or Carriages: Provided also, that if there shall be any wilful or negligent Delay in either of the said Companies, or other Person or Persons, or in any of their Agents or Servants, or any other Person or Persons acting by or under their Authority, in filling in any such Ground, or removing Rubbish, or making good any such Pavements or Roads, or in case the same shall be imperfectly repaired, or in case the Ground so opened shall not be fenced or guarded and lighted, then and in every such Case it shall be lawful for the said Churchwardens and Overseers, and Governors and Directors, or the Person or Persons, or Body or Bodies Politic or Corporate, in whom the Right of Soil of such Pavements or Roads shall be, or to and for the Surveyor for the Time being of the said Parish, to fill in such Grounds, and to remove such Rubbish, and to repair and make good the Pavement of any Street, Lane, Way, Road, Passage, or other Place so broken up, and properly to fence or guard any such Trench or Excavation, and to place and maintain such Light or Lights during the Night as to him shall seem necessary; and the reasonable Costs and Charges thereof shall be paid by the said Company, or their Treasurer or Treasurers, or other Person or Persons; and in default of Payment thereof for Four Days next after Demand made for the Payment thereof, Proof of such Demand being made by the Oath of One or more credible Witness or Witnesses before One or more Justice or Justices of the Peace for the said County, all such reasonable Costs, together with any Sum not exceeding Five Pounds by way of Penalty, shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of the said Company, or Person or Persons offending, together with the Charges of such Distress and Sale, by Warrant under the Hand and Seal or Hands and Seals of any such Justice or Justices, and which Warrant such Justice or Justices is and are hereby empowered to grant; and such Penalties, Costs, Charges and Expences, shall be paid to such Surveyor or Surveyors as aforesaid: Provided always, that after such Pavements or Roads shall have been so repaired and made good, if the same shall within Six Calendar Months thereafter give way, or require relaying or repairing, in consequence of such Pavements or Roads having been broken up for the Purpose of carrying this Act into Execution, the same shall be forthwith done and performed by and at the Expence of such Company, or other Person or Persons.

VIII. Provided always, and be it further enacted, That in case such Pavement or Ground so taken up shall not be properly relaid and filled

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Provision in case the Ground or Pavement

shall be im-
properly
relaid.

in to the Satisfaction of the said Churchwardens and Overseers of the Poor and Governors and Directors for the Time being, then upon Notice given to such Company or other Person or Persons as aforesaid, the said Pavement shall, within Two Days after such Notice, be again taken up and relaid, or the Ground filled in, at the Expence of the said Company, or any other Person or Persons who shall have so taken up the said Pavement or broken the said Ground; and in case the said Pavement so taken up, or the Ground so broken, shall not then be relaid or filled in, in a proper Manner, and to the Satisfaction of the said Churchwardens and Overseers of the Poor and Governors and Directors for the Time being, or their Surveyor, then the said Company or any other Person or Persons so neglecting to relay the said Pavement or fill in the said Ground in a proper Manner, shall forfeit and pay to the said Churchwardens and Overseers of the Poor and Governors and Directors the Sum of Five Pounds, to be recovered before any Magistrate for the County of *Kent*, who is hereby authorized to determine all Complaints relating thereto; and the said Churchwardens and Overseers of the Poor and Governors and Directors shall cause such Pavement to be taken up and relaid, and the Ground to be properly filled by their own Workmen and Paviers, and the Expence thereof, and all Costs and Charges occasioned in taking up and relaying the same, shall be borne and defrayed by the Company or other Person or Persons so neglecting to relay the same in a proper Manner; any thing herein contained to the contrary notwithstanding.

Gas Pipes to
be laid Three
Feet from the
Water Pipes,
and in a par-
ticular Man-
ner.

IX. And be it further enacted, That all and every the Pipes or other Conduits to be laid or used for the Conveyance of Gas in, under, through, along, across, or round any Street, Lane, Way, public Passage or Place, in the said Town and Parish, shall be so laid at the greatest practicable Distance, and whenever the Width of the Carriageway in such Street or Place will allow thereof, at the Distance of Three Feet at least from the nearest Part of any Water Pipe already laid down, or hereafter to be laid down, for the Conveyance of Water in, under, through, along, across, or round any of the said Streets, Lanes, Ways, public Passages or Places in the said Town and Parish, unless in Cases where it shall be unavoidably necessary to lay the Gas Pipes across any of the said Water Pipes, in which Cases the said Gas Pipes shall be laid over and above the said Water Pipes at the greatest practicable Distance therefrom, and shall form therewith a Right Angle; and that in such Cases the said Gas Pipes, so crossing the said Water Pipes, shall be at least Six Feet in Length, so that no Joint of any of the said Gas Pipes shall be nearer to any Part of the said Water Pipes than Three Feet at least; and that in laying down the said Gas Pipes, the said Gas Light Company, their Successors or Assigns, shall in no case join Two or more Gas Pipes together previous to their being laid in the Trench, but shall lay each Pipe as near as may be in its Place in the Trench, and shall in such Trench properly form the jointing with the other Pipes to be added thereto, with proper and sufficient Materials; and shall also make and keep all and every such Pipes, and all Pipes connected or communicating therewith, and all the Screws, Joints, Inlets, Apertures or Openings therein respectively, Air-tight; and in all and every respect prevent the said Gas from escaping therefrom, and from any Part thereof; upon pain of forfeiting for every Offence the Sum of Ten Pounds, to be recovered and applied as any Penalty is herein directed to be recovered and applied.

X. And be it further enacted, That the Branch or Service Pipes which shall or may be put down for lighting the Streets and other public Passages and Places in the said Town and Parish, 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.

Pipes to be kept fully charged with Gas.

XI. 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 in pursuance of this Act, the said Body or Bodies Politic or Corporate, or Person or Persons, 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 Parish, cause the most speedy and effectual Measures to be taken to stop and prevent such Gas from escaping; and in case the said Body or Bodies, or Person or Persons, shall not within Twenty-four Hours next after such Notice by Parol or in Writing shall have been 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 Body or Bodies, or Person or Persons, 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 recovered and levied, with all reasonable Charges, by Distress and Sale of the Goods and Chattels of the said Body or Bodies, or Person or Persons, by Warrant of any such Justice or Justices of the Peace as aforesaid, in manner herein-after mentioned.

To prevent Escape of Gas.

XII. Provided always, and be it further enacted, That if any Body Politic or Corporate, or Person or Persons whomsoever, shall at any Time empty, drain, or convey, or cause or suffer to be emptied, 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, Spring Head, 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 Spring Head, Well, Drain, Sewer or Ditch, then and in every such Case, the said 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

Penalty for conveying Washings into any River, &c.

within

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 emptied, 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, Spring Head, or Well; or into any Drain, Sewer or Ditch communicating therewith, or any such Annoyance, Act, or Thing shall be done or cause 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 Body or Bodies, or Person or Persons so offending, and such Person or Persons shall not, within Twenty-four Hours after such Notice shall have been given to 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 emptied, 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 emptied, 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 before and by any Justice or Justices of the Peace, 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.

Act not to prevent Bodies or Persons being proceeded against for Nuisance.

XIII. 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 Company, or Body or Bodies Politic or Corporate, or other Person or Persons, or against any of their Officers, Servants, or Workmen, in respect of any Works of the said Company, or Body or Bodies Politic or Corporate, or other Person or Persons, or the Means which shall be by them used in obtaining, making, or preparing the said Gas or Inflammable Air, or in using the same, as a public or private Nuisance.

For the Appointment of Night Constables and Watchmen.

XIV. And be it further enacted, That the said Churchwardens and Overseers of the Poor and Governors and Directors shall and may at any special Meeting to be held for that Purpose, and they are hereby authorized and required, from Time to Time as they shall think necessary, to order, establish, and appoint a Night Constable or Night Constables, and such Number of Watchmen as they shall judge necessary to be kept and employed in or about the said Town, and likewise direct and appoint how

how and where the several Night Constables and Watchmen shall be stationed, and in what Manner they shall be armed, how often they shall go their Rounds, how long they shall continue upon Duty, and what Wages shall be allowed to such Watchmen for their Service; and shall and may also erect and provide proper Places or Boxes for the Reception of such Watchmen as aforesaid; and shall make Orders and Regulations from Time to Time for the better Direction and Government of such Watchmen, such Orders and Regulations to be printed, and Copies thereof signed by the said Churchwardens and Overseers of the Poor and Governors and Directors, or their Clerk for the Time being; and it shall be lawful for such Watchmen, and they are hereby authorized and required to keep watch and ward within the said Town, under the Order of the said Churchwardens and Overseers of the Poor, and Governors and Directors, to arrest, apprehend, and detain in the Prison or Watch-house, or some other convenient Place of Security within the said Town, to be provided and appointed by the said Churchwardens and Overseers of the Poor and Governors and Directors, all Disturbers of the public Peace, disorderly Persons, Vagrants, Beggars, and all such other Persons as shall be found misbehaving themselves, and shall report and take them within Twenty-four Hours (or as soon after as conveniently may be) before any One of His Majesty's Justices of the Peace acting in and for the said County of *Kent*, to be examined and dealt with according to Law.

XV. And be it further enacted, That all Watchmen and Serjeants of the Night shall be sworn in as Constables before any Justice or Justices of the Peace for the said County of *Kent*, and act as such while in the Execution of the Powers and Authorities of this Act, and they are hereby invested with and shall have and enjoy the like Powers and Authorities, Privileges and Immunities, as any Constable or Constables is or are invested with, or have and enjoy by Law.

Watchmen,
&c. vested
with the
Powers of
Constables.

XVI. And be it further enacted, That if such Watchmen or any of them shall not observe, perform, or keep the Orders, Rules, and Regulations, which shall be made for the Purposes aforesaid by the said Churchwardens and Overseers of the Poor and Governors and Directors, or shall in any Manner neglect their Duty or misbehave themselves, every Person so offending shall, upon Conviction before any One of the Justices of the Peace for the County of *Kent*, forfeit and pay for every such Neglect or Offence any Sum not exceeding Five Pounds, and shall also (if the said Churchwardens and Overseers of the Poor and Governors and Directors at a Special Meeting for that Purpose held, or the Magistrate by whom such Complaint is determined, shall think proper) be immediately discharged from his or their respective Office or Employment, and shall not again be appointed or act as a Watchman in the said Parish; and any Person so discharged by the said Churchwardens and Overseers of the Poor and Governors and Directors (or by the Magistrate by whom any Complaint against such Watchman shall have been heard and decided), who shall presume to act again as a Watchman for the said Parish, shall upon every Complaint and Conviction thereof before any Justice of the Peace for the County of *Kent*, forfeit and pay for every such Offence any Sum not exceeding Forty Shillings, and in default of Payment thereof shall be committed to the House of Correction, there to be kept to hard Labour for the Space of Three Calendar Months.

Punishment
of Watch-
men for Neg-
lect.

[Local.]

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XVII. And

Victuallers
harbouring
Watchmen.

XVII. And be it further enacted, That if any Victualler, Publican, Coffeehouse Keeper, or any Person selling or dealing in spirituous or other Liquors, or keeping any House of public Entertainment, shall wilfully entertain or harbour in his, her, or their House or Habitation or Shop, any Watchman to be appointed under this Act, during any of the Hours or Times appointed for such Watchmen to be on Duty by virtue or in pursuance of this Act, then every such Victualler, Publican, or other Person shall for every such Offence, upon Conviction before any Justice of the Peace for the County of *Kent*, forfeit and pay any Sum not exceeding Twenty Shillings.

For pre-
venting
Nuisances.

XVIII. And be it further enacted, That from and after the passing of this Act, if any Person or Persons shall, upon any of the Footways or Foot Pavements within the said Town or Parish, run, draw, drive, or carry thereon any Truck, Wheel, Sledge, Wheelbarrow, Handbarrow, Bier, or Carriage whatsoever; or roll any Cask or Tub, other than for the necessary loading or unloading thereof, into, upon, from, or out of any Carriage or Cart; or wilfully ride, lead, or drive any Horse or other Beast or Cattle whatever on any of the said Footways or Foot Pavements, or wilfully permit or suffer any Horse or other Beast or Cattle which such Person may be riding, driving, or leading to go thereon; or shall tie or fasten any Horse or other Cattle to any House, Wall, Fence, Post, Tree, or other Thing whatsoever, across any of the said Highways, Footways, or Foot Pavements; or set any Cask, Tub, Pail, Bucket, Stool, Bench, or Stall on or in the said Footway or Foot Pavement; or erect, set up, put, or place any Blind, Shade, Coverlid, Awning, or any other Matter or Thing, so as in any Way to cause any Obstruction or Impediment in the Footway or on the Foot Pavement; or shall in any Street, Lane, public Passage, or Place within the said Parish or elsewhere, within the Jurisdiction of the Churchwardens, Overseers, and Governors and Directors of the Poor of the said Parish, hoop, fire, cleanse, wash, or scald any Cask or Tub, or hew, saw, or cut any Stone, Wood, or Timber, or bore any Timber, or make or repair, or wash or clean any Coach, Chaise, Waggon, Sledge, or other Carriage, or the Wheel, Body, Springs, or other Part of any Coach, Chaise, Waggon, Sledge, or other Carriage (except such as may want immediate Repair from any sudden Accident on the Spot, and which cannot conveniently be removed for that Purpose); or wet, slack, or mix any Lime, or wet, mix, or make any Mortar; or shoe, bleed, or farry any Horse or other Beast unless in case of sudden Accident, or clean, dress, drive, or turn loose any Horse or other Beast or Cattle, or wilfully permit or suffer any Swine or Pigs to wander or stray in the said Streets, Roads, Lanes, and other Passages of the said Parish, or shew or expose any Stallion or Stone Horse (except only in such Place as the said Churchwardens and Overseers, Governors, and Directors shall direct), or shew or expose, or exercise or expose to Sale any Horse or other Beast, or kill or slaughter, or scald, singe, dress or cut up any Animal, either wholly or in part, or cause or permit any Blood or other Filth to run from any Slaughterhouse, Butcher's Shop, or Shambles; or shall pump or empty any Cesspool into the said Streets, Roads, Lanes, or other Passages or Places or any of them; or hang up or expose to Sale, or cause or permit to be hanged 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

over or upon the Footway or Carriage Way of any such Streets, Lanes, public Passages or Places, or beyond the Line, or on the Outside of the Window or Windows of the House, Shop, or Place at which the same shall be so hanged up, placed, or exposed to Sale, or so as to obstruct or incommode the Passage of any Person or Carriage; or leave open after Sun-set the Door or Window of any Cellar or other underground Room or Apartment, without having placed or left a sufficient Light therein, to warn and prevent Persons passing in the Streets, Lanes, and public Places of the said Town and Parish from falling into such Cellar or other underground Rooms or Apartments; or bait or cause to be baited any Bull or other Animal, or throw at any Cock or Fowl in the Manner called Cock-throwing, or set up any Fowl to be thrown at in such Manner; or play at Football, or at any other Game to the Annoyance of any Inhabitant or Inhabitants, or Passenger or Passengers; or 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 cause, make, or assist in making any Bonfire, or wantonly discharge or fire any Gun, Pistol, or Blunderbuss, or other Fire Arms, or let off, set fire to, or throw any Cracker, Squib, Rocket, or other Firework, or shall occasion any other Kind of Obstruction or Annoyance in or upon any such Street, Lane, public Passage, or Place, or shall obstruct or incommode, hinder, or prevent the free Passage of any Footway or Causeway, or prejudice or annoy in any Manner whatsoever any Person or Persons travelling, passing, or going thereon within the said Town or Parish; then and in every such Case every Person so offending shall forfeit and pay any Sum not exceeding Five Pounds, and not less than Ten Shillings; and it shall and may be lawful to and for any Constable or other Peace Officer, or any one of the said Churchwardens or Overseers, Governors or Directors, or any Officer or other Person acting by or under their Authority by virtue of this Act, and without any Warrant whatsoever, to seize and apprehend any such Offender or Offenders as aforesaid, and forthwith to convey him, her, or them before some Justice or Justices of the Peace for the said County, in order to his, her, or their Conviction for such Offence.

XIX. And be it further enacted, That if any Person shall, within the Boundaries or Limits of the said Parish, blow any Horn or Trumpet, or use any other noisy Instrument for the Purpose of hawking, selling, or distributing any Article whatsoever, or for any other Purpose of Trade or Profit, or for the Purpose of calling or collecting Passengers, Parcels, or Goods, it shall be lawful for any Constable, Beadle, or other Officer, and to and for any other Person or Persons whomsoever, without any other Warrant or Authority than this Act, to seize and apprehend every Person so offending, and convey such Offender before any Justice of the Peace, who shall examine upon Oath any Witness or Witnesses appearing to give Evidence touching such Offence; and if the Party accused shall be convicted of such Offence, then and in every such Case he, she, or they shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings, and not less than Ten Shillings; and in case the Offender shall not forthwith pay the Penalty, such Justice is hereby required to commit such Offender to the House of Correction, there to be kept to hard

Penalty for
blowing
Horns in any
Part of the
Parish.

hard Labour for any Time not exceeding Fourteen Days nor less than Twenty-four Hours, unless the Penalty shall be sooner paid.

Obstructions
to be re-
moved.

XX. And be it further enacted, That all and every the Penthouses or other Projections, and all Posts, Shutters, Signs, Sign Posts, Show Boards, (or other Emblems to denote the Trade, Occupation, or Calling of any Person or Persons), and all Spouts, Sewers, Gutters, Drains, Channels, Pales, Rails, Gates, Stalls, Bulks, Sheds, Sunblinds, Furniture, Stock in Trade, or any other Matters or Things whatsoever, which at the Time of passing this Act is or are, or hereafter shall be erected, set up, or placed, and which in the Judgment of the said Churchwardens and Overseers of the Poor and Governors and Directors, shall be deemed an Obstruction or Annoyance to any of the Inhabitants or Passengers, by projecting into or being placed upon any of the present or future Footways or Carriage Ways of such Streets, Lanes, Ways, Passages or Places, or incumber or fill up the same, shall, within Four Days after a Day to be expressed in a Notice to be for that Purpose given to or left with the Owner or Occupier of the House or other Buildings or Lands to whom such Matters and Things aforesaid, or any of them, shall respectively belong, be taken down, carried away, filled up, removed or altered, by and at the Expence of the Owner or Occupier thereof, under the Inspection and Direction of the said Churchwardens and Overseers of the Poor and Governors and Directors; and in case the respective Owners or Occupiers shall neglect or refuse to obey such Notice, and to observe and perform the several Matters and Things hereby respectively required to be done within the Time aforesaid, then such Occupier shall, for every such Offence, forfeit and pay any Sum not exceeding Ten Shillings for every Day the same shall so remain undone; and it shall and may be lawful for the said Churchwardens and Overseers of the Poor and Governors and Directors, to cause the same to be taken down, carried away, filled up, removed, altered, and fixed in the Manner and for the Purposes aforesaid, and shall return, or cause to be returned, to the respective Occupiers thereof, or to be left on the Spot where the same shall be so respectively removed, or as near thereto as conveniently may be for such Occupiers, so much of such Matters and Things as aforesaid, as shall not be affixed or set up, or otherwise made use of in the Alterations directed by this Act; and the Charges and Expences attending the same shall be recovered of the Occupiers thereof respectively, in the same Manner as the Penalties and Forfeitures inflicted by this Act is or are hereby directed to be recovered on Nonpayment of the same; and if such Occupiers shall cause such Matters and Things to be replaced, erected, built, or made contrary to the Directions of this Act, every such Occupier or Occupiers, for every Day he, she, or they shall so offend, shall forfeit and pay any Sum not exceeding Ten Shillings, or otherwise it shall be lawful for the said Churchwardens and Overseers of the Poor and Governors and Directors as aforesaid, to order the same to be taken down, removed, or altered in such Manner as they shall think proper, without giving any Notice to the Occupier or other Person offending therein, and the Charges and Expences attending the same shall or may be recovered of the Person or Persons so offending, in the same Manner as is last herein-before mentioned.

Channels,
Sewers and
Drains may
be made.

XXI. And be it further enacted, That the said Churchwardens and Overseers of the Poor and Governors and Directors, with the Authority

of a public Vestry called for that Purpose, shall and may, by Contract or otherwise, cause such and so many public Channels, Sewers and Drains, as they may think necessary, to be dug and made in, along, or across any of the said Streets, Roads, Lanes, Ways, Passages and Places, and to be from Time to Time enlarged, widened, raised, altered, removed, repaired, cleansed or scoured, when and as often as to them the said Churchwardens and Overseers of the Poor and Governors and Directors shall seem meet, and also shall and may cause such and so many Grates or Openings to be made therein for the conveying and carrying off the Filth, foul and other Waters, from the Houses built or to be built in or adjoining to such Streets, Lanes, Ways, Passages and Places, into the said Channels, Sewers and Drains, as the said Churchwardens and Overseers of the Poor and Governors and Directors shall and may think necessary and expedient; and all Costs, Charges, and Expences in and about the making, enlarging, widening, raising, altering, removing, repairing, cleansing, or scouring such Channels, Sewers and Drains, shall be borne and defrayed out of the Monies to be raised by the Rates or Assessments for repairing and cleansing the Highways of the said Parish.

XXII. Provided always, and be it enacted, That for the Purpose of building, altering, or repairing any House or Building, or for any of the Purposes of this Act required, a Hoard or Inclosure may be fenced and made, during such Time only as the said Building or Repairing is going forward, and so as the Person or Persons making such Hoard do rail off a good and proper Footway for the Public, during such Time as the said Hoard shall be erected and continued.

Hoards, during the Repairs of Houses to be set up.

XXIII. And be it further enacted, That if any Person or Persons whatsoever shall begin to empty or cleanse any Necessary, Bog House, Cesspool or Privy, or to take away any Night Soil from any House or Houses within the Parish aforesaid, before the Hour of Eleven of the Clock at Night, or shall continue to take away the same after the Hour of Five of the Clock in the Morning from *Michaelmas* to *Lady Day*, or after the Hour of Four of the Clock in the Morning from *Lady Day* to *Michaelmas*; or if any Person or Persons shall wilfully or negligently spill or cast out of any Cart, Carriage, Tub, or otherwise, any of the Soil of such Necessary, Bog House, Cesspool, or Privy, in any of the Streets, Lanes, Alleys, Ways, Passages or Places within the Parish aforesaid, then and in every such Case every Person so offending shall forfeit and pay any Sum not exceeding Five Pounds; and it shall and may be lawful for any Constable or other Peace Officer, or any of the Churchwardens or Overseers, Governors or Directors of the Poor, or any Person acting under their Authority by virtue of this Act, and without any Warrant whatsoever, to seize and apprehend any such Offender or Offenders as aforesaid, and forthwith to convey him, her, or them before some Justice of the Peace of the said County, in order to his, her, or their Conviction for such Offence.

Privies to be emptied between certain Hours.

XXIV. And be it further enacted, That it shall and may be lawful for the Churchwardens, Overseers of the Poor, and Parishioners of the said Parish of *Greenwich*, or the major Part of them, by previous Notice for that Purpose in Vestry assembled, and they are hereby required from Time to Time as Occasion shall arise, to make a sufficient Rate or Assess-

The Charges arising under this Act to be defrayed by a Rate.

[Local.]

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ment

ment for defraying the Costs and Charges of obtaining this Act and of lighting and watching the said Town and Parish of *Greenwich*, and other the Purposes of this Act; and such Rate or Assessment shall be made upon all and every Person and Persons who do or shall inhabit, hold, use, occupy, or enjoy, any Land, House, Shop, Water Works, Wharf, Warehouse or other Building, and on every Person or Persons by Law chargeable and assessable for and towards the Relief of the Poor of the said Parish, except such Persons as are not in the whole assessed upon the Sum of Eight Pounds to the Poor Rates in the said Parish, such Rates to be made, published, collected, and recovered, in like manner as the Poor Rates are by Law directed to be made, published, collected, and recovered: Provided always, that no Person shall be assessed towards the said Rates for lighting and watching, for any greater Quantity of Land than Five Acres; but that all Land above that Quantity in the Occupation of any one Person shall be exempt from the said Rates, (unless the said Land shall form a Park, or Paddock, or Pleasure Ground, which shall be charged according to the Number of Acres comprized within the same): Provided also, that after the Expence of setting up the Lamps, Lamp Posts, and other Articles necessary to be set up and purchased for lighting the said Parish shall have been paid and discharged, and the necessary Expences of setting on foot the said Watch by providing Watch Boxes and other Things necessary for the Watchmen, shall also have been paid and discharged, all which Expences shall be defrayed within One Year after the passing of this Act, then the Amount of the annual Rates for defraying the Expences of lighting and watching the said Parish shall not exceed the Sum of One Shilling in the Pound.

A Parish
Pound to be
provided.

XXV. And whereas it would tend much to prevent Nuisances within the said Parish, if a Pound was erected for detaining Cattle and Swine straying and turned loose about the said Parish; be it therefore enacted, That it shall and may be lawful to and for the Churchwardens and Overseers, and Governors and Directors of the Poor, and they are hereby required, to erect, set up, and continue One or more Parish Pound or Pounds in some convenient Place or Places in the said Parish of *Greenwich*; and if any Horse, Ass, Sheep, Swine, or other Beast or Cattle of any kind shall at any Time be found wandering, straying, or lying about any of the Highways, Streets, Lanes, Passages, or public Places of the said Parish, it shall be lawful for the Surveyor of Highways of the said Parish, or any Person or Persons whatsoever finding the same so wandering, straying, or laying about, to seize and impound every such Horse, Ass, Sheep, Swine, or other Beast or Cattle in the Pound so provided for the said Parish, and the said Horse, Ass, Sheep, Swine, or other Beast or Cattle, there to detain until the Owner or Owners thereof shall for every and each Horse, Ass, Sheep, Swine, or other Beast or Cattle so impounded, pay the Sum of Five Shillings for the Use of the said Parish, to the Person in whose Charge or Custody the Key of the said Pound shall be intrusted, or who shall have been appointed Pound Keeper by the said Churchwardens and Overseers, and Governors and Directors of the Poor, together with the reasonable Charges and Expences of impounding and keeping the same; and in case the said Penalties, Charges, and Expences shall not be paid within Four Days after such impounding, it shall and may be lawful for the said Pound Keeper to sell or cause to be sold every such Horse, Ass, Sheep, Swine, or other Beast or Cattle, and the

the Money arising from such Sale, after deducting the said Penalty, and Charges and Expences of impounding, keeping, and selling every such Horse, Ass, Sheep, or Swine, or other Beast or Cattle, shall be paid to the Person whose Property the same so sold shall appear to have been.

XXVI. And whereas Offences may be committed against this Act by Persons unknown to the Churchwardens, Overseers, Governors, and Directors, or other Persons appointed or employed to put the same in execution; be it therefore further enacted, That it shall be lawful for the said Churchwardens, Overseers, Governors, and Directors, or other Officers respectively, and such other Person or Persons as he or they shall call to his or their Assistance, without any Warrant or other Authority than this Act, to seize and detain any such unknown Person or Persons who shall commit any such Offence or Offences, and to take him, her, or them before any Justice or Justices of the Peace of the County or Place where the Offence or Offences shall be committed, or such Offender or Offenders shall be seized or apprehended; and such Justice or Justices shall and is or are hereby required to proceed and act with such Offender or Offenders according to the Provisions of this Act.

For securing
transient
Offenders.

XXVII. And be it further enacted, That all Penalties, Forfeitures, and Fines by the before recited Acts or this Act inflicted or authorized to be imposed, (the Manner of levying, recovering, and applying whereof is not hereby otherwise directed), shall, upon Proof of the Offences respectively before any Justice of the Peace for the County of *Kent*, either by the Confession of the Party offending or by the Oath of any credible Witness or Witnesses (which Oath such Justice is in every such Case hereby fully authorized to administer), be levied, together with the Costs attending the Information and Conviction, by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand and Seal of such Justice (which Warrant such Justice is hereby empowered and required to grant), and the Overplus, (if any) after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale are deducted, shall be returned upon Demand unto the Owner or Owners of such Goods and Chattels; and in case such Fines, Penalties, and Forfeitures shall not be forthwith paid upon Conviction, then it shall be lawful for such Justice to order the Offender or Offenders so convicted to be detained and kept in safe Custody until Return can conveniently be made to such Warrant of Distress, unless the Offender or Offenders shall give sufficient Security to the Satisfaction of such Justice for his or their Appearance before such Justice on such Day or Days as shall be appointed for the Return of such Warrant of such Distress, such Day or Days not being more than Seven Days from the Time of taking any such Security, and which Security the said Justice is hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Distress can be had thereupon, then it shall be lawful for any such Justice of the Peace as aforesaid, and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction of the County, Liberty, or Place, where the Offender shall be or reside, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months,

Levying and
Application
of Penalties.

Months, unless such Penalties, Forfeitures, and Fines, and all reasonable Charges attending the same, shall be sooner paid and satisfied, and the Monies arising by such Penalties, Forfeitures, and Fines respectively, when paid or levied, if not otherwise directed to be applied by this Act, shall be from Time to Time paid to the Treasurer or Treasurers to the said Churchwardens, Overseers, Governors, and Directors, and applied and disposed of for the Purposes of this Act.

Mitigation of Penalties.

XXVIII. Provided always, and be it further enacted, That it shall be lawful for the Justice or Justices of the Peace, by or before whom any Party or Parties shall be convicted in any of the Penalties imposed or to be imposed by virtue of this Act, from Time to Time to mitigate, compound, or lessen any of the said Penalties, in any Case where it shall appear to such Justice or Justices right and proper so to do, so that no such Penalty shall be thereby reduced in any Case to less than One-fourth Part of the Amount specified or to be specified in this Act.

XXIX. And, for the more easy Conviction of Offenders against this Act, or against any Bye-law, Rule, Order, or Regulation to be made in pursuance or by the Authority of this Act; be it further enacted, That a Conviction in the Form or to the Effect following shall be good, without alleging more than the Substance of the Offence; (that is to say),

Form of Conviction.

‘ Kent, } BE it remembered, That on the Day of
 ‘ to wit. }
 ‘ in the Year of our Lord One thousand eight hundred and
 ‘ is [or are, as the Case may be] convicted before me, [or us,
 ‘ as the Case may be] One [or as the Case may be] of His Majesty’s
 ‘ Justices of the Peace for the County of Kent, of having [here state the
 ‘ Offence, and the Time and Place when and where the same was committed]
 ‘ contrary to an Act of Parliament, passed in the Fourth Year of the Reign
 ‘ of His Majesty King George the Fourth, intituled [here insert the Title of
 ‘ this Act] for which Offence, I [or, we, as the Case may be] do adjudge
 ‘ the said to have forfeited the Sum of [here state the Amount
 ‘ of the Penalty, Fine, or Forfeiture, for the Offence] according to the said
 ‘ Act of Parliament; [and in any Case where the Justice or Justices may see
 ‘ cause to mitigate the Penalty, here insert] and I, or we, the said Justice,
 ‘ or Justices, seeing cause to mitigate and lessen the said Penalty, do, ac-
 ‘ cording to the Provisions of the said Act of Parliament, mitigate and
 ‘ lessen the same to the Sum of] which said Sum of
 ‘ [here name the Amount of the Penalty or mitigated Penalty, as the Case
 ‘ may be] is to be distributed and applied in manner following; that is to
 ‘ say, [here set forth how the Penalty is to be distributed] according to the
 ‘ Provisions of the said Act of Parliament. Given under my Hand and
 ‘ Seal [or, our Hands and Seals, as the Case may be] the Day and Year
 ‘ first above written.’

Persons pay-
 ing Rates,
 &c. may be
 Witnesses.

XXX. And be it further enacted, That no Person whomsoever shall be disqualified from being a competent Witness and being admitted to give Evidence, in any Informations, Prosecutions, Appeals, Causes, or Proceedings whatsoever, relating to the Execution of this Act, by reason of his paying or being charged with or liable to pay any of the Rates or Assessments hereby authorized to be made, or any other Rate or Assessment within the said Town and Parish; or by reason of his being an Inhabitant

habitant of the said Town and Parish, or being one of the Churchwardens, Overseers, Governors, and Directors as aforesaid, or holding any Office under them.

XXXI. And be it further enacted, That where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor shall the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Defect of Form in any Proceeding relating thereto; nor a Trespasser or Trespassers *ab initio*, on account of any subsequent Irregularity in the prosecuting of such Distress; but the Person or Persons aggrieved by such Irregularity may recover Satisfaction for special Damages in an Action upon the Case.

Distress not to be avoided for want of Form.

XXXII. And be it further enacted, That no Order, Verdict, Rate, Assessment, Judgment, Conviction, or other Proceeding, touching or concerning any Offence against this Act, or against any such Bye-Law as aforesaid, or any other of the Matters aforesaid, shall be quashed or vacated for want of Form only, or be removed or removable by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*; any Law or Statute to the contrary thereof in anywise notwithstanding.

Proceedings not to be quashed nor removed by Certiorari.

XXXIII. And be it further enacted, That no Action or Suit shall be commenced or prosecuted against the said Churchwardens, Overseers, Governors, and Directors, or any of them, or any other Person or Persons, for any thing done or to be done in pursuance or under the Authority of this Act, unless a Notice in Writing shall be given Thirty Days before such Action shall be commenced, of such intended Action, signed by the Attorney for the Plaintiff or Plaintiffs, specifying the Cause of such Action; nor shall the Plaintiff or Plaintiffs recover in such Action if Tender of sufficient Amends hath been made to him, her, or them, or his, her, or their Attorney, by or on the Behalf of the Defendant or Defendants, before the commencing of such Action; and in case no such Tender shall have been made, it shall be lawful for the Defendant or Defendants in any such Action, by Leave of the Court, after such Action shall have been brought, at any Time before Issue joined, to pay into Court such Sum of Money as he, she, or they shall think fit, whereupon such Proceedings, Orders, and Judgments shall be had, made, and given in and by the Court, as in other Actions where the Defendant is allowed to pay Money into Court.

Tender of Amends.

XXXIV. Provided always, and be it further enacted, That if any Person or Persons, Bodies Politic or Corporate, shall think himself, herself, or themselves aggrieved by any Rate or Rates, or any other Matter or Thing done or to be done in pursuance of this Act, such Person or Persons, Bodies Politic or Corporate, shall apply for Relief to the said Churchwardens, Overseers, Governors, and Directors, at any public Meeting to be held within One Calendar Month next after Demand made of such Rate or Rates, or next after any such Matter or Thing done and committed by or by Order of them, or any of them; and such Churchwardens, Overseers, Governors, and Directors are hereby authorized and empowered (if they shall think such Person or Persons aggrieved) to give

Appeal.

[Local.]

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such

such Relief in the Premises as to them shall seem necessary; and if such Person or Persons, Bodies Politic or Corporate, shall not be satisfied with the Determination of such Churchwardens, Overseers, Governors, and Directors, he or she shall be obliged to pay such Rate or Rates, if the Complaint shall relate to Rates, and shall or may appeal to the Justices of the Peace at the next or following General Quarter Sessions of the Peace to be holden for the Western Division of the said County of *Kent*, after such Determination shall have been made, or such Cause of Appeal shall have arisen; such Appellant giving or causing to be given Fourteen Days Notice at least in Writing of his, her, or their Intention to bring such Appeal, and of the Matter thereof, to the Clerk or Clerks to the said Churchwardens, Overseers, Governors, and Directors, and within Four Days next after such Notice entering or causing a Recognizance to be entered into before some Justice of the Peace acting in and for the said County of *Kent*, with Two sufficient Persons or Sureties, conditioned to try such Appeal, and abide the Order thereon, and to pay such Costs as shall be awarded by such Justices at such General Sessions; and such Justices, upon due Proof of Notice being given as aforesaid, and of entering into such Recognizance, shall hear and determine the Causes and Matters of such Appeal in a summary Way, and shall or may mitigate any Fine, Penalty, or Forfeiture, and may order any Money to be returned which shall have been levied in pursuance of any such Determination; and may also order such further Satisfaction to be made to the Party injured as the said Justices shall think proper; and the Determination of such Justices at their said General Sessions shall be binding and conclusive.

Limitation
of Actions.

XXXV. And be it further enacted, That no Action or Suit shall be commenced or prosecuted against the said Churchwardens, Overseers, Governors, and Directors, or any of them, or any other Person or Persons, for any thing done or to be done in pursuance or under the Authority of this Act, after the Expiration of Six Calendar Months next after the Fact committed; and all such Actions and Suits shall be laid and tried in the County where the Cause of Action shall arise, and not elsewhere; and the Defendant or Defendants in every such Action or Suit may plead the General Issue, and give this Act and the Special Matter in Evidence at any Trial or Trials which shall be had thereupon, and that the Matter or Thing for which such Action or Suit shall be so brought, was done in pursuance and by the Authority of this Act; and if upon such Trial the said Matter or Thing shall appear to have been so done, or if such Action or Suit shall have been brought before Thirty Days Notice thereof shall have been given as aforesaid, or after sufficient Satisfaction made or tendered as aforesaid, or after the Time herein-before limited for bringing the same, or if the same shall be brought in any other County or Place than as aforesaid; then and in any of the said Cases, the Jury shall find a Verdict for the Defendant or Defendants; and upon such Verdict being given, or if the Plaintiff or Plaintiffs shall become nonsuited, or suffer a Discontinuance of such Action after the Defendant or Defendants shall have appeared thereto, or if upon Demurrer or otherwise Judgment shall be given against the Plaintiff or Plaintiffs, then and in every such Case the Defendant or Defendants shall have Treble Costs, and shall have such and the like Remedy for recovering the same as any Defendant hath for recovering Costs of Suit in other Cases by Law.

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

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