



ANNO SEXTO

GEORGIIV. REGIS.

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Cap. lxxi.

An Act for lighting, watching, cleansing, and improving the Town of *Leek* in the County of *Stafford*. [20th May 1825.]

WHEREAS the Town of *Leek* in the County of *Stafford* is large and populous, and a Place of extensive Trade and Manufacture, and greatly increasing, and is also a great Thoroughfare for Travellers, and where many Fairs are held: And whereas the Streets, Highways, and other public Places within the said Town, are not lighted or watched, nor are the same properly cleansed; and it would tend greatly to prevent Thefts, Robberies, Disturbances, Breaches of the Peace, and other unlawful Proceedings, which in the Night-time are frequently committed and happen in the said Town, and would add to the personal Safety, Comfort, Convenience, and Advantage, not only of the Inhabitants of the said Town, but also of all other Persons resorting to and travelling through the same, if the Streets, Highways, Market Place, and other public Places in the said Town were properly and effectually lighted, watched, and cleansed, and the present Nuisances abated, and all future Nuisances, Annoyances, Encroachments, and Obstructions prevented: 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 *Joseph Badnall, Richard Badnall the younger, William Birch, Thomas Carr, William Gballinor, Toft Chorley, Charles Coupland, William Critchlow, John Cruso the elder, Henry Cruso, Richard Cutting, Charles Flint,*
[Local.] 20 K *Hugh*

Commissioners.

Hugh Ford, John Fowler, John Fynney, Thomas Fenton Grosvenor, John Gaunt, Richard Gaunt, Josiah Gaunt, Josiah Gaunt the younger, Thomas Griffin, George Ridgeway Kilmister, Samuel Lucas, Samuel Phillips, William Phillips, John Sleigh, Hugh Sleigh, Thomas Sutton, George Thompson, Anthony Ward, James Wardle, Hugh Wardle, Benjamin Woolfe, and Samuel Young, and their Successors, to be appointed in manner herein-after mentioned, shall be and they are hereby appointed Commissioners for lighting, watching, cleansing, and improving the Town of *Leek*, and putting the Powers and Authorities of this Act into Execution; and that the Limits of this Act shall extend One thousand two hundred Yards each and every way from the Market Hall in the Town of *Leek* aforesaid; and the Space within such Limits shall, for the Purposes of this Act, be called *The Town of Leek*.

Qualification of Commissioners.

II. Provided always, and be it further enacted, That no Person appointed or who shall hereafter be appointed a Commissioner under or by virtue of this Act, shall be capable of acting as such in the Execution of this Act, unless he shall be in his own Right, or in the Right of his Wife, in the actual Enjoyment, Possession, or Receipt of the Rents and Profits of Freehold or Copyhold Lands, Tenements, or Hereditaments of the clear yearly Value of Fifty Pounds above Reprizes, or possessed of Personal Property to the Amount or Value of One thousand Pounds above Reprizes; nor (except in administering the Oath or Affirmation to the Chairman at the First Meeting as herein-after mentioned) until he shall have taken and subscribed an Oath, or being a Quaker, until he shall have made and subscribed an Affirmation, in the Form or Words following; and an Entry or Minute shall be made in the Order Book of Proceedings of the Commissioners, of the Date and taking or making and subscribing of such Oath or Affirmation:

Oath.

[*A. B.* do swear, [or being One of the People called Quakers, do solemnly affirm,] That I truly and *bonâ fide* am in my own Right [or in the Right of my Wife] in the actual Possession and Enjoyment of, or in the Receipt of Rents and Profits issuing out of Freehold or Copyhold Lands, Tenements, or Hereditaments of the clear yearly Value of Fifty Pounds above Reprizes, [or, that I am possessed of a Personal Estate of the Amount or Value of One thousand Pounds above Reprizes]; and that I will truly and impartially, according to the best of my Skill and Judgment, execute and perform the several Powers and Authorities reposed in me as a Commissioner by virtue of an Act passed in the Sixth Year of the Reign of His Majesty King George the Fourth [here set forth the Title of this Act]. So help me GOD.

[Or, being a Quaker, omit the Words 'So help me God.']

Commissioners not to act where interested, &c.

III. Provided also, and be it further enacted, That no Person appointed or to be appointed, a Commissioner in or by virtue of this Act, shall be capable of acting as such in the Execution of this Act during the Time he shall keep a Victualling House or other House of public Entertainment, or who shall sell Wine or Spirituous Liquors by Retail; or shall hold or enjoy any Office or Place of Profit, or have any Share or Interest, either directly or indirectly, in any Bargain or Contract for furnishing any Article, Matter, or Thing to be made use of for the Purposes of this Act, or in any Case wherein he shall be in anywise beneficially interested in the Matter in question (except a Creditor on the Rates or Assess.

Assessments); but such Justices of the Peace who may act as Commissioners; may also act as Justices of the Peace in the Execution of this Act.

IV. And be it further enacted, That when and so often as any of the Commissioners named and appointed, or to be named and appointed by virtue of this Act, shall die, or by Bankruptcy, Insolvency, or otherwise, shall become disqualified to act, or by Writing under his Hand, delivered to the Clerk to the said Commissioners, shall resign or refuse to act in the Execution of this Act; then and in every such Case it shall be lawful for the surviving or remaining Commissioners at any General Annual Meeting of the said Commissioners, from Time to Time, as often as any such Vacancy shall happen, and they shall think fit, to elect and appoint One other fit Person, qualified as aforesaid, to be a Commissioner in the Room of every Commissioner dying, becoming disqualified, resigning, or refusing to act as aforesaid, provided that Fourteen Days Notice, specifying the Intention of every such Election, be previously given by any Two or more of the said Commissioners, in manner herein directed for affixing Notices under this Act; and every Person who shall be elected and appointed a Commissioner pursuant to the Directions of this Act, shall and may act with the surviving and remaining Commissioners in the Execution of this Act, to all Intents and Purposes as if he had been herein named and appointed a Commissioner.

For appointing new Commissioners.

V. And be it further enacted, That if any Person, not being qualified according to the Directions of this Act, or being disqualified by any of the Causes herein before mentioned, or not having taken and subscribed the Oath herein before mentioned, or being a Quaker; not having made and subscribed such Affirmation as aforesaid, shall presume to act as a Commissioner in the Execution of the Powers hereby given, or any of them, every such Person shall forfeit and pay the Sum of Fifty Pounds; and every Person who shall be proceeded against for not being qualified as aforesaid, shall prove that he was, at the Time of acting, qualified, and had taken such Oath or made such Affirmation as aforesaid, or otherwise shall pay the said Penalty, without any other Proof or Evidence being given against him, than shewing that such Person hath acted as a Commissioner in the Execution of this Act: Provided always, that all Acts and Proceedings of any Person or Persons acting as a Commissioner or Commissioners in the Execution of this Act, although unqualified, or disqualified, or not having taken such Oath as aforesaid, previous to his or their being convicted of any such Offence, shall, notwithstanding such Conviction, be as good, valid, and effectual as if such Person or Persons had been duly qualified to act as a Commissioner or Commissioners according to the Directions of this Act.

Penalty on disqualified Persons acting.

VI. And be it further enacted, That the said Commissioners, or any Three or more of them, shall and may, upon the Third *Tuesday* after the passing of this Act, assemble and hold their First Meeting in the Town Hall in *Leek* aforesaid, at Eleven of the Clock in the Forenoon, and shall and may then and there proceed in the Execution of this Act, at which Meeting One of the Commissioners present shall be appointed Chairman, to whom any other of the said Commissioners present shall and he is hereby authorized and required to administer the Oath or Affirmation in

Commissioners Meetings.

in the Words or to the Effect herein-before mentioned ; and such Chairman, having taken or made and subscribed such Oath or Affirmation, and the same being entered in the Order Book, shall and he is hereby authorized and required immediately afterwards to administer the like Oath or Affirmation to any other Commissioner then present ; and it shall and may be lawful for the Commissioners present at such First Meeting or at any subsequent Meeting for the Execution of this Act, from Time to Time to adjourn, and from Time to Time appoint their next Meeting, to be holden at any future Day and Time, not exceeding Two Calendar Months from the last Day of Meeting, and at the same or any other convenient Place within the Limits of this Act ; and if at the Time and Place appointed for any Meeting there shall not be a sufficient Number of Commissioners to act, or in case the Commissioners at any Meeting shall neglect to adjourn, then and in every such Case any Commissioner present, or the Clerk to the said Commissioners, shall adjourn the Meeting to some future Day, not exceeding Fourteen Days then next ensuing, of which Adjournment such Clerk shall give at least Seven Days previous Notice in Writing, to be given to or left at the usual Place of Abode of each of the said Commissioners ; and in case no Adjournment or Notice shall be made or given as aforesaid, then it shall and may be lawful for any Three or more of the said Commissioners, although not assembled at a Meeting, or their Clerk, to call a Meeting of the Commissioners, by Notice in Writing, to be affixed on the Places herein-after mentioned, appointing a Meeting to be held on some future Day, not sooner than Seven Days nor exceeding Fourteen Days from the Day of affixing such Notice ; and all Acts, Orders, Rules, Resolutions, and Proceedings of the said Commissioners in the Execution of this Act, shall be had, made, and done at Meetings ; and every Act, Order, Rule, Resolution, and Proceeding which shall be made or ordered at any Meeting to be held in pursuance of this Act, at which Three or more of the said Commissioners shall be present, and in which the Majority of such Three or more Commissioners shall concur (and not otherwise), shall be as valid and effectual as if all the Commissioners for executing this Act had been present at such Meeting, and had concurred therein ; and at every Meeting to be held in pursuance of this Act a Chairman shall be appointed, and the Chairman for the Time being, or any One of the Commissioners, shall and he is hereby authorized and required to administer at any Meeting (to such of the Commissioners as shall not have taken or made and subscribed the Oath or Affirmation before) the Oath or Affirmation hereby required to be taken by the said Commissioners ; and in all Cases where there shall arise at any Meeting a Difference of Opinion upon any Question, the Question shall be decided by a Majority of Votes of the Commissioners then present ; and if upon any Question there shall be an equal Number of Votes (including the Chairman's Vote), then the Chairman shall have and give the casting Vote ; and no Order, Rule, Resolution, or Proceeding, had, made, or done at any Meeting held in pursuance of this Act, at which there shall have been Three or more Commissioners present, shall be revoked, suspended, or altered, unless at some subsequent Special Meeting to be held for that Purpose (which any Three or more of the Commissioners, or their Clerk, at the Request in Writing of any Three or more of the said Commissioners, are and is hereby empowered to call, and of which Seven Days previous Notice at the least in Writing, specifying the Purpose of such Meeting, shall be given, by affixing the

same in manner herein-after mentioned), a greater Number of Commissioners than the Majority at the Meeting or Meetings at which any such Order, Rule, Resolution, or Proceeding, proposed, or intended to be revoked, suspended, or altered, shall have been made, shall be present, and shall concur in the Revocation, Suspension, or Alteration thereof; and at every Meeting to be held under or by virtue of this Act the Commissioners shall defray their own Expences.

VII. Provided always, and be it further enacted, That all Notices of Meetings, or for any other Purpose under this Act, shall be affixed upon the Outside of the Doors of the Church Porch and the Town Hall in *Leek* aforesaid; and all Notices, being so affixed, and being in other respects according to the Directions of this Act, shall be deemed good and valid. Notices of Meetings.

VIII. Provided nevertheless, and be it further enacted, That if at any Time it shall be thought necessary to hold a Meeting before the Time to which any Meeting is adjourned by virtue of this Act, and appointed to be held, then and in such Case it shall be lawful for the said Commissioners or any Three or more of them, or for their Clerk, at the Request in Writing of any Three or more of the said Commissioners, to call a Special Meeting of the said Commissioners, stating in such Notice the Purpose for which such Meeting is called, and of which Seven Days previous Notice at the least shall be given in manner aforesaid, and at which Meeting the Commissioners present shall have full Power and Authority to act so far as may relate to the Matter specified in such Notice. Special Meetings.

IX. Provided always, and be it further enacted, That an Annual Meeting of the said Commissioners shall be held on the First *Monday* in the Month of *July* in the Year of our Lord One thousand eight hundred and twenty-six, and on the First *Monday* in the Month of *July* in each and every succeeding Year, which Meeting shall be called "The General Annual Meeting of the Commissioners;" and at such General Annual Meeting, or some Adjournment thereof, the Accounts of all Monies received and paid in pursuance of the Provisions and Powers of this Act, by, for, or on account of the said Commissioners, shall be produced, stated, examined, settled, and signed by the said Commissioners; and after such Accounts shall have been so signed, the same shall be final and conclusive in all respects whatsoever, unless an Appeal shall be prosecuted against such Accounts, or some Part or Parts thereof, at the then next General or Quarter Sessions of the Peace to be holden in and for the County of *Stafford*, or an Adjournment thereof, and Notice thereof given in Writing to the Clerk to the said Commissioners, Fourteen full Days before the Day on which the said General or Quarter Sessions shall be held, in which Notice shall be specifically stated the Ground of such Appeal, and no other Part or Parts of the said Accounts shall be open thereto, but such Articles as are specified in such Notice; and no Order made at such Annual Meeting shall be revoked or altered until the next or some subsequent Annual Meeting, unless by Order of the General or Quarter Sessions as aforesaid. General Annual Meeting.

Commissioners to appoint Officers.

X. And be it further enacted, That it shall and may be lawful for the said Commissioners at any of their Meetings from Time to Time to nominate and appoint a Clerk, Treasurer, Assessor or Assessors, Collector and Collectors, and such other Officers as the said Commissioners shall think necessary for the Execution of this Act; and the said Commissioners are hereby required to take Security from such Officers as shall be entrusted with the Receipt and Disbursement of Money; and it shall be lawful for the said Commissioners from Time to Time to remove any of such Officers, and to appoint another or others in the Room of any of them who shall be so removed, or who shall die, or decline such Offices, or become incapable of acting therein; and also, out of the Monies to be raised as herein-after mentioned, to make and pay such Salaries or other Allowances to the said Officers respectively (except the Treasurer and Assessors), and to such other Person or Persons as shall be aiding and assisting to the said Commissioners in the Execution of this Act, as to the said Commissioners shall seem reasonable; provided that on the Removal, Death, or Resignation of every Clerk, Treasurer, and Collector, Notice be given as aforesaid of the Time and Place of Meeting for the Purpose of filling up the Vacancy or Vacancies thereby occasioned, at least Ten Days before the Election and Appointment of every such Clerk, Treasurer, and Collector, as aforesaid.

Clerk not to act as Treasurer, and vice versa.

XI. Provided always, and be it further enacted, That it shall not be lawful for the said Commissioners to appoint any Person who may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, or the Clerk or any Person in the Service or Employ of any such Clerk, or the Clerk or any Person in the Service or Employ of 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, or the Clerk or any Person in the Service or Employ of any such Treasurer, or the Clerk or any Person in the Service or Employ of the Partner of any such Treasurer, to be the Clerk to the said Commissioners; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk, or the Clerk or any Person in the Service or Employ of any such Clerk, or the Clerk or any Person in the Service or Employ of the Partner of any such Clerk, shall act as Treasurer, or being the Partner of any such Treasurer, or the Clerk or any Person in the Service or Employ of any such Treasurer, or the Clerk or any Person in the Service or Employ of the Partner of any such Treasurer, shall act as Clerk in the Execution of this Act, or if any such Treasurer shall hold any Place or Office of Profit or Trust under the said Commissioners, other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person, or Persons who shall sue for the same; to be recovered, 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, Plaint, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

Penalty on Officers taking Fees, &c.

XII. And be it further enacted, That if any Officer employed by the said Commissioners for the Purposes of this Act, shall exact, demand, take, or accept any Fee, Emolument, or Reward whatsoever, (other than such

such Salary or Allowance as shall be appointed and allowed by the said Commissioners, or as is specified and allowed in and by this Act), for or on account of any thing done by virtue of this Act, or for forbearing to do any thing ordered or directed by the said Commissioners, or on any other Account whatsoever relative to his Employment or Duty, or shall be concerned or interested in any Bargain or Contract made by the said Commissioners for the Purposes of this Act (unless with the Consent and Approbation of the said Commissioners), every such Person so offending shall be incapable of afterwards serving or being employed under the said Commissioners, and shall forfeit and pay the Sum of Twenty Pounds for every such Offence.

XIII. And be it further enacted, That all and every Person and Persons who shall be appointed by the said Commissioners to any Office or Employment under the said Commissioners, shall, at such Time or Times, and in such Manner as the said Commissioners shall at any Meeting direct, deliver to such Commissioners, or to such Person or Persons as they shall appoint, true and perfect Accounts in Writing under their respective Hands, of all Matters and Things committed to their Charge by virtue of this Act, and also of all the Monies which shall have been received by such Officer or Officers, or other Person or Persons respectively, by virtue of and for the Purposes of this Act, and how much thereof hath been paid and disbursed by Order of the said Commissioners, and to whom and for what Purposes, together with the proper Vouchers for such Payments, and shall pay all Monies which shall remain in their respective Hands to the said Commissioners, or to such Person or Persons as they shall appoint, and also make out and deliver to the said Commissioners an Account of all Monies then due, or becoming due to them, and remaining unreceived; and if any such Officer or Person shall not make and deliver such Accounts, or produce and deliver up the Vouchers relating to the same, or make Payment as aforesaid, or shall not deliver to the said Commissioners, or to such Person or Persons as they shall appoint, within One Calendar Month after being thereunto required by the said Commissioners, by Notice in Writing to be given to or left at the last or usual Place of Abode of such Officer or Person, all Books, Papers, and Writings in his Custody or Power relating to the Execution of this Act, and to give Information to the said Commissioners respecting the same, then and in any of the Cases aforesaid, on Application being made by such Commissioners to any One Justice of the Peace for the said County of *Stafford*, such Justice may and he is hereby authorized and required to issue a Summons or Summonses under his Hand and Seal, to cause the Person or Persons so neglecting or refusing as aforesaid to appear before him, or any other Justice or Justices, and upon his or their appearing, or having been duly summoned and not appearing, or not being to be found, to hear and determine the Matter of such Complaint in a summary Way; and upon the Confession of the Party or Parties, or by the Testimony of any Witness or Witnesses upon Oath, or being One of the People called *Quakers* upon Affirmation (which Oath or Affirmation such Justice is hereby empowered and required to administer), it shall appear to such Justice that any of the Monies which shall have been collected and raised by virtue of this Act shall be in the Hands of such Person or Persons, such Justice may and he is hereby authorized and required, upon Nonpayment thereof, by a Warrant or Warrants under his Hand

Officers to
account.

Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Person or Persons respectively, together with the Costs and Charges of such Distress and Sale, to be settled and ascertained by such Justice, and which he is hereby authorized and empowered to settle and ascertain, rendering the Overplus (if any) to the Party or Parties so distrained upon, or leaving the same at the Place where the Distress was made; and if no Goods or Chattels of such Person or Persons can be found, sufficient to answer and satisfy the said Money, and the Charges of Distress and Sale, then and in either of the Cases aforesaid such Justice shall commit every such Offender to the Common Gaol or House of Correction for the County of *Stafford*, until he shall make and deliver a true and perfect Account and Payment as aforesaid, or until he shall compound with the said Commissioners, and shall have paid such Composition in such Manner as they shall appoint, (which Composition the said Commissioners, or any Three or more of them, are hereby empowered to make, either before or after any Proceedings), or until he shall deliver up such Books, Papers, and Writings as aforesaid, or give Satisfaction in respect thereof to the said Commissioners: Provided always, that no Person so committed shall be detained in Prison for want of sufficient Distress only, for any longer Space of Time than Three Calendar Months.

Proceedings
to be entered.

XIV. And be it further enacted, That the said Commissioners shall cause to be provided a proper Book or Books, and also cause fair and regular Entries to be made therein of the Names of the Commissioners present at any Meetings, and of all Acts, Orders, and Proceedings relative to the Execution of this Act; and the Chairman of each Meeting of the said Commissioners shall subscribe his Name (and all the Commissioners present may also, if they think fit, subscribe their Names) to such Entries; which said Book or Books, and also the Book or Books herein-after directed to be kept for registering Mortgages of the Rates or Assessments for the Purposes of this Act herein-after mentioned, and Assignments of such Mortgages, and the Entries therein respectively, shall and may be read in Evidence in all Causes, Suits, and Actions touching any thing done in pursuance or by virtue of this Act.

Accounts to
be kept of
Receipts and
Disburse-
ments.

XV. And be it further enacted, That the said Commissioners shall and they are hereby required from Time to Time to order and direct a Book or Books to be provided and kept by their Clerk for the Time being, in which such Clerk shall enter, or cause to be entered, true and regular Accounts of all Sums of Money received, paid, and expended in pursuance of the Powers and Provisions of this Act, and of the several Articles, Matters, and Things for which such Sums of Money shall have been paid, laid out, and expended, which Book or Books shall at all seasonable Times be open to the Inspection of the said Commissioners and any of them, and of every Mortgagee and Creditor on the Rates or Assessments hereby authorized, and of every Person assessed to any of such Rates or Assessments, or otherwise affected thereby, without Fee or Reward; and the said Commissioners, and any other Person or Persons as aforesaid, and any of them, shall and may take Copies and Extracts from the said Book or Books, without paying any thing for the same; and in case the said Clerk shall refuse to permit, or shall not permit the said Commissioners, Mortgagees, Creditors, or other Persons, or any of them

them as aforesaid, to inspect or take Copies or Extracts from the same, such Clerk shall forfeit and pay any Sum of Money not exceeding Five Pounds for each Default.

XVI. And be it further enacted, That the said Commissioners shall and may sue and be sued, and otherwise proceed or be proceeded against at Law or otherwise, for or concerning any Thing which shall be done or arise by virtue or in pursuance of this Act, in the Name or Names of any one or more of the said Commissioners or of their Clerk for the Time being; and no Action or Suit so to be brought or commenced by or against the said Commissioners shall abate or be discontinued by the Death, Resignation, Removal, or Default of such Commissioner or Commissioners or Clerk, but shall be continued and carried on in the Name or Names of the Commissioner or Commissioners or Clerk in whose Name or Names the same shall have been brought; and such Commissioner or Commissioners, or their Clerk for the Time being, shall always be Plaintiff or Plaintiffs, Defendant or Defendants, in such Action or Suit, as the Case may be.

Commissioners to sue and be sued.

XVII. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time to enter into any Contract or Contracts, as well for cleansing and lighting the several Streets, Highways, Market Place, and other public Places within the said Town, or any of them, as for furnishing any Materials, Labour, or other Necessaries, and doing any other Matter or Thing for any other of the Purposes of this Act, or in any Manner carrying the same into Effect, with any Person or Persons, Body or Bodies Politic or Corporate, who shall be willing to contract, undertake, and engage in the same: Provided always, that no such Contract shall be made for a longer Term than Three Years from the making thereof (except any Contract for the supplying and lighting of the said Town with Gas); and all such Contracts shall specify the several Works, Matters, and Things to be done and performed, and the Prices to be paid for the same, and the Time or Times when any such Things engaged to be done are to be fulfilled, together with any Penalties to be incurred in case of Non-performance thereof; and the same shall be signed by the said Commissioners or any Three or more of them, and also by the other contracting Parties respectively, and Copies of all such Contracts shall be entered in a Book to be kept for that Purpose by the Clerk to the said Commissioners.

Commissioners may enter into Contracts for lighting the Town.

XVIII. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time to compound and agree with any Person or Persons, or Body or Bodies Politic or Corporate, who shall have entered into any Contract or Contracts with the said Commissioners in pursuance or under the Authority of this Act, for any Penalty or Penalties contained in any such Contract or Contracts, or in any Bond or Bonds, or other Security or Securities for the Performance thereof, or for or on account of any Breach or Non-performance of any such Contract or Contracts, Bond or Bonds, or other Security or Securities, for such Sum or Sums of Money or other Recompence as the said Commissioners shall think proper.

Composition for Breach of Contracts.

Indemnity
of Commis-
sioners.

XIX. Provided always, and be it further enacted, That all and every the Commissioners herein-before named or appointed and hereafter to be appointed, and their Clerk, shall from Time to Time, and at all Times hereafter, be fully indemnified, from and out of the Monies to be raised under and by virtue of this Act, of and from all Costs, Charges, Damages, and Expences which they or any of them, or their Treasurer or other Officer or Officers, shall or may pay, bear, suffer, sustain, or be put unto for or by reason of any Action, Suit, or Proceedings which may be had, sued, commenced, or prosecuted against them, or any or either of them, or for or by reason or on account of their entering into any Covenant, Contract, or Agreement whatsoever, or their employing any Person or Persons whomsoever in any Manner howsoever, under the Authority of this Act, or for carrying the same into Effect, or for any Matter or Thing which may be by them respectively legally done in and about the Execution of this Act, and the Trusts reposed in them under the same; and the said Commissioners are hereby authorized and required to retain in Account all such Costs, Charges, Damages, and Expences out of the Monies to be raised under and by virtue hereof, and to keep their Treasurer, Clerk, and all other their Officers or Persons employed by them indemnified of and from such Costs, Charges, Damages, and Expences as aforesaid.

Provision for
lighting:

XX. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and empowered from Time to Time, and at any Time or Times hereafter, to purchase and provide so many Lamps of such Sorts, Sizes, and Qualities, and also such and so many Lamp Irons and Lamp Posts as they shall judge necessary, and to direct the same to be affixed or set up in the Streets, Highways, Market Place, and other public Places within the Limits of this Act, and upon or against the Walls, Posts, or Palisades of all or any of the present Houses or Buildings, or upon or against any other Buildings or Walls (now or hereafter to be erected), or other Places within the Limits of this Act; and to cause such and so many Pillars or Pilasters to be erected and built in such convenient Places, and such and so many of the said Lamps and Lamp Irons affixed or set thereupon, and to be altered, taken down, and renewed in such Manner as they shall from Time to Time think fit, and to cause such Lamps or any of them to be lighted either with Gas, Oil, or otherwise, at such Times and Seasons of the Year, and on such Evenings and on such Hours of the Evening, and to be kept burning for so many Hours, as to them shall seem necessary or proper for the well and sufficiently lighting of the Market Place, and all or any of the said Streets, Highways, and other public Places within the Limits of this Act, and to contract with any Gas Light Company, or with any Person or Persons, Body or Bodies Politic or Corporate, for lighting the said Streets, Highways, Market Place, and other public Places, or any of them, with Gas, Oil, or otherwise, for any Term or Number of Years or other Time, and upon such Terms and Conditions in all respects as the said Commissioners shall from Time to Time think proper, or otherwise of their own proper Authority to light the said Market Place, Streets, Highways, and other public Places with Gas or Oil, and to purchase Ground and to erect the necessary Buildings, Apparatus, and Machinery; and it shall also be lawful for them the said

Commis-

Commissioners, or the said Contractor or Contractors, to lay Mains and other Pipes in the said Streets, Highways, Market Place, and other public Places for that Purpose, and to effect all other Matters or Things necessary thereto or for the Purposes thereof: Provided nevertheless, that nothing herein contained shall authorize or empower the said Commissioners, or any Body Politic or Corporate, or any such Contractor or Contractors, to carry, lay, or affix any Pipe or Pipes through or against any Dwelling House or Houses, Manufactories, public or private Buildings, Yards, or Grounds, for the Purpose of lighting the said Streets, Highways, Market Place, and other public Places with Gas, or so to continue the same, without the Consent of the Owner and Occupier of every such Dwelling House or Houses, Manufactory, public or private Building, Yards, or Grounds, through or against which any such Pipe or Pipes may be carried or laid for the Purposes aforesaid.

XXI. Provided always, and be it further enacted, That it shall and may be lawful for the said Commissioners (in case they shall deem it expedient to light the said Streets, Market Place, and other public Places with Gas or Inflammable Air, without contracting for the same), to erect or cause to be erected Gasometers, Cisterns, Pillars, and all the other necessary Apparatus, to produce, receive, conduct, convey, and supply such Gas or Inflammable Air, in such Manner as they shall think proper; and to this End it shall and may be lawful for the said Commissioners to rent or purchase any Building or Buildings, Land or Lands (such Land not to exceed Two Statute Acres), of and from any Person or Persons who shall be willing to let, sell, or dispose of the same, for the Purpose of erecting and constructing suitable Buildings and Apparatus for the manufacturing of such Gas or Inflammable Air as aforesaid.

Commissioners empowered to erect Gasometers, &c. for lighting with Gas.

XXII. Provided also, and be it further enacted, That for greater Security against Accidents by the said Gas Works, the said Commissioners, and all Persons with whom they may contract, are hereby directed and required to erect or cause to be erected all such Gasometers, Cisterns, Pillars, and other necessary Apparatus, and to lay all such Pipes, Stopcocks, Plugs, Branches, and Machinery as aforesaid, under the Advice and Direction of some Person or Persons thoroughly skilled and experienced in the Nature of such Works, whose entire Approbation thereof as to Safety and otherwise shall be obtained and signified in Writing under the Hand or Hands of such Person or Persons before the same shall be used.

Commissioners and Contractors to erect Gasometers, and lay Pipes, &c. under the Direction of experienced Persons.

XXIII. And be it further enacted, That the said Commissioners or Contractor and Contractors shall and they are hereby required to cause the said Works to be inspected at least Twice in every Year, by One or more such experienced Person or Persons as aforesaid, in order that the same may be kept in a fit State and Condition, and be properly conducted and managed; and upon Discovery of any Error, Want of Repair, Insufficiency, or other Mismanagement therein, to cause the same to be forthwith corrected, amended, and repaired, according to the Opinion and Judgment of such Inspector or Inspectors.

Works to be inspected Twice a Year.

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

Commissioners empowered to let said Gas Lights.

said Streets, Market Place, and other public Places, or any of them, with Gas or Inflammable Air, without contracting for the same as aforesaid, it shall be lawful for the said Commissioners, after sufficiently lighting such Streets, Market Place, and other public Places, to let or demise to any Person or Persons whomsoever who shall be willing to take the same, any Light or Lights, 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 the said Commissioners shall from Time to Time think proper: Provided nevertheless, that all Money to arise therefrom shall be in the first Instance applied towards defraying the Expences of the said 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.

Power for
Commiss-
ioners to
recover
Rents.

XXV. And be it further enacted, That in case any Person or Persons who shall contract with the said Commissioners, or otherwise shall agree to take, use, or enjoy the Benefit of the said Gas in their private Dwellings, Shops, Inns, Taverns, or other Buildings or Manufactories, shall refuse or neglect, for the Space of Ten Days after Demand, to pay the Sum or Sums then due for the same to the said Commissioners, according to the Terms and Stipulations of his, her, or their Contract or Agreement with the said Commissioners, it shall and may be lawful for the said Commissioners, or their Clerk or Clerks for the Time being, or any Person or Persons duly authorized by the said Commissioners, by Warrant under the Hand and Seal of any Justice of the Peace, to cause the said Sum or Sums of Money to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so neglecting or refusing to pay the same, rendering the Overplus (if any) to such Person or Persons, after the said Sum or Sums of Money, together with the Charges incidental to such Distress and Sale, shall have been deducted.

Branch and
Service Pipes
to be kept
charged with
Gas.

XXVI. And be it further enacted, That the Branch or Service Pipes which shall be laid down for lighting the said Streets, Highways, Market Place, and other public Places, 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.

Refuse on
making Gas.

XXVII. Provided always, and be it further enacted, That if the said Commissioners, or any Body Politic or Corporate, or any Contractor or Contractors, or any Person or Persons whosoever, 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, or any noisome or offensive Liquids, Substances, or Things whatsoever, which shall arise or be produced in the Prosecution of any Gas Works, or in the Manufacture or Process of making or procuring any Gas used, burnt, or consumed for lighting any Street, Highway, or Place within the Limits of this Act, or any House, Manufactory, Building, or Premises therein, into any River, Brook, or running Stream, Canal, Reservoir, Aqueduct, Feeder, Pond, Pool, Pipe, 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

such River, Brook, or running Stream, Canal, Reservoir, Aqueduct, Feeder; Pond, Pool, Pipe, Springhead or Well, Drain, Sewer, or Ditch, whereby the said Water, or any Part thereof, shall or may be soiled, fouled, or corrupted, then and in each and every such Case, the said Commissioners, or any Body Politic or Corporate, or such Contractor or Contractors, or Person or Persons as aforesaid, shall forfeit and pay for every such Offence the Sum of One thousand Pounds, together with full Costs of Suit, to any Person or Persons who shall inform or 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, Plaint, Suit, or Information, wherein no Essoign, Protection, Privilege, Wager of Law, nor more than one Imparlance shall be allowed: Provided always, that no such Penalty or Forfeiture shall be recoverable, unless the same be sued for during the Existence of or within Twelve Calendar Months from the Time that such Annoyance, Nuisance, Injury, Damage, Act or Acts shall have ceased and determined: Provided also, that over and above and in addition to the said Penalty of One thousand Pounds, and whether such Penalty shall be 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, and conveyed, or caused or suffered to run or flow in manner aforesaid, into any River, Brook, or running Stream, Canal, Reservoir, Aqueduct, Feeder, Pond, Pool, Pipe, 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 said Commissioners, or Body Politic or Corporate, or Contractor or Contractors, or Person or Persons as aforesaid, and the said Commissioners, or Body Politic or Corporate, or Contractor or Contractors, or Person or Persons as aforesaid, shall not, within Twenty-four Hours next after 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 and 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 the said Commissioners, or Body Politic or Corporate, Contractor or Contractors, or Person or Persons as aforesaid, shall forfeit and pay the Sum of One hundred 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, 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, or paid to and divided between or amongst such Informer or Person or Persons, in such Proportions as such Justice or Justices shall think fit.

Stopping the
Escape of
Gas.

XXVIII. 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, or by any Body Politic or Corporate, or Contractor or Contractors, or by any Person or Persons whatsoever, making, furnishing, or supplying any Gas used, burnt, or consumed for lighting any Street, Highway, or Place within the Limits of this Act, or any House, Manufactory, Building or Premises therein, the said Commissioners, or Body Politic or Corporate, or Contractor or Contractors, or Person or Persons as aforesaid, shall at their or his or her own Expence, immediately after Notice thereof by Parol or in Writing of any such Escape of Gas, from any Person or Persons whomsoever, cause the most speedy and effectual Measures to be taken to stop and prevent such Gas from escaping; and in case the said Commissioners, or Body Politic or Corporate, Contractor or Contractors, or Person or Persons as aforesaid, shall not, within Twenty-four Hours 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, or Body Politic or Corporate, or Contractor or Contractors, or Person or Persons as aforesaid, shall for every such Offence forfeit and pay the Sum of Twenty 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 be from Time to Time recoverable in a summary Way, on the Oath or Affirmation of One or more credible Witness or Witnesses, before any Justice or Justices of the Peace, and shall and may be recovered, with all reasonable Charges, by Distress and Sale of the Goods and Chattels of the said Commissioners, or Body or Bodies Politic or Corporate, or Contractor or Contractors, or Person or Persons so offending, by the Warrant of any such Justice or Justices of the Peace as aforesaid, to be granted in like Manner and subject to the like Provisions as are herein directed touching other Penalties to be recovered.

Gas Pipes to
be laid a cer-
tain Distance
from Water
Pipes.

XXIX. And be it further enacted, That all and every the Pipes or other Conduits to be laid or used by the said Commissioners, or by any Body Politic or Corporate, or Contractor or Contractors, or other Person or Persons whatsoever, making, furnishing, or supplying any Gas used, burnt, or consumed within the Limits of this Act, for lighting any Street, Highway, or Place, or any House, Manufactory, or other Building therein, for the Conveyance of Gas in, under, through, along, across, or round any Street, Square, Market Place, Lane, Passage, or other Place in the said Town, shall be so laid down at the greatest practicable Distance, and whenever the Width of the Carriageway in such Street or Place will allow thereof, at the Distance of Four Feet at least, as well from the nearest Part of any Water Pipe already laid down or hereafter to be laid down by the Right Honourable George Earl of Macclesfield, the Proprietor of the present Waterworks in Leek aforesaid, or any Person or Persons claiming under him or any of his Ancestors, for the Conveyance of Water in, under, through, along, across, or round any of the said Streets, Market Places, Lanes, Passages, or other Places within the Limits of this Act (unless in Cases where it shall be unavoidably necessary to lay the Pipes for the Conveyance of Gas across any Water Pipes, in which Cases the said Pipes for the Conveyance of Gas shall be laid over and above

such Water Pipes, at the greatest practicable Distance therefrom, and shall form therewith a Right Angle), and that in such Cases the said Pipes for the Conveyance of Gas, so crossing the said Water Pipes, shall be at least Nine 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 Four Feet at least; and that in laying down the said Gas Pipes, the Person or Persons to whom the same shall belong shall in no Case join Two or more 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 also shall 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 such Offence the Sum of Fifty Pounds, which 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.

XXX. And be it further enacted, That whenever the Water in the Waterworks or Pipes of the said Earl, by or through which the said Town is supplied with Water, shall be contaminated or affected by any Gas used, burnt, or consumed for lighting any Street, Highway, or Place within the Limits of this Act, or any House, Manufactory, Building, or Premises therein, then the said Commissioners, or the Body or Bodies Politic or Corporate, Contractor or Contractors, or Person or Persons making, furnishing, or supplying any Gas used, burnt, or consumed for lighting any such Street, Highway, or Place, or any House, Manufactory, Building, or Premises as aforesaid, shall forfeit and pay for every such Offence a Sum not exceeding Twenty Pounds, to be recovered as any Penalty is hereby directed to be recovered, and shall be paid to the said Earl, or the Owner or Owners of the said Waterworks and Pipes for the Time being, or to his or their Agent; and in case any such Water shall be contaminated or affected by Gas in any way whatsoever, then and in every such Case or Cases, the said Commissioners, or Body or Bodies Politic or Corporate, Contractor or Contractors, Person or Persons as aforesaid, shall within Twenty-four Hours after Notice thereof in Writing signed by the said Earl, or any Person or Persons claiming the said Waterworks under him, or under any of his Ancestors, or his or their Agent or Agents, or by any Person using the same Water, to be left at the usual Office or Place of transacting Business of the said Commissioners, or Body or Bodies Politic or Corporate, Contractor or Contractors, or Person or Persons as aforesaid, cause the most proper and effectual Measures to be immediately taken to stop and prevent Gas from escaping from their Works, Mains, or Pipes, or contaminating or affecting such Water; and in case the said Commissioners, Body or Bodies Politic or Corporate, Contractor or Contractors, Person or Persons as aforesaid, shall not within Twenty-four Hours next after each and every such Notice so left as aforesaid effectually stop and prevent Gas from so escaping, and wholly and satisfactorily remove the Cause of every such Complaint, and prevent all and every such Contamination, whereof Notice shall be given as aforesaid,

Commissioners to prevent Contamination of Water, &c.

said, then and in every such Case the said Commissioners, Body or Bodies Politic or Corporate, or Contractor or Contractors, or Person or Persons as aforesaid, shall on each and every Complaint, whereof Notice shall be given as aforesaid, forfeit and pay to the said Earl, or such Owner or Owners as aforesaid, over and above the before-mentioned Penalty of Twenty Pounds, to be recovered as aforesaid, the Sum of Ten Pounds for each and every Day during which any Water as aforesaid shall be and remain contaminated, tainted, or affected by the Gas of the said Commissioners, Body or Bodies Politic or Corporate, Contractor or Contractors, Person or Persons as aforesaid; and in default of Payment thereof as aforesaid, such Penalty or Penalties shall and may be recovered by Information to be exhibited on the Oath of One credible Witness, by and in the Name or Names of the said Earl, or such Owner or Owners as aforesaid, or his or their Agent or Person using the said Water, before any Justice of the Peace, with Costs, to be assessed by such Justice, and to be levied and recovered as any other Penalty is by this Act directed to be levied and recovered; and such Penalty or Penalties and Costs, when so levied, shall be paid to the said Earl, or such Owner or Owners as aforesaid, or his or their Agent or Agents, or Person using the said Water as aforesaid.

For ascer-
taining if
Water is con-
taminated.

XXXI. And whereas it may be or become a Question upon such Complaint as aforesaid, whether the said Water be contaminated or affected by the said Gas; be it therefore enacted, That in every such Case it shall and may be lawful to and for the said Earl, or other Person or Persons as aforesaid, Proprietors of the said Waterworks, or his or their Agent or Person using the said Water, to dig to and about, and search and examine the Mains, Pipes, Conduits, and Apparatus of the said Commissioners, or Body or Bodies Politic or Corporate, or Contractor or Contractors, or Person or Persons making, furnishing, or supplying any Gas as aforesaid, for the Purpose of ascertaining whether such Contamination proceeds from or is occasioned by the Gas of the said Commissioners, or Body or Bodies Politic or Corporate, or Contractor or Contractors, or Person or Persons as aforesaid; and if it shall appear that the said Water has been contaminated by any Escape of Gas, the Costs and Expences of the said Digging, Examination, and Repair of the Pavement of the said Street or Streets which shall be taken up or disturbed, shall be borne and paid by the said Commissioners, or Body or Bodies Politic or Corporate, or Contractor or Contractors, or Person or Persons making, furnishing, or supplying any Gas as aforesaid; which Costs and Expences shall be ascertained and determined, if necessary, by such Justice as aforesaid, and be recovered in like manner as any Penalty may be recovered by virtue of this Act: Provided always, that if upon Examination it shall appear that such Contamination has not arisen from any such Escape of Gas from any of the Mains, Pipes, or Conduits of the said Commissioners, Body or Bodies Politic or Corporate, or Contractor or Contractors, Person or Persons as aforesaid, then and in such Case the said Earl, or other Person or Persons as aforesaid, shall bear and pay all the Costs and Expences of such Examination, Repair, and Search, and also shall make good to the said Commissioners, Body or Bodies Politic or Corporate, Contractor or Contractors, Person or Persons as aforesaid, any Loss, Injury, or Damage which may be occasioned to the said Mains, Pipes, Conduits, or Apparatus of the said Commissioners, Body or Bodies Politic or Corporate, Contractor

tractor or Contractors, Person or Persons as aforesaid, in and by such Search and Examination, the Amount of such Injury, Loss, or Damage to be ascertained and determined, if necessary, by such Justice of the Peace as aforesaid.

XXXII. And be it further enacted, That the Right and Property of, in, and to all Ground, Buildings, Lamps, Lamp Irons, Watch Boxes, Posts, and other Things thereto belonging, which shall be purchased and provided under the Authority of this Act, for the Purpose of lighting and watching the said Town, and of, in, and to all the Posts, Pillars, Pilasters, Lamp Irons, and Lamps, and other Things which may from Time to Time be erected, set up, or furnished for the public lighting of the said Town, or any Part thereof, either by or by the Order of the said Commissioners, or other Person or Persons as aforesaid, in pursuance of any Contract or Contracts between the said Commissioners and such Person or Persons, and in all the Horses, Carts, Tools, Arms, and Implements, and other Things to be purchased, provided, or gotten for the Scavengers, Watchmen, or other Persons employed under the Authority of this Act, and in all the Dust, Dirt, Dung, Ashes, and other Filth to be swept, gathered, and collected under the Authority of this Act, shall be held and deemed to belong to and be the Property of, and the same are hereby vested in the said Commissioners for the Time being; and the said Commissioners shall and may cause any Action or Actions to be brought, or direct any Bill or Bills of Indictment to be preferred, as the Case may require, against any Person or Persons who shall steal, take, or carry away, detain, deface, damage, injure, or destroy any of the said several Articles and Things so hereby vested in the said Commissioners as aforesaid, or any of them, or any Part or Parts thereof; and in such Actions and Bills of Indictment respectively, it shall 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 such Bill or Bills of Indictment shall be preferred, is or are the Property of the Commissioners for lighting, watching, cleansing, and improving the Town of *Leek*, without 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 by public Auction or otherwise, all or any Part of the said Materials and Things which they shall consider useless to them, or not wanted for the Purposes of this Act, and the Money arising therefrom shall be applied for the Purposes of this Act.

Lamps, &c.
vested in the
Commission-
ers.

XXXIII. And be it further enacted, That if any Person or Persons whomsoever shall wilfully or maliciously remove, take away, break, throw down, or otherwise deface, injure, damage, or destroy any Lamp or Lamps which shall be set up by virtue of this Act, or in pursuance of any Contract made by the said Commissioners, or by any other Person or Persons at his, her, or their own Expence, for the Purpose of lighting any Part of the said Town, or any Pipe, Post, Pillar, Pilaster, Lamp Iron, Cover, or other Furniture thereof, or shall wilfully extinguish the Light or Lights of any such Lamp or Lamps, it shall be lawful for any Justice or Justices of the Peace, and he and they is and are hereby required, upon Oath (or being a Quaker, upon Affirmation) of the Commission of such Offence, to issue a Warrant or Warrants for apprehending the Party or

Penalty for
breaking
Lamps, &c.

[*Local.*]

Parties

Parties accused, or it shall be lawful for any Person who shall see any such Offence committed to apprehend, and for any other Person to assist in apprehending the Offender or Offenders, and by the Authority of this Act, and without any other Warrant, to deliver him, her, or them into the Custody of a Watchman, Patrol, or Peace Officer, in order to be secured and conveyed before some Justice or Justices of the Peace; and upon the Party or Parties accused being brought before such Justice or Justices, such Justice or Justices shall proceed to examine upon Oath (or being a Quaker, upon Affirmation) any Witness or Witnesses who shall appear to give Evidence touching such Offence or Offences; and if the Party or Parties so accused shall be convicted of such Offence or Offences, either upon Confession or upon such Evidence as aforesaid, then and in every such Case every Person so offending shall for every such Offence forfeit and pay the Sum of Five Pounds, and the Offender or Offenders shall also make full Satisfaction to the said Commissioners, or other Person or Persons, for the Damages so done, to be ascertained by the said Justice or Justices; and in case such Offender shall not, upon such Conviction, pay such Forfeiture or Forfeitures by him or her incurred as aforesaid, and make such Satisfaction as aforesaid, the Justice or Justices before whom such Offender shall be convicted is and are hereby empowered to commit him or her to the Common Gaol or House of Correction for the County of *Stafford*, there to be kept to hard Labour for any Space of Time not exceeding Three Calendar Months, or the said Forfeiture or Forfeitures, Costs and Damages, shall and may be levied and recovered from such Offender or Offenders in such manner as Fines, Penalties, and Forfeitures incurred by virtue of this Act are herein-after directed to be recovered.

Damages to
Lamps acci-
dentally bro-
ken.

XXXIV. And be it further enacted, That if any Person or Persons shall carelessly or accidentally break, throw down, or otherwise destroy, deface, or damage any Lamp or Lamps, set up within the Limits of this Act as aforesaid, or any Pipe, Post, Pillar, Pilaster, Lamp Iron, Cover, or other Furniture thereof, and shall not immediately upon Demand made by any of the said Commissioners, or any of their Officers or Agents, or the Contractor or Contractors, Person or Persons aforesaid, make Satisfaction for the Damage done thereto, then and in every such Case it shall be lawful for any Justice or Justices of the Peace, upon Complaint thereof to him or them made by One or more credible Person or Persons, to summon before such Justice or Justices the Party or Parties who shall be complained of for doing such Damage as aforesaid, and upon hearing the Allegations and Proofs on both Sides, or Nonappearance of the Party or Parties so complained of, to award such Sum or Sums of Money as the Damage to be proved shall amount unto, together with the Cost of such Summons and the Conviction thereon; and in case of Refusal or Neglect to pay any of the Sums of Money so awarded and the said Costs within Five Days after Demand, to cause the same to be recovered in such manner as Fines, Penalties, and Forfeitures are by this Act directed to be recovered; and when received, the same shall be paid to the Treasurer to the said Commissioners, to be applied for the Purposes of this Act, or to the Person or Persons who shall have received such Damage.

XXXV. And

XXXV. 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, when and so often as they shall think it expedient, to provide, erect, and set up Watch Houses and Watch Boxes in such Situations as they shall judge proper and expedient, in the Streets, Highways, Market Place, and other public Places within the said Town, and to employ such and so many Watchmen and Night Patrols, or other Persons, as they shall judge expedient and necessary to be employed for the Security and good Order of the said Town; and such Watchmen, Night Patrols, and Person or Persons from Time to Time to remove and displace, and to appoint others in their Stead; and also to order and direct how many of the said Watchmen and Patrols shall attend nightly within the said Town, and how they shall be armed, and at what Stations they shall be placed, for what Number of Hours they shall watch, and how often they shall go their Rounds; and also to fix and determine what Wages or other Allowances shall be paid or given to them for their Services; and the said Commissioners are hereby empowered to make such further Orders and Regulations from Time to Time for the better Government and Direction of the said Watchmen, Night Patrols, Constables, and other Persons, as the Nature of their Services shall appear to them to require; and if they think proper, to appoint a Committee or Committees of so many of the said Commissioners, for the Purpose of managing, regulating, suspending, and appointing Watchmen and Night Patrols, or other Persons, as Occasion may from Time to Time require, between the Times of holding the Meetings of the said Commissioners.

Commis-
sioners may
employ
Watchmen.

XXXVI. And be it further enacted, That the said Watchmen and Night Patrols shall, in their several Courses of Service, use their utmost Endeavours not only to prevent Fires, but also to keep Watch and Ward within the said Town, and to prevent Murders, Burglaries, Felonies, and other Outrages, Disorders, and Breaches of the Peace; and to that End the said Watchmen and Night Patrols shall and may and they are hereby empowered and required to arrest and apprehend all Night Walkers, Felons, Malefactors, Vagrants, Beggars, Disturbers of the Peace, and all disorderly and suspected Persons who shall be found misbehaving or wandering within the said Town, and to lodge them in a Watch House or other Prison or Place of Security within the said Town, which shall be provided or appointed by the said Commissioners for that Purpose, to be there safely kept and detained until they can conveniently be taken before some Justice of the Peace for the said County, to be examined and dealt with according to Law; and all such Watchmen and Night Patrols are hereby respectively constituted Constables of the said Town from the Times of their respective Appointments, and being sworn in as Constables before any Justice of the Peace, may act as such during the respective Periods of their continuing in such Employment, and they shall have and are hereby respectively invested with such and the same Powers, Authorities, Privileges, and Protections, as Constables are invested with, or have and are entitled to by Law.

Duties of
Watchmen,
&c.

XXXVII. And be it further enacted, That if any of the said Watchmen and Night Patrols, or Persons so appointed or employed as aforesaid, shall at any Time wilfully neglect to attend in their respective Turns

Penalty on
Neglect of
Duty.

of

of Service, to keep Watch and Ward within the said Town at the Hour appointed by the said Commissioners for their Attendance thereon, or shall depart from or cease keeping Watch during the several Hours appointed by the said Commissioners for the Continuance of the same, or shall refuse or neglect to arrest, apprehend, or detain any Night Walker, Felon, Malefactor, Vagrant, Beggar, Disturber of the Peace, or any disorderly or suspected Person found misbehaving or wandering within the said Town, or shall not observe all the Rules, Orders, and Regulations made by the said Commissioners for their Conduct and Government in the aforesaid Employment, or shall in any other Manner neglect their Duty or misbehave, every Person so offending shall forfeit and pay for every such Offence a Sum not exceeding Twenty Shillings, and also shall be immediately dismissed from his said Employment, if the said Commissioners shall so think proper.

Penalty for
harbouring
Watchmen
on Duty.

XXXVIII. And be it further enacted, That if any Victualler or Keeper of any Public House shall harbour or entertain, or suffer to remain in his or her Public House or Premises, any such Watchmen or Night Patrol as aforesaid, during any Part of the Time appointed for his being on Duty (except such Watchman or Night Patrol shall, during the Time of his Stay in such Public House, be there for the Purpose of restoring or maintaining Order or Peace in such House), every such Victualler or Keeper of any Public House shall, on Conviction, forfeit and pay for every Offence any Sum not exceeding Five Pounds.

Power to
reward dis-
abled Watch-
men.

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

Penalty for
assaulting
Watchmen.

XL. And be it further enacted, That if any Person or Persons shall at any Time assault, obstruct, hinder, molest, or interrupt any Watchman, Night Patrol, Workman, or other Person who shall be employed by or acting under the Authority of the Commissioners by virtue or in pursuance of this Act in the Execution of his Duty, every Person so offending, upon being thereof convicted before any Justice or Justices of the Peace, shall be liable to a Penalty at the Discretion of the said Justice or Justices, not exceeding Ten Pounds, or such Justice or Justices may commit any such Persons to the Common Gaol or House of Correction for the County of *Stafford*, there to be kept to hard Labour for any Space of Time not exceeding Three Calendar Months.

Commission-
ers to ap-
point Sca-
vengers.

XLI. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby required, from Time to Time to appoint and employ any proper Person or Persons to be and act as a Scavenger or Scavengers for cleansing the Streets, Highways, Footpaths, Passages, Market Place, and other public Places within the Limits of this Act, and for carrying all Dirt, Dust, Dung, Cinders, Ashes, Rubbish, Filth and Soil away from the same to such Place or Places as the said Commissioners shall direct; and the said Commis-
sioners

sioners may from Time to Time give such Orders and Directions to any such Scavenger or Scavengers as shall in that Behalf appear necessary and proper to such Commissioners; or otherwise it shall be lawful for the said Commissioners from Time to Time to contract with any Person or Persons willing to act as such Scavenger or Scavengers for the cleansing of the said Market Place, Streets, Highways, Footpaths, Passages, and other public Places within the said Town, and for carrying all Dirt, Dust, Dung, Cinders, Ashes, Rubbish, Filth, and Soil away from the same, at such Times and in such Manner as shall appear expedient to the said Commissioners.

XLII. And be it further enacted, That if any Person or Persons shall hereafter begin to empty any Privy or Necessary House within the said Town, or bring or place any Cart for removing the same, before the Hour of Eight of the Clock at Night, or shall continue to remove the same after the Hour of Eight of the Clock in the Morning, or shall at any Time or in any Respect improperly, carelessly, or negligently remove the same, every such Person shall for every such Offence forfeit and pay the Sum of Twenty Shillings.

Penalty on emptying Privies except between certain Hours.

XLIII. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to subject any Person whomsoever to any Penalty by this Act inflicted for or on account of any Building Materials or Rubbish being laid or placed in any such Street, Highway, Passage, Market Place, or other public Place as aforesaid, in the Course of erecting, pulling down, altering, or repairing any Building or Buildings, so as there be full and sufficient Space, in the Opinion of the said Commissioners, left in or at the Side of the Place where such Materials, Dirt, or Rubbish shall lie or be placed, for Carriages to pass and repass, and sufficient Path be kept clean for Foot Passengers, by and at the Expence of the Person or Persons laying or causing to be laid or placed such Materials, Dirt, or Rubbish as aforesaid, and so as a sufficient Light be at his, her, or their own Expence set and maintained at the Place where such Materials, Dirt, or Rubbish shall be so laid or placed from Sun-set to Sun-rise, to prevent any Accident to Passengers or Cattle, and so as such Materials, Dirt, or Rubbish be inclosed or fenced off in such Manner and within such Time as the said Commissioners shall, by any Notice signed by their Clerk and given to such Person or Persons, direct or appoint, and so as such Materials, Dirt, or Rubbish be removed at the Expence of the Person or Persons so laying or causing the same to be laid, within such Time as shall be expressed in any Notice for that Purpose, to be in like Manner given by the said Commissioners.

Penalty not to extend to Rubbish occasioned by Building.

XLIV. And be it further enacted, That no Person or Persons shall take or carry away, or cause to be taken or carried away, any Dust, Dirt, Dung, Offal, Rubbish, Ashes, or other Filth (other than such Rubbish or Dirt occasioned by building as aforesaid), out of or from any of the said Streets, Highways, Passages, Market Place, or other public Places, except the Person or Persons so to be by the said Commissioners appointed or contracted with as Scavenger or Scavengers for the Purpose of cleansing the same, upon pain of forfeiting and paying the Sum of Twenty Shillings for every such Offence.

Ashes, &c. to be taken from Streets only by Scavengers.

Inhabitants
may use or
dispose of
their own
Ashes, &c.

XLV. 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 keeping any Dust, Dirt, Dung, Offal, Rubbish, Ashes, or other Filth, which shall have arisen or been made within his, her, or their respective Houses, Buildings, Yards, or Premises, or from making use of the same, so as the same be not suffered to remain there to become a Nuisance or Annoyance to any of the Inhabitants of the said Town, and so as that the same be not laid down or placed in any Street, Highway, Passage, Market Place, or other public Place within the said Town, for any longer Time than shall be necessary for carrying away the same; but in case the Person or Persons so reserving such Dirt, Dust, Dung, Offal, Rubbish, Ashes, or other Filth, shall continue to keep the same upon his, her, or their own Premises for the Space of Twenty-four Hours after Complaint shall have been made, and proved to the said Commissioners, of the same being a Nuisance or Annoyance to any of the said Inhabitants, and after Notice in Writing given to him, her, or them by the Clerk to the said Commissioners to remove the same, or shall permit or suffer the same to remain in any such Street, Highway, Passage, Market Place, or other public Place, for any longer Time than Twelve Hours before the same shall be removed and carried away, then and in any of the said Cases every Person so offending shall for every such Offence forfeit and pay the Sum of Twenty Shillings.

For prevent-
ing future
Projections.

XLVI. And be it further enacted, That if any Person or Persons shall, after the passing of this Act, erect, set up, or affix, or lay down any Penthouse, Porch, Shed, projecting Window, Palisade, Rail, Post, Step, Cellar Window, Cellar Door, Hatchway, Frontstead, or other Obstruction or Projection against or in the Front, or at the End or Side of any House or other Building within the Limits of this Act, which in the Judgment of the said Commissioners shall be considered a public Annoyance or Nuisance, by reason of their projecting into or encroaching upon, or otherwise annoying or endangering the public Passage along any of the Streets, Highways, Footpaths, or along the Market Place or other public Places within the Limits of this Act, every such Person is hereby required, at their own respective Costs and Charges, within Fourteen Days next after he, she, or they shall receive Notice in Writing from the said Commissioners in that Behalf, signed by any Three or more of them, to cause all and every the Penthouses, Porches, Sheds, projecting Windows, Palisades, Rails, Posts, Steps, Cellar Windows, Cellar Doors, Hatchways, Frontsteads, and other Obstructions and Projections which shall be so erected, set up, affixed, or laid down, to be taken down, filled up, removed, and carried away, or otherwise altered or reformed in such Manner as shall be directed by the said Commissioners in such Notice; and if any such Occupier of any such House or other Building as aforesaid shall neglect or refuse to cause any such Penthouse, Porch, Shed, projecting Window, Palisade, Rail, Post, Step, Cellar Window, Cellar Door, Hatchway, Frontstead, or other Obstruction or Projection whatsoever, respecting which he, she, or they shall receive such Notice as aforesaid, and shall be required to take down, fill up, remove, and carry away, or otherwise alter or reform, within such Time and in such Manner as in such Notice shall be directed, every such Occupier making Default therein shall forfeit and pay the Sum of Ten Shillings a Day for every Day during which any such Penthouse, Porch, Shed, projecting Window, Palisade, Rail, Post, Step,

Step, Cellar Window, Cellar Door, Hatchway, Frontstead, or other Obstruction or Projection, shall be suffered to remain after the Expiration of the Time specified in such Notice: Provided always, that where the Occupier of any such House or other Building, being a Tenant at Rack Rent, shall cause any such Penthouse, Porch, Shed, projecting Window, Palisade, Rail, Post, Step, Cellar Window, Cellar Door, Hatchway, Frontstead, or other Obstruction or Projection, to be altered in pursuance of such Notice as aforesaid, it shall be lawful for him, her, or them, if a Tenant at Rack Rent, to deduct and retain the Amount of the Costs and Charges thereof, out of his, her, or their Rent, and the Proprietor or Landlord of every House or other Building so held at Rack Rent, is hereby required to allow the same accordingly, except in Cases where the Obstruction, Annoyance, or Nuisance so removed or altered shall have been originally occasioned by such Occupier, in which Case he or she shall bear the Expence of altering or removing the same.

XLVII. And be it further enacted, That the several Occupiers of Houses, Buildings, Yards, Gardens, and Lands within the said Town, and every of them, are hereby respectively authorized and required, at their own Costs and Charges, from Time to Time, within Fourteen Days next after their respectively receiving Notice in Writing from the said Commissioners in that Behalf, signed by their Clerk, to cause all the Doors and Gates leading into their several Houses, Buildings, Yards, Gardens, and Lands in their respective Occupations (and not being Cellar Doors or Trap Doors made before the passing of this Act), which now do or shall hereafter open outwards, and when open shall project over any Part of the Market Place, or any of the Streets, Highways, Passages, or other public Places within the said Town, to be altered so as that the same Door or Doors shall thenceforward open inwards, and into their said respective Premises; and if any such Occupier of any of the aforesaid Premises shall neglect or refuse to make the Alteration required by the said Commissioners in any such Door or Gate within the Period specified by such Notice, such Occupier making Default therein shall forfeit and pay the Sum of Ten Shillings a Day for every Day during which any such Door or Gate shall be suffered to remain opening outwards after the Expiration of the Time specified in such Notice: Provided nevertheless, that where the Occupier of any such House, Building, Yard, Garden, or Land shall cause any such Door or Gate to be duly altered in pursuance of such Notice as aforesaid, it shall be lawful for him, her, or them, if a Tenant or Tenants at Rack Rent, to deduct and retain, out of his, her, or their Rent, the reasonable Charges of altering the same, and the Proprietor or Landlord of the Premises is in every such Case hereby required to allow the same accordingly, except only in Cases where such Door or Gate opening outwards and so altered, shall have been originally put up by or under the Authority of such Occupier, in which Case such Occupier shall bear the Expence of altering the same; and provided also, that it shall be lawful for the said Commissioners to allow to such Occupier, or such Proprietor, all or any Part of the Expence of making any such Alteration, if the said Commissioners shall think it reasonable so to do.

Doors and
Gates to open
inwards.

20th Dec 1807
at the City of London
in the Court of the
Common Council

XLVIII. And be it further enacted, That if any Person or Persons whomsoever shall injure, damage, or deface any Wall, Pillar, Door, Gate, Window,

Preventing
Injury to
Churches,
Chapels, &c.

Window, or other external Part of any Church, Chapel, public School, or other public Building whatever, or of the Walls enclosing the same, within the said Town, or any Tomb, Monumental Stone, or Inscription, or any Tree, in any Churchyard, Chapelyard, or Burial Ground as aforesaid; or shall fix up any Bills or Papers (other than such Notices as may be directed by Parliament or other competent Authority on the Church Door) against any of the aforesaid Edifices, or any of the Walls or Doors thereof, or shall write upon or mark the same with Paint, Chalk, or any other Matter, or shall play at Ball or Fives, or other Games or Sports, upon or against the same, or in the said Yards, or shall deposit any Filth or commit any Nuisance upon, in, about, or against any of the aforesaid Edifices, or the Walls, Doors, or Steps thereof, or shall hang out or place or put any Clothes or any other Thing to dry or bleach in or about any Church or Churchyard, every Person so offending in any of such Cases shall forfeit and pay, for every such Offence, any Sum not exceeding Five Pounds.

For preventing
ing Nuisances
in the Streets
and on the
Footpaths.

XLIX. And be it further enacted, That if any Person or Persons shall, in any Street, Highway, Market Place, or other public Place now made or built, or which shall hereafter be made or built within the said Town, expose to sale any Horse, Mule, Ass, Pig, Sheep, Bull, Cow, or other Beast, (except in such Part or Parts of the said Town as shall from Time to Time be fixed and appointed by the said Commissioners for the Purpose of exposing to sale such Horses or Beasts); or dress, hoop, fire, cleanse, wash, or scald any Cask, or discharge, cast, or throw any of the Contents of any Cask, or set out or place any Cask, Tub, Box, Pail, or Bucket, or any Furniture, Goods, Wares, or Merchandize, or any other Matter or Thing, or hew, saw, or cut any Stone, Wood, or Timber, or bore any Timber (except for the Purpose of rebuilding, altering, or repairing any House or Building in the Manner herein mentioned, or for any of the Purposes by this Act required or authorized to be done, in which Cases the same shall, if the Commissioners shall think proper and direct, be fenced and inclosed in the Manner in this Act mentioned); or make or repair, or place or leave any Coach, Waggon, Cart, Sledge, or other Carriage, or any Part of a Carriage, (except such Carriages as may want immediate repairing from any sudden Accident on the Spot, or which cannot be immediately removed for that Purpose, and except Coaches and Carriages while employed for taking up or setting down Travellers or Passengers, or Persons owning or using them, and except Waggons, Carts, and other such Carriages whilst employed in loading or unloading the same), or shoe or bleed (except in Cases of Accidents), or turn loose, or permit or suffer to go at large, any Horse, Mule, Ass, Pig, Sheep, Bull, Cow, or other Beast, or ride on the Shafts of any Waggon, Cart, Sledge, or other Carriage, or Part of a Carriage, or being the Driver, ride on any Part thereof whatever without sufficient Reins in Hand, or drive the same furiously, or ride on any of the Horses or Cattle drawing the same, or shall not keep his Left Side of the Street, Road, or Way, or shall refuse or neglect, on meeting any other Horse or Horses, or Coach, Waggon, Cart, or Carriage, promptly to turn out of the Way, so as to leave proper and sufficient Quarter for such Horses and Carriages, or being the hindermost of Two or more Coaches, Waggons, Carts, or other Carriages travelling in the same Course or Direction, shall attempt to pass the foremost Coach, Waggon, Cart, or other Carriage, so as to impede or obstruct the Passage

sage of any Coach or other such Carriage, or any Horse or Horses coming from the opposite Direction, and being on their proper or Left Side of the Street, Road, or Way, or by any other Means needlessly obstruct the Passage, so as not to leave proper and sufficient Room for other Horses and Carriages; or draw any Timber, Block or Blocks of Wood or Stone, or other heavy Materials, without any Nib or Carriage, or with such Nib or Carriage, to the Detriment of the Road or the Materials thereof; or lock the Wheel of any Waggon or other such Carriage, without having a Skidpan or Shippor placed under such Wheel; or shew or expose any Stallion or Stone Horse, or Stone Ass, (except in such Place or Places as the said Commissioners shall appoint); or make any Bonfire, or wantonly let off or fire any Musket, Gun, or Pistol, or set fire to, let off, or throw any Crackers, Squibs, or other Fireworks or Fire-arms; or sift, throw, cast, or lay any Ashes (except in the Time of Frost only, and to prevent Accidents), or any Dust, Muck, Dung, Filth, Soil, Rubbish, Refuse of Garden Stuff, Blood, Offal, Carrion, or any other offensive Matter or Thing; or hang out any Clothes to dry, or hang up, place, or expose to sale any Goods, Wares, or Merchandizes whatsoever, or any Fruits, Vegetables, or Garden Stuff, Butchers Meat, or other Matter or Thing, on or projecting over the Footway or Carriageway; or fly any Kite or Kites, or play at Football, or play at Marbles, or any other Game or Games, or make any unnecessary Noise or Disturbance, to the Annoyance of any Inhabitant or Inhabitants; or wilfully break any Glass or Window Panes or Windows, or trundle, place, or use any Hoops, or carry any Basket or other Thing so as to obstruct or incommode the Passage of any Person or Carriage; or kill or slaughter, or singe, scald, dress, or cut up any Animal, either wholly or in part, or cause or permit any Blood, Filth, Offal, or other such noisome or offensive Matter to run from any Slaughter House, Butcher's Shop, or Shambles, Swine Sty, or Dunghill, into the same or any of them; or fix up any Flower or Bow Pot, or other Pot or Pots, at any Window or Windows, without sufficiently guarding the same, so as to prevent their being blown or thrown down; or not securely fasten the Cover of any Coalhole, Cellar, Trap Door, Hatchway, or Window, or leave open (after Sun-set) the Grate or other Covering, Door or Window of any Cellar or other underground Room or Apartment or Area, without having placed or left a sufficient Light to warn and prevent Persons from falling into such Cellars or other underground 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 such Manner; or suffer or permit any Bull Dog, Mastiff, or other ferocious Dog of any other Species, not being closely muzzled, to go at large therein, or permit or suffer any Dog whatsoever to go at large therein after any public Notice given by the Town Crier or Bellman, by Order of the Constable or Constables of the said Town, 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 any Occupier of any Messuage, Tenement, or Building shall have his or her Chimney on fire; or if any Person or Persons shall, upon any of the present or future Pavements of any Street, Market Place, or other public Place now made, laid out, or built, or which shall hereafter be made, laid out, or built within the said Town, and used as a Footway, or upon any other Way therein designed or appointed for or as a Footway, run, draw, drive, push, convey, or carry

[*Local.*]

20 Q

any

any Truck, Wheel, Sledge, Wheelbarrow, Bier, Handbarrow, or Carriage or Wheel whatsoever, or roll any Cask (other than for the necessary loading or unloading thereof) in, upon, from, or out of any Dray, Waggon, Cart, or other Carriage, or otherwise howsoever, or wilfully ride, lead, drive, or suffer to go thereon any Horse, Beast, or Cattle of any kind; or set out or place any Furniture or Goods, Wares or Merchandize, or any Cask, Tub, Box, Pail, Bucket, or other Matter or Thing thereon, or in front of or before any House, Shop, or other Building; or if any Person or Persons shall commit any other kind of Obstruction or Annoyance, either in the Carriageway or on the Footway in any Part of such Squares, Streets, Ways, Lanes, Passages, or public Places as aforesaid, every Person so offending in any of such Cases shall forfeit and pay for every such Offence any Sum not exceeding Twenty Shillings.

Unwholesome Meat may be destroyed.

L. And be it further enacted, That it shall be lawful for the said Commissioners to appoint an Inspector or Inspectors of Provisions in the Markets in the said Town, and such Inspector or Inspectors shall and may and is and are hereby authorized and required to seize all unwholesome Flesh Meat which shall be brought into or offered for sale within the said Markets, and to carry the same before a Justice of the Peace for the said County; and such Justice is hereby authorized and empowered, in case such Flesh Meat shall be by him deemed to be unwholesome, to order the same to be publicly destroyed.

Laying Informations.

LI. And be it further enacted, That the Collector or Collectors for the Time being of the said Commissioners shall, and he and they is and are hereby respectively directed and expressly enjoined to search for, inquire, and examine into, and upon any Complaint to be made or given by any Inhabitant of the said Town, forthwith personally to view and inspect all Nuisances, Annoyances, Obstructions, and other Offences done, committed, or suffered within the said Town, contrary to any of the Provisions of this Act, and thereupon to lay an Information or Informations against the Offender or Offenders before any Justice or Justices of the Peace, in order that such Offender or Offenders may be dealt with for the same according to the Powers and Provisions of this Act, or otherwise according to Law; and if any such Collector shall wilfully neglect or refuse to inquire and examine into such Nuisances, Annoyances, Obstructions, or other Offences as aforesaid, or after any such Complaint made to him as aforesaid, personally to view or inspect the Matters of such Complaint, or shall neglect or refuse to lay the same before the said Commissioners, and to lay such Information or Informations against any such Offender or Offenders as aforesaid, as the said Commissioners shall direct, then and in every such Case such Collector so refusing or neglecting shall forfeit and pay for every such Refusal or Neglect any Sum not exceeding Five Pounds.

Rates.

LII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, or any Three or more of them, and they are hereby authorized and empowered from Time to Time, when and so often as they shall think necessary, at any Meeting or Meetings to be holden under or by virtue of this Act, to order and direct a Rate or Rates, Assessment or Assessments, to be made, assessed, charged, and levied, not exceeding One Shilling in the Pound in any One Year, on the several Occupiers

Occupiers of all Houses, Warehouses, Factories, Shades, Shops, Cellars, Vaults, Counting Houses, Offices, Brewhouses, Granaries, and other Buildings, Works, or Tenements, already erected, built, or made, or which shall hereafter be erected, built, or made within the Limits of this Act, and of the several Gardens, Orchards, Yards, or other Conveniences adjoining thereto, according to the Price or Value thereof; and such Rate or Rates, Assessment or Assessments, may be made at any Time after the passing of this Act; and the Money or Monies so to be rated or assessed on the said Occupiers, shall be paid by them respectively (or as is herein otherwise directed) to the Collector or Collectors, or other Person or Persons appointed by the said Commissioners to collect the same.

LIII. And be it further enacted, That if any Tenant or Occupier of any such Premises shall neglect or refuse to pay his or her Proportion or Proportions of any of the said Rates or Assessments respectively, to the said Collector or Collectors, or other Person or Persons appointed by the said Commissioners, to collect the same, for the Space of Three Days after Demand made thereof at the Dwelling House or usual Place of Abode of such Tenant or Occupier, the same shall be levied and recovered on and from all and every such Tenant or Tenants, Occupier or Occupiers so neglecting or refusing, by Distress and Sale of his, her, or their Goods and Chattels, by Warrant under the Hand and Seal, or Hands and Seals, of any One or more Justice or Justices of the Peace, such Defaulter having been first duly summoned by such Justice or Justices to appear before him or them at a Time and Place to be mentioned in such Summons, to shew Cause for such Neglect or Refusal; and the Overplus (if any) of the Monies to be raised by such Distress and Sale shall be returned on Demand to the Owner or Owners of the Goods and Chattels so distrained and sold, together with what shall remain unsold, after deducting all Costs, Charges, and Expences previous to and attending such Distress and Sale, such Costs, Charges, and Expences to be ascertained and directed by the said Justice or Justices; and in default of such Distress, it shall be lawful for any such Justice or Justices to commit such Person to the Common Gaol or House of Correction for the said County of *Stafford*, there to remain without Bail or Mainprize for any Time not exceeding Six Calendar Months, or until Payment of such Sum or Sums of Money as shall have been found to be due and in arrear upon all or any such Assessment or Assessments as aforesaid, together with all Costs, Charges, and Expences attending the Recovery thereof; such Costs, Charges, and Expences to be ascertained and settled by the said Justice or Justices.

Recovery of Rates from Persons neglecting or refusing to pay.

LIV. Provided always, and be it further enacted, That no Person shall be rated, or pay the several Rates or Assessments which shall be made by virtue or in pursuance of this Act, who shall occupy a House or Houses within the said Town of less than the yearly Value of Three Pounds; and no Rate or Assessment shall by virtue of this Act be payable by any Person who, by reason of his or her Poverty only, is or shall be excused from paying any Rate made for the Relief of the Poor of the said Town; nor shall any Person be charged with or rated for or on account of any Land whatsoever, which shall at the Time of making any such Rates or Assessments be Wood Land, or used as Arable, Meadow,

Exemptions from Rates.

or

or Pasture Ground; nor shall any House, Warehouse, Building, Tenement, or Hereditament, hereby made liable to be rated or assessed, be charged or chargeable with any Rate or Assessment as aforesaid, in case the same shall be empty or unoccupied for the Space of One whole Year; but in case any such House, Warehouse, Building, Tenement, or Hereditament shall be unoccupied for any Space of Time less than One whole Year, the same shall notwithstanding be charged and chargeable with such Rate or Assessment.

Rates where Houses let to several Tenants.

LV. And be it further enacted, That every Person who shall let his or her House in separate Apartments, or ready furnished, to a Lodger or Lodgers, shall for the several Purposes of this Act be deemed and taken to be the Occupier thereof, and shall be rated and assessed under the Authority of this Act accordingly.

Landlords to pay Rates of poor Tenants.

LVI. Provided always, and be it further enacted, That if any Tenant or Occupier of any Messuage, Building, Garden, Tenement, or Hereditament, by this Act directed to be rated or assessed, shall by reason of his or her Poverty be excused from the Payment of the Rates made for the Relief of the Poor of the Parish or Township wherein he or she shall reside, or if he or she shall on that Account not be charged with any such Poor Rate, then and in every such Case the Rates or Assessments to be made by virtue of this Act, and also the Rates and Assessments upon Houses within the said Town under the yearly Value of Three Pounds, shall be wholly borne and paid by the respective Landlords or Proprietors of such Messuages, Houses, Buildings, Gardens, Tenements, and Hereditaments, and who shall be assessed for the same as if they were the Occupiers thereof.

Rates to be apportioned on Change of Tenants.

LVII. And be it further enacted, That in all Cases where any Person or Persons shall remove from or quit any House, Building, or other Property which shall be rated or assessed by virtue of this Act, such Person or Persons shall be liable to pay such Rates or Assessments in proportion to the Time he, she, or they occupied the same, in like manner as if such Person had not removed from or quitted the same; and in all Cases where any House, Building, or other Property out of or from which any other Person who shall have been rated or assessed for the same shall remove, the Landlord or succeeding Occupier of the same shall, for and in respect of his, her, or their Occupation thereof, be liable only to such Rate or Assessment in proportion to the Time he, she, or they shall have the Possession thereof, either as Landlord or Tenant respectively, in the same Manner as if he, she, or they had been originally rated or assessed for such House, Building, or other Property; which said respective Proportions, in case of any Dispute concerning the same, shall be settled and ascertained by the said Commissioners in such Manner as they shall judge reasonable, or by any Justice of the Peace, on the Application of any of the Parties interested therein.

Recovery of Rates from Persons quitting the Premises rated.

LVIII. And be it further enacted, That in case any Person or Persons who shall be rated or assessed by virtue of this Act, shall quit his, her, or their House or Houses, Shop or Shops, Warehouse or Warehouses, Coach House or Coach Houses, Stable or Stables, Cellar or Cellars, or other Building, Garden, Land, Tenement, or Hereditaments, whereon any Rate

Rate or Assessment shall be made by virtue of this Act, before he, she, or they shall have paid such Rate, and shall afterwards refuse or neglect to pay the same when demanded of such Person or Persons, or at his, her, or their Place or Places of Abode, by the Collector of such Rates, or other Person authorized by the said Commissioners, then and in every such Case it shall and may be lawful for any One or more of His Majesty's Justices of the Peace, and he and they is and are hereby required to grant a Warrant or Warrants of Distress under his or their Hand and Seal or Hands and Seals (on Oath being made before him or them by the said Collector or Person as aforesaid, of such Person or Persons having been so rated, and of his, her, or their having quitted the Premises as aforesaid, and of the said Rate or Assessment having been demanded of or from, or at the then Place of Abode of such Person or Persons, which Oath such Justice or Justices is and are hereby authorized and empowered to administer), authorizing and directing the Constable or Constables of the Parish, Township, or Place, or other Person or Persons specially directed by such Warrant, to distrain the Goods and Chattels of the Person or Persons so refusing or neglecting to pay, and to sell the same, rendering the Overplus (if any), after having retained the Rate or Assessment, and all Arrears thereof, and all the Costs and Charges of such Warrant, Distress, and Sale, to the Owner or Owners of such Goods and Chattels respectively; and on default of such Distress, it shall be lawful for such Justice or Justices to cause such Defaulter to be apprehended and brought before him or them, and to commit such Defaulter to the Common Gaol or House of Correction for the said County, there to remain without Bail or Mainprize for any Time not exceeding Six Calendar Months, or until Payment of such Sums of Money as shall have been found to be due and in arrear upon any such Assessment or Assessments as aforesaid, together with all Costs, Charges, and Expences attending the Recovery thereof, such Costs, Charges, and Expences to be ascertained and directed by such Justice or Justices.

LIX. Provided always, and be it further enacted, That such Collector or Collectors is and are once at least in every Month, or oftener if required so to do by the said Commissioners, by Writing signed by their Clerk for the Time being, to pay the Money to be collected or received by virtue of this Act to the Treasurer or Treasurers for the Time being of the said Commissioners, or to such Person or Persons as the said Commissioners shall appoint to receive the same, to be applied to and for the Uses and Purposes directed by this Act; and all and every such Collector or Collectors shall and is and are hereby required, at the Time of making every such Payment of Money as aforesaid, to deliver to the Person or Persons empowered to receive the same, true and exact Accounts of all Sums of Money received by him or them respectively, and also of such Sums of Money, Rates, or Assessment (if any), which shall remain uncollected, together with the Reason why the same have or hath not been collected, to the end that it may appear whether such Nonpayment or Non-collection happened through the Insolvency of the Person or Persons rated; or through the Default of the Collector or Collectors; and no such Collector or other Officer acting in the Execution of this Act (except the Treasurer) shall at any Time retain in his or their Hands a larger Sum than Fifty Pounds, upon pain of forfeiting to the said Commissioners the Sum of Ten Shillings *per Day* for each Fifty Pounds

Collectors to
pay to Com-
missioners.

[Local.]

20 R

retained

retained beyond the Sum of Fifty Pounds, and so after the same Rate for any less Sum than the Sum of Fifty Pounds.

Penalty on Assessors and Collectors overrating.

LX. And be it further enacted, That if any Assessor or Assessors, Collector or Collectors, shall wilfully overrate any Person or Persons, or collect more than the respective Sum or Sums which shall have been rated or assessed, or shall otherwise misbehave himself or themselves in his, or their respective Office or Offices, he or they shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, and also be discharged from his or their respective Office or Offices, if the said Commissioners shall think fit.

Assessors to be appointed.

LXI. And be it further enacted, That it shall and may be lawful for the said Commissioners, and they are hereby authorized and empowered, so soon after the passing of this Act as they may think proper, by Warrant or Warrants under the Hands and Seals of any Three or more of them, to appoint Two of the Inhabitants of the said Town of *Leek*, liable to serve as Parish Officers there, not being then in Office, nor being one of the said Commissioners, to be Assessors of the Rates and Assessments hereby authorized and empowered to be made, One of which Assessors shall be appointed to serve the Office for any Space of Time not exceeding One Year, and the other Assessor for any Space of Time not exceeding Two Years, and from Time to Time, and at all or any Time or Times thereafter, yearly or otherwise, by Warrant as aforesaid, to appoint One of such Inhabitants to be an Assessor of the said Rates and Assessments, for any Space of Time not exceeding Two Years, so and in such Manner that there may always be Two Assessors in Office, One of which shall, yearly or otherwise, go out and be succeeded by another Person, to be appointed in manner aforesaid, and so that there may always be an old and new Officer in Office together; and such Person and Persons so from Time to Time to be appointed Assessors, are hereby empowered and required (without Fee or Reward) to make and assess all such Rates and Assessments as shall be ordered and directed by the said Commissioners, upon all Occupiers of Houses, Warehouses, Factories, Tenements, and Hereditaments within the said Town, which shall be liable to be rated under the Directions of this Act, such Assessors being previously sworn before any Justice of the Peace for the County of *Stafford*, truly, faithfully, and impartially to make such several Rates or Assessments: Provided nevertheless, that no Rate or Assessment to be made by virtue of this Act shall be valid, or of any Force or Effect, until the same shall, after being signed by the said Assessors, be allowed, confirmed, and signed by Three or more of the said Commissioners; and after the said several Rates or Assessments shall respectively have been made, signed, allowed, and confirmed as aforesaid, the same shall and may respectively be demanded, collected, levied, raised, recovered, and received by such Collector or Collectors, Person or Persons, as the said Commissioners, by Warrant under the Hands and Seals of any Three or more of them, shall from Time to Time appoint for that Purpose, and who are hereby respectively invested with full Power and Authority to demand, collect, levy, and receive the same.

Penalty on refusing to be Assessor.

LXII. And be it further enacted, That if any Person who shall be appointed an Assessor of the Rates or Assessments, or any of them as aforesaid,

aforesaid, shall refuse or neglect to take upon himself the Office of Assessor, within Seven Days next after Notice from the Clerk to the said Commissioners of such Appointments, without assigning some reasonable Cause, to be allowed by the said Commissioners, for his Refusal, or if such Person so appointed refuse to be sworn (or being a Quaker, to affirm) faithfully, truly, and impartially to execute such Office, every Person so neglecting or refusing shall for every such Neglect or Refusal forfeit and pay the Sum of Twenty Pounds: Provided nevertheless, that no Person shall be obliged to serve the Office of Assessor for a longer Period than Two Years together, nor be liable to be appointed again within Five Years next after his having served the same, or paid the said Penalty as aforesaid; nor shall any Person above the Age of Sixty Years be compelled to serve or undertake the Office of Assessor as aforesaid.

LXIII. And be it further enacted, That such Assessor or Assessors shall appear at such Time and Place as the said Commissioners shall by Writing, signed by Three or more of them, order and appoint, and shall then and there produce and deliver to the said Commissioners Two Copies or Duplicates of such Rates or Assessments, made and subscribed by such Assessor or Assessors, and shall from Time to Time, upon reasonable Notice to him or them given, attend the said Commissioners at any of their Meetings, and shall then and there explain any such Rates or Assessments.

Assessors to attend Commissioners.

LXIV. And be it further enacted, That if any such Assessor or Assessors so to be appointed as aforesaid shall at any Time or Times hereafter, in any Rate or Assessment by him or them to be made by virtue or in pursuance of this Act, neglect or omit to rate or assess any Person or Persons liable to pay such Rate or Assessment, or shall in any such Rate or Assessment underrate or overrate any such Person or Persons, then and in every such Case it shall be lawful for the said Commissioners to rate and assess in the said Rate or Assessment such Person or Persons so omitted to be rated and assessed, and to raise or reduce such Person or Persons so underrated or overrated, or otherwise to amend such Rate or Assessment in such Manner as to the said Commissioners shall seem just and reasonable; and the said Commissioners shall and may and they are hereby empowered to strike out the Name of any Person or Persons whom they shall determine to be not liable to the Payment of the Rates hereby directed respectively to be raised and levied; and that all such Additions to or Alterations in any Rate or Assessment shall be valid and effectual to all Intents and Purposes whatsoever.

Commissioners may amend Rate.

LXV. And be it further enacted, That Duplicates of all Rates and Assessments made and assessed by virtue of this Act shall be deposited with the Clerk of the said Commissioners, who shall permit any Person rated therein, or any Creditor on the said Rates or Assessments, to inspect the same at all seasonable Times, upon Payment of One Shilling each Time; and such Clerk shall, within Seven Days after Demand, deliver a true Copy of such Rates or Assessments, or any of them or any Part thereof, to any Person rated as aforesaid, or any such Creditor on the said Rates, being first paid for the making of such Copy after the Rate of Sixpence for every One hundred Words or Figures thereof; and in case the said Clerk shall

Rates may be inspected, and Copies thereof demanded.

shall refuse to permit, or shall not permit any Person rated, or any Creditor as aforesaid, to inspect such Duplicates, or shall refuse to deliver such Copy thereof in manner aforesaid, such Clerk shall forfeit and pay for every such Refusal any Sum not exceeding Five Pounds.

Persons
aggrieved
may appeal
against Rate.

LXVI. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Rate or Assessment which shall be made in pursuance of this Act, such Person or Persons having first paid such Rate or Assessment shall or may apply for Relief in the Premises to the said Commissioners at their First or Second Meeting to be holden next after he, she, or they shall have paid the same; and the said Commissioners are hereby authorized and empowered, if they shall think such Person or Persons aggrieved, to give such Relief in the Premises as to them shall seem reasonable; and if such Person or Persons shall be dissatisfied with the Order or Determination of the said Commissioners thereupon, then such Person or Persons may appeal against such Order or Determination to the General Quarter Sessions of the Peace for the said County of *Stafford*, or some Adjournment thereof, within the Time and in manner herein-after directed in that Behalf.

Power to
mortgage
Rates.

LXVII. 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, when and so often as they shall think it expedient, to borrow and take up at Interest any Sum or Sums of Money, not exceeding in the whole the Sum of Five thousand Pounds, upon the Credit of the said Rates or Assessments hereby authorized and empowered to be made and collected, and by any Writing or Writings, under the Hands and Seals of the said Commissioners or any Three or more of them, to mortgage, demise, grant, or assign the same Rates or Assessments, or any Part or Parts thereof, to the Person or Persons who shall advance or lend such Money, or to his, her, or their Trustee or Trustees, as a Security or Securities for the Money so to be borrowed, together with Interest for the same; and a separate and distinct Mortgage shall be made in respect of each and every Sum so to be borrowed; and every such Mortgage shall be in the Words or to the Effect following:

Form of
Mortgage.

‘ No.

‘ BY virtue of an Act passed in the Sixth Year of the Reign of King
‘ *George* the Fourth, intituled [*here set forth the Title of this Act*],
‘ we, whose Names and Seals are hereunto subscribed and set, being
‘ or more of the Commissioners acting in the Execution of the said
‘ Act, in consideration of the Sum of _____ Pounds advanced
‘ and lent by _____ upon the Credit and for the Purposes
‘ of the said Act, and paid by him [*or her, or them, as the Case may be*]
‘ to the Treasurer of the said Commissioners, do hereby grant, bargain,
‘ sell, and assign unto the said _____ Executors, Admini-
‘ strators, and Assigns, such Proportion of the Rates and Assessments
‘ authorized by the said Act to be assessed and collected as the said Sum
‘ of _____ Pounds doth or shall bear to the whole Sum
‘ borrowed or to be borrowed by virtue of the said Act upon the Credit
‘ of the same Rates and Assessments; to be had and holden from the Day
‘ of the Date of these Presents, until the said Sum of _____

‘ Pounds,

‘ Pounds, with Interest for the same after the Rate of *per Centum*
 ‘ *per Annum*, shall be fully paid and satisfied. In witness whereof we
 ‘ have hereunto set our Hands and Seals, the Day of
 ‘ in the Year of our Lord

And all such Mortgages or Securities shall be numbered, commencing with Number One, and so proceeding in an arithmetical Progression ascending; and every such Mortgage or Security shall be good, valid, and effectual in the Law, and shall entitle the Person or Persons to whom the same shall be made, his, her, or their Executors, Administrators, and Assigns, to the Payment thereof; and the Charges and Expences of every such Mortgage or Security shall be defrayed by the said Commissioners.

LXVIII. And be it further enacted, That it shall be lawful for the several Persons entitled for the Time being to any of the Mortgages for the Money which shall be borrowed, or their respective Executors, Administrators, or Assigns (as the Case may be), at any Time, by Writing under their respective Hands and Seals, to assign or transfer the same to any Person or Persons; and every such Assignment or Transfer shall be in the Form or to the Effect following; that is to say,

Mortgages may be transferred.

‘ I *A. B.* of being entitled to the Sum of
 ‘ by virtue of a Mortgage bearing Date the Day of
 ‘ in the Year of our Lord under the Hands
 ‘ and Seals of of the Commissioners for
 ‘ putting in execution an Act passed in the Sixth Year of the Reign of
 ‘ His Majesty King *George* the Fourth, intituled [*here set forth the Title*
 ‘ *of this Act*], upon the Credit of certain Rates or Assessments payable
 ‘ by virtue of the said Act, do hereby, in consideration of the Sum
 ‘ of to me paid by assign and transfer
 ‘ unto the said Executors, Administrators, and
 ‘ Assigns, all my Right and Interest in and to the said Principal Sum
 ‘ of thereby secured, and all Interest now due and
 ‘ hereafter to grow due thereon. In witness whereof I have hereunto
 ‘ set my Hand and Seal, the Day of in the
 ‘ Year of our Lord One thousand eight hundred and

Form of Transfer.

LXIX. And be it further enacted, That a Book shall be provided by the said Commissioners, and kept by their Clerk, in which shall be entered and registered Copies of all Mortgages made in pursuance of this Act, and an Entry or Memorial shall be made therein of every Transfer thereof; and every such Transfer shall, within Twenty Days after the Date thereof, be produced to the Clerk to the said Commissioners, who shall cause such Entry or Memorial to be made, containing the Date, Names of the Parties, and the Sum of Money thereby transferred; and an Entry or Memorial shall also be made therein of the Will of or Administration to every Person who shall die possessed of any such Mortgage or Mortgages; and such Will or Administration shall be produced to the Clerk to the said Commissioners, who shall take or cause to be taken proper Extracts therefrom, and make an Entry thereof; and for every such Entry the said Clerk shall be paid the Sum of Two Shillings and Sixpence; and after such Entry made, but not before, every such Assignee

Register Book to be kept of Mortgages.

or Assignees, Executors or Administrators, shall be entitled to the Benefit of the Monies and Interest secured by any such Mortgage or Mortgages.

Money may be borrowed at a lower Rate of Interest to pay off Mortgages.

LXX. And be it further enacted, That in case the said Commissioners shall at any Time be able to borrow or take up any Sum or Sums of Money at a lower Rate of Interest than shall happen to be payable upon any of the original or other Mortgages which may have been granted by the said Commissioners, and which shall be then existing, it shall be lawful for the said Commissioners from Time to Time to charge the said Rates or Assessments in manner aforesaid with any Sum or Sums of Money to be borrowed at such lower Rate of Interest, and the Interest thereof at such lower Rate as aforesaid, and therewith to pay off and discharge any of the said original or other Mortgages bearing a higher Rate of Interest, according to the Directions and Regulations herein-after prescribed for paying off Mortgages.

Application of Money raised.

LXXI. And be it further enacted, That all Money to arise by or from the Rate or Rates, Assessment or Assessments, and which may be borrowed on the Credit thereof, and all Penalties and Forfeitures to be recovered or levied, and all other Monies to be received by virtue of this Act, and not otherwise disposed of, shall be paid to the said Commissioners, or to such Person or Persons as they shall appoint, to be applied and disposed of, in the first Place, towards paying and defraying all Expences and Charges, with lawful Interest on Monies expended which shall be incurred or in any Manner incident to and attending the Application for, preparing, obtaining, and passing this Act; and in the next Place, in paying and discharging the Interest of the Principal Monies to be borrowed as herein mentioned, and the Interest thereof, and for and towards defraying and paying the Charges and Expences of lighting, watching, cleansing, and improving the Streets, Highways, Market Place, and other public Places within the Limits of this Act, and preventing Nuisances, Annoyances, Obstructions, and Encroachments therein, in manner hereby directed, and in paying and defraying all Expences which the said Commissioners and their Officers shall be put to in carrying this Act into Execution, and for such other Uses and Purposes as are herein expressed, and to and for no other Use, Intent, or Purpose whatsoever; and the Treasurer for the Time being to the said Commissioners shall and is hereby authorized and required to pay and apply all such Monies as he or they shall respectively receive by virtue hereof, to such Person or Persons, and in such Manner, and at such Time or Times as the Commissioners shall from Time to Time by an Order or Orders under their Hands direct and appoint; and the Commissioners are hereby empowered to make such Order or Orders accordingly for all necessary Purposes.

The Treasurer to pay as Commissioners direct.

In case of Nonpayment of Compensation for Damage, &c. done by the Commissioners, the same to be levied by Distress.

LXXII. Provided always, and be it further enacted, That when and as often as any Sum of Money shall be directed or ordered by any Justice or Justices of the Peace to be paid in pursuance of the Directions of this Act as or by way of Compensation or Satisfaction for any Materials, Costs, Damages, Spoil, or Injury of any Nature or Kind whatsoever, done or committed by the said Commissioners, or any Person acting by or under their Authority, and such Sum or Sums of Money shall not be

paid by the said Commissioners to the Party or Parties entitled to receive the same within Five Days after Demand in Writing shall have been made, stating the Order of such Justice or Justices, from the Clerk to the said Commissioners or their Treasurer, in pursuance of the Direction or Order made by such Justice or Justices, then and in such Case the Amount of such Compensation or Satisfaction shall and may be levied or recovered by Distress and Sale of the Goods and Chattels vested in the said Commissioners by virtue of this Act, or of the Goods and Chattels of their Treasurer for the Time being, under a Warrant to be issued for that Purpose by such Justice or Justices of the Peace, which Warrant any such Justice or Justices is and are hereby authorized and required to grant under his Hand and Seal or their Hands and Seals, on Application made to him or them for that Purpose by the Party or Parties entitled to receive such Sum or Sums of Money as or by way of Compensation or Satisfaction for any such Materials, Costs, Damages, Spoil, or Injury as aforesaid; and in case any Overplus shall remain after Payment of such Sum or Sums of Money, and the Costs and Expences of hearing and determining the Matter in dispute, and also the Costs and Expences of such Distress and Sale, then and in such Case such Overplus shall be returned on Demand to the said Commissioners or their Treasurer for the Time being, as the Case may be.

LXXIII. And be it further enacted, That where by this Act any Damages or Charges are directed or authorized to be paid or recovered in addition to any Penalty or Penalties for any Offence or Offences, the Amount of such Damages or Charges, in case of Dispute respecting the same, shall be settled, ascertained, and determined by the Justice or Justices of the Peace by or before whom any Offender shall be convicted of any such Offence or Offences, who is hereby authorized and required, on Nonpayment thereof, to levy such Damages or Charges by Distress and Sale of the Offender's Goods and Chattels, in manner directed by this Act for the levying of any Penalties or Forfeitures.

Damages and Charges in case of Dispute to be settled by Justices.

LXXIV. And be it further enacted, That all Offences whatsoever which by virtue or under the Authority of this Act, or by or under any Bye Law, Rule, Order, or Regulation to be made in pursuance or by the Authority thereof, are or shall be subject to or punishable with any pecuniary Penalties, Fines, or Forfeitures, for the Recovery of which no express Provision is herein-before made, shall and may in every Case be heard, adjudged, and determined by and before any Justice or Justices of the Peace in a summary Way, upon Information or Complaint made and exhibited in Writing, (and which shall in every Case be made and exhibited within Three Calendar Months at furthest next after the committing of such Offences respectively, and not afterwards); and upon any such Information or Complaint as aforesaid, the said Justice or Justices shall examine into the Matter; and if upon the Confession of the Party or Parties accused, or on the Oath of any One or more credible Witness or Witnesses (or being a Quaker, upon his or her Affirmation), the said Party or Parties accused shall be convicted of having committed such Offence or Offences, then and in every such Case the Penalty or Penalties hereby made payable in respect of such Offence or Offences, together with the Costs of Conviction, to be ascertained by such Justice or Justices, shall

Recovery and Application of Penalties and Forfeitures.

shall be forthwith paid by the Party or Parties so convicted as aforesaid; and in case such Party or Parties so convicted shall refuse or neglect to pay the same forthwith, then the said Penalty or Penalties shall and may, by Warrant or Warrants under the Hand and Seal or Hands and Seals of any such Justice or Justices (which he and they is and are hereby empowered and required to grant), be levied and recovered, together with the Costs of Conviction and Recovery thereof, to be ascertained by such Justice or Justices, by Distress and Sale of the Goods and Chattels of such Offender or Offenders, wherever such Goods or Chattels can be found, rendering the Overplus of the Money arising by such Sale (if any) to the Party or Parties whose Goods or Chattels shall be so distrained; one Moiety of all which Penalties not by this Act directed to be otherwise applied shall be paid to the Informer, and the other Moiety shall be paid to the Treasurer of the said Commissioners for the Time being, to be applied to the General Purposes of this Act; and it shall and may be lawful for the said Justice or Justices to order the Offender or Offenders so convicted to be detained in safe Custody until Return can be conveniently made to such Warrant or Warrants of Distress, unless the said Offender or Offenders shall give sufficient Security, to the Satisfaction of such Justice or Justices, for his or their Appearance or Appearances before the said Justice or Justices on such Day or Days as shall be appointed for the Return of such Warrant or Warrants of 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 or Justices is and are hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant or Warrants it shall appear that no sufficient Distress can be had whereupon to levy the said Penalty or Penalties, and such Costs as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to the Satisfaction of any such Justice, either by the Confession of the Offender or Offenders or otherwise, that the Offender or Offenders hath or have not sufficient Goods and Chattels whereon such Penalties, Forfeitures, Fines, Costs, and Charges may be levied were a Warrant of Distress issued, such Justice shall not be required to issue such Warrant of Distress, and therefore it shall be lawful for such Justice or Justices, and he and they is and are hereby required and empowered, by Warrant or Warrants under his Hand and Seal or their Hands and Seals, to commit such Offender or Offenders to the Common Gaol or House of Correction for the County of *Stafford*, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, or until such Offender or Offenders shall have fully paid such Penalty or Penalties, and all Costs and Charges attending such Proceedings as aforesaid, to be ascertained by such Justice or Justices, or otherwise shall be discharged by due Course of Law.

Application
of Penalties.

LXXV. Provided always, and be it further enacted, That all Penalties imposed by this Act on the said Commissioners or their Treasurer, and which are not by this Act specially directed to be otherwise applied or disposed of, shall be paid to the Overseers of the Poor of the Parish in which the Penalty shall be incurred, and be by them applied in aid of the Poor's Rates of such Parish; any thing herein-before contained to the contrary notwithstanding.

LXXVI. And

LXXVI. And be it further enacted, That in all Cases in which by this Act any Penalty or Forfeiture is made recoverable by Information before a Justice of the Peace, it shall and may be lawful for any Justice of the Peace to whom Complaint shall be made of any Offence against this Act, to summon the Party complained against before him, and on such Summons to hear and determine the Matter of such Complaint, and on Proof of the Offence to convict the Offender, and to adjudge him or her to pay the Penalty or Forfeiture incurred, and to proceed to recover the same, although no Information in Writing shall have been exhibited or taken by or before such Justice; and all such Proceedings by Summons without Information shall be as good, valid, and effectual to all Intents and Purposes as if an Information in Writing was exhibited.

Justices may proceed by Summons for Penalties.

LXXVII. And for the more easy Conviction of Offenders against this Act, or the Provisions thereof, 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,

Stafford } 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 Stafford, of having
[here state the Offence and the Time and Place when and where it was
committed] contrary to an Act of Parliament [or contrary to a Bye Law
duly made in pursuance of an Act of Parliament, as the Case may be]
passed in the Sixth 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 For-
feiture 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, according to the Provisions of
the said Act of Parliament, mitigate and lessen the same to the 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,
one Moiety thereof to the Use of the said Commissioners for putting the
said Act into Execution, and the other Moiety thereof to the Use of A. B.
[here name the Informer] 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.'

Form of Conviction.

LXXVIII. And be it further enacted, That it shall be lawful for any of the said Commissioners, or their Collectors or other Officers respectively, and such Person or Persons as they or any of them shall call to their Assistance, without any Warrant or other Authority than this Act, to seize and detain any Person or Persons (being unknown to such Commissioners, Collectors, or other Officers) who shall commit any Offence or Offences against the Provisions of this Act, and take him, her, or them before any Justice or Justices of the Peace for the County or Place where the Offence or Offences shall be committed, or such Offender or

For securing transient Offenders.

Offenders shall be seized and apprehended ; and such Justice and Justices shall and is or are hereby required to proceed and act with respect to such Offender or Offenders according to the Provisions of this Act.

Witnesses
may be sum-
moned.

LXXIX. And be it further enacted, That if any Person shall be summoned as a Witness to give Evidence before any Justice or Justices of the Peace, touching any Matter contained in any Information or Complaint for any Offence against this Act, either on behalf of the Prosecution or on behalf of the Person or Persons accused, and shall refuse or neglect to appear at the Time and Place to be for that Purpose appointed, after having been paid or tendered a reasonable Sum of Money for his or her Costs and Expences, without a satisfactory Excuse being given for such Non-appearance, or appearing shall refuse to be examined on Oath (or in case of a Quaker or Quakers on solemn Affirmation, which Oath or Affirmation any Justice or Justices of the Peace is and are hereby expressly authorized and required to administer in all Cases whatever where the Provisions of this Act require the Oath or Affirmation of any Witness or Witnesses to be had in any Proceeding before such Justice or Justices), and to give Evidence touching the Matter in question before such Justice or Justices, then and in every such Case every such Person so offending shall forfeit and pay for every such Offence the Sum of Five Pounds.

Persons pay-
ing Rates, &c.
may be Wit-
nesses.

LXXX. 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, or any Bye Law, Order, or Determination made in pursuance thereof, 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, or by reason of his being an Inhabitant of the said Town, or being One of the Commissioners for putting this Act into Execution, or One of the Mortgagees of the said Rates or Assessments, or holding any Office under the said Commissioners.

Distress not
to be void
for want of
Form.

LXXXI. 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 any 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 any Action upon the Case.

Proceedings
not to be
quashed nor
removed by
Certiorari.

LXXXII. 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.

LXXXIII. And be it further enacted, That no Action or Suit shall be commenced or prosecuted against the said Commissioners 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 recover in such Action or Actions if Tender of sufficient Amends hath been made to him, her, or them, or his, her, or their Attorney, by or on 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 any other Actions where the Defendant is allowed to pay Money into Court.

Notice of
Action.

Tender of
Amends.

LXXXIV. Provided always, and be it further enacted, That any Person or Persons thinking himself, herself, or themselves aggrieved by any Order, Judgment, or Determination made, or by any Matter or Thing done by the said Commissioners, or any Justice or Justices of the Peace, in pursuance of this Act, such Person or Persons may appeal to the Justices of the Peace at the next General or Quarter Sessions of the Peace to be holden in and for the County or Place where the Cause of Appeal shall arise (the Person or Persons appealing having first given at least Fourteen Days clear Notice of such Appeal, fully stating in such Notice the Nature, Matter, and Cause of Appeal to the Person or Persons appealed against, and forthwith after such Notice entering into a Recognizance before some Justice of the said County, with Two sufficient Sureties, conditioned to try such Appeal, and to abide the Order and Award of the said Court thereupon); and the said Justices, upon due Proof of such Notice and Recognizance having been given and entered into, shall in a summary Way hear and determine such Complaint at such General or Quarter Sessions of the Peace to be holden for the said County, and if they see Cause may mitigate any Forfeitures or Fines, and may order any Money to be returned which shall have been levied in pursuance of such Order, Judgment, or Determination, and shall and may also award such further Satisfaction to be made to the Party injured, or such Costs to either of the Parties, as they shall judge reasonable and proper; and all such Determinations of the said Justices shall be final, binding, and conclusive upon all Parties, to all Intents and Purposes whatsoever.

Appeal to
Quarter
Sessions.

LXXXV. And be it further enacted, That upon all Appeals from any Rate or Assessment made in pursuance of this Act, the Court of General or Quarter Sessions of the Peace shall, and such Court is hereby authorized and required (in all Cases where they shall see just Cause to give Relief) to amend such Rate or Assessment, either by inserting therein or striking out the Name or Names of any Person or Persons, or by altering the Sum or Sums therein charged on any Person or Persons, or in any other Manner which the said Court shall think necessary for giving such Relief,

On Appeal
from Rate,
the Quarter
Sessions may
amend with-
out quashing
it.

Relief, and without quashing or wholly setting aside such Rate or Assessment: Provided always, that if the said Court shall be of Opinion that it is necessary for the Purpose of giving Relief to the Person or Persons appealing that the Rate or Assessment should be wholly quashed, then the said Court may quash the same, and order a new one to be made.

Limitation
of Actions.

LXXXVI. And be it further enacted, That no Action or Suit shall be commenced or prosecuted against the said Commissioners, 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 Three Calendar Months next after the Fact committed; and all such Actions and Suits shall be laid and tried where the Cause of Action shall have arisen, 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 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 or Actions 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 any other Cases by Law.

Act not to
protect Per-
sons, &c.
lighting with
Gas from
being in-
dicted for a
Nuisance.

LXXXVII. Provided always, and be it further enacted, That the Powers and Provisions in this Act contained shall not extend or be construed to extend to protect the said Commissioners, or any Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or any Person or Persons, making, furnishing, or supplying any Gas, used, burnt, or consumed within the Limits of this Act, for lighting any Street, Highway, or Place, or any House, Manufactory, or other Building therein, or any of the Servants or Officers or Workmen of the said Commissioners, or of any such Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, from any Indictment or Prosecution for a public or private Nuisance in respect of any Works, or the Means which shall be employed by them in making the said Gas, and using the same, or furnishing any such Gas Light, nor from any Action or Actions for any Injury or Damage sustained by reason of any such Works, or the Use of the said Gas, or the Method of lighting therewith, whether such Injury or Damage shall proceed from the Preparation or the Use of the same Gas, or the Method of lighting,
or

or the Carelessness or Want of Skill of any of the Persons employed therein, or from any other Cause whatsoever.

LXXXVIII. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be construed or deemed or taken to extend, to affect, extinguish, defeat, abridge, impeach, annul, prejudice, or destroy the Right, Title, or Interest of the Right Honourable *George Earl of Macclesfield*, Lord of the Manor of *Leek and Frith*, or the Lord or Lords, Lady or Ladies of the said Manor of *Leek and Frith* for the Time being, of, in, or to the Seignories, Rights, Royalties, Franchises, Jurisdictions, Rents, Services, Fines, Amerciaments, Liberties, Privileges, Powers, and Authorities, appendant or appurtenant, incident or belonging to the said Manor of *Leek and Frith*, or the exclusive Right, Power, Liberty, and Privilege which the Ancestors of the said *George Earl of Macclesfield* have Time immemorial enjoyed, and which the said Earl doth now enjoy, and is entitled to by Prescription or otherwise, of supplying the Inhabitants of the said Town of *Leek* with Water, and of taking up the Ground or Pavement in the Market Place, or any of the Streets, Lanes, Highways, Passages, and other public Places within the said Town, and laying down and repairing Pipes to convey such Water in and about the same Town, but that the said *George Earl Macclesfield*, and the Lord or Lords, Lady or Ladies of the said Manor, and Owner or Owners, Proprietor or Proprietors of the said Waterworks of the said Earl for the Time being, shall have, hold, use, exercise, receive, take, and enjoy all and every the Seignories, Rights, Royalties, Franchises, Pre-eminences, Jurisdictions, Rents, Services, Fines, Amerciaments, Powers, Authorities, Liberties, Privileges, Advantages, and Emoluments whatsoever to the said Manor or Waterworks belonging or incident, appendant, appurtenant, or usually exercised, holden, or enjoyed therewith, in such and the same Manner, to all Intents and Purposes, as if this Act had not been passed.

Saving of Rights.

LXXXIX. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be construed or deemed or taken to extend, to affect, extinguish, defeat, abridge, impeach, annul, prejudice, or destroy the Right, Title, or Interest of *Thomas Fenton Grosvenor* Esquire, and *Mr. Henry Townsend*, to any Rents, Tolls, Pickage, Stallage, Free Customs, Dues, Duties, Profits, or Advantages, belonging, due, or in any-wise appertaining to them the said *Thomas Fenton Grosvenor* and *Henry Townsend*, Owners of the Fairs and Markets within the said Town of *Leek*, or the Owner or Owners of such Fairs and Markets for the Time being, but that the said *Thomas Fenton Grosvenor* and *Henry Townsend*, Owners of the said Fairs and Markets, and the Owner or Owners of the said Fairs and Markets, or their Lessee or Lessees for the Time being, shall and may demand, exact, take, and enjoy all such Rents, Tolls, Pickage, Stallage, Free Customs, Dues, Duties, Profits, and Advantages, with all Powers and Remedies for enforcing Payment thereof, in such and the like Manner, and as fully and effectually, to all Intents and Purposes, as if this Act had not been passed, but not further or otherwise.

Rights of Owners of Markets.

1826

6° GEORGIIV. *Cap. lxxi.*

Public Act.

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

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