



ANNO SEPTIMO & OCTAVO

GEORGII IV. REGIS.

Cap. lxxvii.

An Act for lighting, cleansing, watching, and otherwise improving the Town of *Ashton-under-Lyne* in the County Palatine of *Lancaster*, and for regulating the Police thereof.

[14th June 1827.]

WHEREAS the Town of *Ashton-under-Lyne* in the County Palatine of *Lancaster* is a Place of considerable Trade and Manufacture, and in the Vicinity of and immediate Connection with very populous Districts of the Counties Palatine of *Lancaster* and *Chester* and the West Riding of the County of *York*, and hath of late much increased in Population: And whereas it would be of great Convenience to the Inhabitants of the said Town and to the Public, if the Streets, Lanes, Passages, and other public Places in the said Town were effectually lighted and watched, and if Regulations were established for cleansing the same, and for removing and preventing Nuisances and Annoyances therein, and for the better ordering and establishing the Police thereof; but the beneficial Purposes aforesaid cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and

[*Local.*]

19 K

by

Commis-
sioners.

by the Authority of the same, That every Male Person of the Age of Twenty-one Years or upwards, who now is or shall or may at any Time hereafter become Occupier of or Owner, either in his own Right or in the Right of his Wife, and in the actual Possession or Enjoyment or Receipt of the Rents and Profits of any House or Houses, Warehouse or Warehouses, Manufactory or Manufactories, or other Building or Buildings, or other Property rateable under this Act, within the said Town, of the clear yearly Rent or annual Value of Thirty-five Pounds at the least, shall be and he is hereby constituted, appointed, and declared to be a Commissioner for putting and carrying the several Purposes of this Act into Execution.

Qualification
of Commis-
sioners.

II. Provided always, and be it further enacted, That no Person shall be capable of acting as a Commissioner in the Execution of this Act during the Time he shall hold any Office or Place of Profit under the Commissioners appointed for executing this Act, or in any Case wherein he shall be personally or beneficially interested, directly or indirectly, in any Manner whatsoever, (except as a Creditor on the Rates or Assessments to be levied or raised by virtue of this Act,) or who shall be concerned or interested, either directly or indirectly, in any Contract or Bargain for furnishing, supplying, or selling any Article, Matter, or Thing to be employed or made use of for the several Purposes of this Act; or who shall sell Ale, Wine, Cider, or any Spirituous Liquors by Retail, or who is or shall be a Victualler, or who shall cease to be the Owner or Occupier of any Messuage or Dwelling House, Warehouse, Manufactory, or other Building or Buildings, or other Property rateable under this Act within the said Town, of the yearly Rent or Value aforesaid; provided also, that such of the said Commissioners as are Members of the *Ashton-under-Lyne* Gas and Waterworks Company, incorporated by an Act passed in the Sixth Year of the Reign of His present Majesty, intituled *An Act for lighting with Gas the Town of Ashton-under-Lyne, and the Neighbourhood thereof, in the County Palatine of Lancaster, and the Township of Dukinfield in the County Palatine of Chester, and for supplying with Water the said Town of Ashton-under-Lyne and the Neighbourhood thereof*, shall not be disqualified from acting as Commissioners in the Execution of this Act by reason of any Contract being entered into between the Commissioners for executing this Act and the said *Ashton-under-Lyne* Gas and Waterworks Company; but such of the said Commissioners as are Members of the said Company shall not vote in any Question in which the said Company may be interested: Provided also, that such of the said Commissioners as are Justices of the Peace may act as Justices of the Peace in the Execution of this Act.

6 G. 4. c. 67.

Commis-
sioners being
Justices may
act as such.

Commis-
sioners to
take an Oath.

III. Provided also, and be it further enacted, That no Person shall be capable of acting as a Commissioner in the Execution of this Act (except in administering the Oath or Affirmation hereinafter mentioned,) until he shall have taken or subscribed an Oath, or being a Quaker, until he shall have taken and subscribed an Affirmation, in the Form or to the Effect following; (that is to say,)

‘ I do swear [*or, being one of the People called Oath.*
 ‘ *Quakers*, do solemnly affirm,] That I am Occupier of [*or, as the*
 ‘ *Case may be*, that I am truly in my own Right [*or in the Right of*
 ‘ *my Wife*] in the actual Possession or Enjoyment or Receipt of the
 ‘ Rents and Profits of] some House or Houses, Warehouse or Ware-
 ‘ houses, or other Building or Buildings, Land or Tenement, within
 ‘ the Town of *Ashton-under-Lyne* in the County Palatine of *Lancaster*,
 ‘ of the clear yearly Rent or Value of Thirty-five Pounds; and that I
 ‘ will truly, faithfully, and impartially, according to the best of my
 ‘ Skill and Judgment, execute and perform all and every the Powers
 ‘ and Authorities reposed in me by virtue of an Act passed in the
 ‘ Eighth Year of the Reign of His Majesty King *George* the Fourth,
 ‘ intituled [*here set forth the Title of this Act.*] So help me GOD.
 ‘ [*Or, being a Quaker, omit the Words ‘ So help me God.’*]

And the said Commissioners shall and they are hereby required to cause an Entry or Memorandum to be made in the Book of their Proceedings of the taking, making, and subscribing of the said Oath or Affirmation.

IV. And be it further enacted, That no Person shall, from and after the Time of holding the First Meeting of the said Commissioners, act as a Commissioner in the Execution of this Act until some Meeting subsequent to the Meeting at which he shall have taken the said Oath or shall have made the Affirmation of Qualification as aforesaid; and if any Person, not being duly 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 as aforesaid, or, being a Quaker, not having made and subscribed such Affirmation as aforesaid, shall act as such Commissioner in the Execution of the Powers hereby given, or any of them, every such Person shall for every such Offence forfeit and pay the Sum of One hundred Pounds, to be recovered on the Information or Prosecution of any Person or Persons whomsoever, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, or Court of Common Pleas at *Lancaster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, Privilege, or Wager of Law, nor more than One Imparlance, shall be allowed; and every Person so sued or prosecuted, by reason of not being so qualified, shall prove that he was at the Time of acting qualified as aforesaid, or otherwise shall pay the said Penalty, without any other Proof or Evidence being given on the Part of the Plaintiff or Prosecutor than that such Person hath acted as a Commissioner in the Execution of this Act: Provided always, that all Acts and Proceedings of any Person or Persons acting as a Commissioner or Commissioners in the Execution of this Act, although not duly qualified as aforesaid, previous to his or their being convicted of 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.

After the First Meeting, no Commissioner to act until some Meeting subsequent to the Time of Qualification. Penalty on Persons disqualified acting as Commissioners.

Acts of Commissioners valid till Conviction.

V. And to obviate all Doubts as to the Extent and Limits of the said Town, and to ascertain the same from Time to Time as Occasion may

For ascertaining the Limits of the

Town for the
Purposes of
this Act.

may require, be it further enacted and declared, That so much and such Part of the Parish of *Ashton-under-Lyne* aforesaid as consists of and is called or known by the Name of *The Town's Division*, otherwise *Ashton Town*, shall, for the Purposes of this Act, be deemed and taken to be the *Town of Ashton-under-Lyne*; and it shall be lawful for the said Commissioners and they are hereby authorized and empowered, from Time to Time as they shall see Occasion, by reason of the Increase of Buildings in the Suburbs or Vicinity of the said Town, to ascertain and fix the Limits or Boundaries of the said Town of *Ashton-under-Lyne*; and public Notice of the Day, Hour, and Place of Meeting of the said Commissioners for ascertaining and fixing the same shall from Time to Time be given in the Manner herein-after directed for the giving of Notices under this Act, at least Fourteen Days prior to the Day of holding such Meeting; and the Limits or Boundaries so from Time to Time ascertained and fixed, and being within the said Parish of *Ashton-under-Lyne*, shall be deemed and taken to be, to all Intents and Purposes, the Limits or Boundaries of the said Town for the Purposes of this Act; and all the Powers, Provisions, and Authorities in this Act contained shall extend to and be executed and put in force within such Limits or Boundaries.

Regulating
the First and
other Meet-
ings of the
Commis-
sioners.

VI. And be it further enacted, That the said Commissioners, or any Five or more of them, shall and may, upon the Sixth *Wednesday* next after the passing of this Act, assemble and hold a General Meeting at the Hour of Eleven in the Forenoon at the House known by the Name of the *Globe Tavern* in *Ashton-under-Lyne* aforesaid, or at some other convenient House or Place in the said Town of *Ashton-under-Lyne*, and shall and may then and there proceed in the Execution of this Act; and a General Meeting of the said Commissioners shall also be held for carrying this Act into Execution on the First *Wednesday* in every Month after the said first-mentioned Meeting, at the same Hour and Place, unless some other Hour, Day, or Place within the said Town aforesaid, shall be appointed by the Commissioners assembled at the said First Meeting, or at any subsequent Meeting, at which there shall be at least Five Commissioners assembled; and if at any Time or Times when the said Meetings are hereby required to be held, or shall be so as aforesaid appointed to be held, there shall not be at such Meeting or Meetings Five Commissioners present, then such Meetings shall stand adjourned to the next Day on which, and at the same Place at which a General Meeting ought to be held in pursuance of this Act, or in pursuance of any Appointment which shall have been made at a prior Meeting held as aforesaid; and all Acts, Orders, Rules, Resolutions, and Proceedings of the said Commissioners in the Execution of this Act, which shall be had, made, or done at any Meeting or Meetings to be held in pursuance of this Act, at which Five or more of the said Commissioners shall be present, and at which the Majority of such Five 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, (except such Acts, Orders, and Proceedings as are by this Act particularly directed or authorized to be executed or done by any other Number of Commissioners or in any other Manner); and at every

Meeting which shall be held for putting this Act into Execution One of the Commissioners present thereat shall be appointed Chairman; 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 another or the casting Vote; and no Order, Rule, Resolution, or Proceeding had, made, or done at any Meeting held in pursuance of this Act, shall be revoked, suspended, or altered unless at some subsequent General Meeting, or at some Special Meeting to be called for that Purpose, (which any Three or more of the said Commissioners, or their Clerk, at the Desire in Writing of any Three or more of the said Commissioners, are and is hereby empowered to call, and of which Ten Days previous Notice at least of the Time and Place of such Meeting, and therein specifying the particular Order, Rule, Resolution, or Proceeding proposed or intended to be revoked, suspended, or altered, shall be given in manner directed by this Act for the giving Notices), and unless the Number of Commissioners concurring in such proposed Revocation, Suspension, or Alteration of any Rule, Order, Resolution, or other Proceeding shall be more than Seven in Number; and no other Business shall be transacted at any such Special Meeting than what shall have been specified in such Notice as aforesaid; and at every Meeting to be held under or by virtue of this Act the Commissioners present shall defray their own Expences, except any Sum, not exceeding Ten Shillings a Day, for the Use of the Room wherein they shall meet for the Purposes of this Act.

Commissioners to pay their own Expences.

VII. And be it further enacted, That in all Cases where any Notice is by this Act directed or required to be publicly given, (except such Notices as are by this Act expressly directed to be given in some other Manner,) such Notice shall be published and given in Writing or in Print, and affixed to or upon some conspicuous Part of the Police or Public Office intended to be provided as herein-after mentioned, after the same shall be so provided, and on the principal outer Doors of the several Churches and Chapels under the Establishment in *Ashton-under-Lyne* aforesaid; and all Notices so published shall be good and available in Law for the Purposes of this Act, except as aforesaid.

Directing the Mode of giving Notices.

VIII. And be it further enacted, That the Clerk to the said Commissioners shall cause fair and regular Entries to be made, in a Book or Books to be kept for that Purpose, of all the Acts, Orders, and Proceedings of the said Commissioners relative to the Execution of this Act, and the Chairman of every Meeting shall always subscribe his Name at the End of the said Proceedings, and the said Clerk shall enter in the said Book or Books the Names of at least Five of the said Commissioners who are actually present at any such Meeting; and all Entries in such Book or Books, being signed as aforesaid, shall be deemed Originals, and shall be admitted in Evidence in all Courts and upon all Occasions whatsoever; and at all their Meetings such Book or Books shall be open to the Inspection of

Proceedings to be entered in Books.

all and every the said Commissioners, and all and every other Person and Persons rated and assessed for the Purposes of this Act; and any of the said Commissioners, and all and every Person and Persons rated and assessed for the Purposes of this Act, and all Creditors upon the Rates hereby authorized to be made, or any of them, shall at all reasonable Times be permitted to have Copies of any of the Entries in such Books, paying for such Copies after the Rate of Sixpence for every One hundred Words.

Commissioners may appoint Officers, and take Security.

IX. And be it further enacted, That it shall be lawful for the said Commissioners at any of their Meetings from Time to Time to nominate and appoint One or more Person or Persons to be their Clerk or Clerks, Treasurer or Treasurers, Surveyor or Surveyors, Assessor or Assessors, Collector or Collectors of the Rates to be imposed, levied, raised, or received under or by virtue of this Act, also all such Market-lookers or Inspectors of Markets and Fairs to be held within the said Town of *Ashton-under-Lyne*, Inspectors of Nuisances, Scavengers, Cleansers, Lighters of Lamps, Firemen, Keepers of Fire Engines, and such other Officers, Deputies, or Assistants as the said Commissioners shall think necessary for the Execution of the several Purposes of this Act; and the said Commissioners shall and may take such Security for the due Execution of the respective Offices by such Person and Persons as aforesaid as they shall think proper; and it shall be lawful for the said Commissioners from Time to Time to remove or suspend any of such Officers, as they shall see Occasion, and to appoint another or others in the Room or instead of any of them who shall be so removed or suspended, or who shall die, neglect, refuse, 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 Wages, Salaries, or other Allowances to the said Officers respectively, and also to such other Person or Persons as shall be aiding and assisting the said Commissioners in the Execution of this Act, as to the said Commissioners shall seem reasonable.

Treasurer and Clerk not to be the same Person.

X. Provided always, and be it further enacted, That it shall not be lawful for the said Commissioners to appoint the Person who may be appointed the Clerk in the Execution of this Act, or the Partner of any such Clerk, or the Clerk or other Person in the Service or Employ of any such Clerk or of his Partner, the Treasurer for the Purposes of this Act, or to appoint any Person who may be appointed Treasurer, or the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer or of his Partner, the Clerk to the said Commissioners; and if any Person shall accept both the Offices 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 other Person in the Service or Employ of any such Clerk or of his Partner, shall accept the Office of Treasurer, or shall act as Deputy of the Treasurer, or in any Manner officiate for the Treasurer, or being the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer or of his Partner, shall accept the Office of Clerk in the Execution of this Act, or shall act as Deputy of such Clerk, or in any Manner officiate for such Clerk, or if any such Treasurer shall hold or accept any

any Office or Place 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*, or Court of Common Pleas at *Lancaster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

XI. And be it further enacted, That if any Clerk, Treasurer, Surveyor, or Collector, or other Officer or Person 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 Salary or Allowance as shall be appointed and allowed by the said Commissioners or 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 afterwards of serving or being employed under the said Commissioners, and shall forfeit and pay the Sum of Fifty Pounds for every such Offence to any Person or Persons who shall sue for the same, by Action of Debt, Bill, Plaint, or Information, in any of His Majesty's Courts of Record at *Westminster*, or Court of Common Pleas at *Lancaster*, within Three Calendar Months next after the Offence committed, with full Costs of Suit, in which Suit or Prosecution no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

Penalty on Officers taking Fees, or being concerned in Contracts.

XII. And be it further enacted, That all such Officers and Persons so appointed or to be appointed as aforesaid shall, under their Hands, at such Time and Times and in such Manner as the said Commissioners may direct, deliver to such Commissioners, or to such Person or Persons as they shall appoint, true and perfect Accounts in Writing of all Matters and Things committed to their Charge 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 for what Purposes, together with proper Vouchers for such Payments, and shall pay all such Monies as shall remain in their respective Hands to the said Commissioners, or to such Person or Persons as they shall appoint; and if any such Officer or Person shall not make and render such Account, or produce and deliver up the Vouchers relating to the same, or make Payment as aforesaid, or shall not deliver to the said Commissioners all Books, Papers, and Writings in his Custody or Power relating to the Execution of their respective Offices, Trusts, and Duties, or shall refuse or neglect to pay such Monies as upon the Balance of an Account or Accounts shall appear to be in their respective Hands, to the said Commissioners, or as they shall

Officers to give true and perfect Accounts of all Matters and Things committed to their Charge.

shall direct and appoint, then and in any of the Cases aforesaid such Commissioners may and they are hereby authorized and empowered to bring or cause to be brought any Action or Actions against the Officer or Officers, Person or Persons, so neglecting or refusing as aforesaid, in order for the Recovery of the Money which shall be in the Hands of such Officer or Officers, Person or Persons respectively; or if Complaint be made by the said Commissioners, or by any Person or Persons by them appointed, of any such Neglect or Refusal, to any One Justice of the Peace for the County or Place where the Offence shall have been committed, such Justice may and he is hereby authorized and required, by a Warrant or Warrants under his Hand and Seal, to cause the Officer or Officers, Person or Persons, so refusing or neglecting, to be brought before him, and upon his, her, or their appearing, or not being to be found, to hear and determine the Matter of such Complaint in a summary Way; and if upon the Confession of the Party or Parties, or by the Testimony of any credible 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 or received by virtue of this Act shall be in the Hands of such Officer or Officers, Person or Persons, such Justice may and he is hereby authorized and required, upon Nonpayment thereof, by a Warrant or Warrants under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Officers, 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 shall be made; and if no Goods and Chattels of such Officer or Officers, Person or Persons, can be found sufficient to answer and satisfy the said Money, and the Charges of selling the Goods and Chattels so distrained, 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, Hundred, or Place where such Offender or Offenders shall reside, there to remain until he shall give and make 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 Five or more of them, are hereby empowered to make,) or until he shall deliver up all 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 such Distress only, for a longer Space of Time than Three Calendar Months.

Books to be settled annually, and lie open for Inspection.

XIII. And be it further enacted, That after such Accounts shall have been delivered in by such Officer or Officers, Person or Persons, in manner aforesaid, the same shall be respectively examined, audited, and settled, and a Balance struck by the said Commissioners on every Twenty-fourth Day of *June*, from Year to Year, (except the Twenty-fourth

fourth Day of *June* next after the passing of this Act;) and such Accounts shall lie open at the Office of the Clerk or Clerks, Treasurer or Treasurers, appointed by the said Commissioners, or such other convenient Place as the said Commissioners shall direct, for the Inspection of any Person or Persons interested in the same, without Fee or Reward, every Day (except *Sunday*) between the Hours of Ten and Four of the Clock, for the Space of Seven Days, before the same shall be signed by such Commissioners; and after such Accounts shall have been signed, the same shall be final and conclusive in all respects whatsoever, unless an Appeal be prosecuted against such Accounts at the then next General Quarter Sessions of the Peace in and for the County Palatine of *Lancaster*, or any Adjournment thereof, to be holden within the Hundred of *Salford* in the same County Palatine, Notice of such Appeal being given in Writing to the Clerk to the said Commissioners at any Time before such Accounts have been signed.

XIV. And be it further enacted, That in case of the Death of any such Officer or other Person to be appointed as aforesaid, or of his becoming bankrupt before he shall have delivered up all Books, Papers, Writings, and other Things concerning the Office, or relating to the Execution of this Act, then and in every such Case the Executors or Administrators of such respective Officer or other Person, or the Assignees of his Estate and Effects, or other Persons possessing the same, or in whom the same have or hath vested, shall deliver up to the said Commissioners, or to any Person appointed by them to demand and receive the same, all such Books, Papers, Writings, and other Things; and in case of Non-delivery of such Books, Papers, Writings, and other Things for the Space of Ten Days next after the same shall be demanded, it shall be lawful for the said Commissioners to commence and prosecute any Action or Actions, Suit or Suits, in any of His Majesty's Courts of Record at *Westminster*, or Court of Common Pleas at *Lancaster*, against such Executor, Administrator, Assignee, or other Person or Persons possessing the Estate and Effects which did belong to such deceased Person or Bankrupt, for Recovery of Damages for the Non-delivery of such Books, Papers, Writings, and Things, together with full Costs of Suit.

For recovering Books, &c. from Executors or Assignees of Officers dying or becoming bankrupt.

XV. 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, in the Name or Names of any One of the said Commissioners, or in the Name of their Clerk or Treasurer for the Time being; and all Actions or Suits which it may be necessary to bring for the Recovery of any Penalty or Sum of Money due or payable by virtue of this Act, or for or in respect of any Matter or Thing relating to this Act, shall be brought and prosecuted in the Name of any one of the said Commissioners, or of their said Clerk or Treasurer for the Time being; and no Action or Actions, Suit or Suits, or other Proceedings which may be brought, commenced, or prosecuted by or against the said Commissioners, or any of them, by virtue or on account of this Act, in the Name of One of the said Commissioners, or of their Clerk or Treasurer, shall abate or be discontinued by the Death or Removal of such Commissioner,

Commissioners may sue and be sued in the Name of any one of themselves, or their Clerk or Treasurer.

missioner, Clerk, or Treasurer, or any of them, or by the Act or Default of such Commissioner, Clerk, or Treasurer, or any of them, done or suffered without the Direction or Consent of Five or more of the said Commissioners for the Time being; but One of the said Commissioners, or the Clerk or Treasurer of the said Commissioners for the Time being, shall always be Plaintiff or Defendant (as the Case may be) in such Actions or Suits: Provided always, that every such Commissioner, or Clerk or Treasurer, in whose Name or Names any Action or Suit shall be commenced, prosecuted, or defended in pursuance of this Act, shall always be reimbursed and paid, out of the Monies to be raised by virtue of this Act, all such reasonable Costs, Charges, and Expences as he or they shall sustain or be put unto, or become chargeable with, by reason of his being so made Plaintiff or Defendant therein; and such Commissioner, or Clerk or Treasurer, shall not be personally answerable or liable for the Payment of the same, or any Part thereof, unless such Action or Suit shall arise in consequence of his own Neglect or Default, and unless it shall have been brought, commenced, or defended without the Order and Direction of Five or more of the said Commissioners assembled at a Meeting to be held under this Act.

Accounts to
be kept of
Receipts and
Disburse-
ments.

XVI. And be it further enacted, That the said Commissioners shall and they are hereby required from Time to Time and at all Times to order and direct a Book or Books to be provided and kept by their Clerk or Treasurer for the Time being, in which Book or Books such Clerk or Treasurer shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended for and on account of this Act, and of the several Articles, Matters, and Things for which any Sums of Money shall have been disbursed, laid out, and paid; which Book or Books shall at all seasonable Times be open to the Inspection of the said Commissioners, or any Creditor or Creditors on the Rates or Assessments granted by this Act, without Fee or Reward; and the said Commissioners and Creditors shall and may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof, without paying any thing for the same; and in case the said Clerk or Treasurer shall refuse to permit or shall not permit the said Commissioners or such Creditors, or any of them, to inspect the same at all seasonable Times, or take such Copies or Extracts as aforesaid, such Clerk or Treasurer shall forfeit and pay any Sum not exceeding Five Pounds.

Commissioners
empow-
ered to light
the Streets:

XVII. 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 such and so many Glass Lamps of such Sorts and Sizes, and also such and so many Lamp Irons and Lamp Posts as they shall judge necessary, and direct the same to be set up in the Streets, Lanes, Passages, and other public Places in the said Town, or to be affixed or set up upon or against the Walls or Palisadoes of all or any of the several Houses or Buildings, or upon or against any other Walls, or in or upon such other Places within the said Town of *Ashton-under-Lyne*, or in or upon any Roads, Ways, or Passages leading into or out of the said Town, and to be altered, taken down,

or renewed in such Manner as they shall 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 or at 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 all or any of the Streets, Squares, Market Places, Lanes, Roads, Ways, Paths, and public Passages and Places within or leading into or out of the said Town of *Ashton-under-Lyne*.

XVIII. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time to contract with any Gas Light Company now or hereafter to be established within the said Town or the Neighbourhood thereof, or with any other Person or Persons, Body or Bodies Politic or Corporate, for lighting the said Town of *Ashton-under-Lyne* with Gas, Oil, or otherwise, for any Term not exceeding Three Years, and upon such Terms and Conditions in all respects as the said Commissioners shall from Time to Time think proper.

And to contract for lighting.

XIX. And be it further enacted, That it shall be lawful for the said Commissioners (in case they shall deem it expedient to light the said Streets, Roads, Lanes, Passages, and other public Places in the said Town, and the Roads, Ways, or Passages leading into or out of the said Town, with Gas or Inflammable Air, without contracting for the same,) to set up and establish a Manufactory of Gas, with all necessary Boilers, Gasometers, Works, and Apparatus requisite for the same, and to purchase from any Person or Persons, Body or Bodies Politic or Corporate, who shall be willing to sell the same, any Buildings, Lands, Tenements, or Hereditaments whatsoever within the said Town, or within any Part of the said Parish of *Ashton-under-Lyne* near or contiguous to the said Town, not exceeding One Statute Acre, for the Purpose of erecting and making suitable and necessary Erections, Buildings, Works, and Apparatus for the manufacturing or preparing of Gas for the Purpose of lighting the said Streets, Roads, Lanes, Passages, and other public Places in the said Town, and the Roads, Ways, or Passages into or out of the said Town, (but not for manufacturing or preparing Gas for Sale, or with any Power to sell the Gas so manufactured or prepared); and when and as often as it may be necessary, to break up the Soil or Pavement of any of the Footways or Carriageways of any of the said Streets, Roads, Lanes, Passages, and other public Places within the said Town, or within any Part of the said Parish of *Ashton-under-Lyne* near or contiguous to the said Town, where the said Buildings, Works, and Apparatus shall be made or shall be situate; and also to cause Mains or Pipes for the Conveyance of Gas to be laid and carried, altered and removed, as may be necessary, along, through, and under the said Streets, Roads, Lanes, Passages, and other public Places, or any of them: Provided always, that in laying down any Pipes or other Apparatus for conveying Gas over, across, or upon any public Bridge within or adjoining the said Town, or within or under the Roads belonging thereto, such Pipe or other Apparatus shall be conveyed under the Footpaths over such Bridge, and within Brick or Stone Soughs set in Lime Mortar, and covered with sufficient Flags to form the Surface of such Footpaths.

Commissioners may erect Gas Works themselves.

XX. And

Commis-
sioners to
reinstate
Pavements
after Pipes
have been
laid down.

XX. And be it further enacted, That when and as often as the said Commissioners shall have broken up or removed the Soil or Pavement of any of the Streets, Roads, Lanes, Passages, or other public Places aforesaid, the said Commissioners shall and they are hereby required immediately after to reinstate and make good such Streets, Roads, Lanes, Passages, and other public Places, to the Satisfaction of the Surveyors or other Persons having the Controul, Direction, or Superintendence thereof respectively; and the said Commissioners shall cause to be carried away all surplus Earth, Filth, and Rubbish occasioned thereby at their own Costs and Charges; and during the Time that such Works are carrying on, and until such Ground, Soil, and Pavement are being so reinstated and made good as aforesaid, the said Commissioners shall provide necessary Lights at Night, and otherwise guard the same, so as to prevent Damage or Inconvenience to Passengers, Cattle, or Carriages; and in case the said Commissioners shall make Default in any of the Matters aforesaid, it shall be lawful for the said Surveyors, or other Persons having such Controul, Direction, or Superintendence as aforesaid, to reinstate and make good such Ground, Soil, and Pavement, and carry away all Rubbish occasioned thereby; and during the Time such Works are carried on, to provide necessary Lights at Night, and the Expences attending the same respectively shall be repaid by the said Commissioners; and in default of Payment thereof within Twenty-eight Days next after Demand thereof in Writing made, the same shall and may be levied and recovered for the Use of such Surveyors or other Persons, by Distress and Sale of the Goods and Chattels of the Treasurer to the said Commissioners, together with the Charges of such Distress and Sale, by Warrant under the Hand and Seal of any Justice of the Peace for the said County Palatine of *Lancaster*, who upon due Proof of such Default is hereby empowered to grant the same.

No Pipes to
be placed
against
Houses, &c.
without
Consent.

XXI. Provided always, and be it further enacted, That nothing herein contained shall authorize or empower the said Commissioners, or any Company or Companies of Proprietors, or Body or Bodies Politic or Corporate, or any other Person or Persons, making, furnishing, or supplying any Gas used, burnt, or consumed within the said Town for lighting any Street, Highway, or Place, or any House, Manufactory, or other Building therein, to carry, lay, or fix, or continue any Pipe or Pipes or other Thing for the Conveyance of the said Gas or Inflammable Air into, through, or against any Dwelling House or Houses or private Buildings, or any private Lands or Hereditaments and Premises, or so to continue the same, against the Will of the Owner or Occupier of every such Dwelling House, Building, Lands, Tenements, and Hereditaments respectively, expressed by Writing under his, her, or their Hand or Hands.

Service Pipes
to be kept
fully charged
with Gas.

XXII. And be it further enacted, That the Branch or Service Pipes which shall be put down for lighting with Gas the said Streets, Lanes, Entries, and other public Passages and 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.

XXIII. And

XXIII. 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 Company or Companies of Proprietors, or Body or Bodies Politic or Corporate, or any other Person or Persons whomsoever, making, furnishing, or supplying any Gas used, burnt, or consumed within the said Town for lighting any Street, Highway, or Place, or any House, Manufactory, or other Building therein, the said Commissioners, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, shall, immediately after Notice given to them or him by Parol or in Writing, of any such Escape of Gas, from any Inhabitant or Inhabitants within the said Limits, 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 the Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, shall not, within Twenty-four Hours next after such Notice given, effectually stop and prevent any future Escape, and wholly and satisfactorily remove the Cause of Complaint, then and in every such Case the said acting Commissioners, or the Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, shall for every such Offence forfeit and pay the Sum of Five Pounds for each 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.

For preventing the Escape of Gas.

XXIV. 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 Company or Companies of Proprietors, or Body or Bodies Politic or Corporate, or other Person or Persons whomsoever, making, furnishing, or supplying any Gas used, burnt, or consumed within the said Town 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, Lane, Entry, or other Passage or Place within the said Town, shall be so laid at the greatest practicable Distance, and (whenever the Width of the Carriageway in such Street or Place will allow thereof,) at the Distance of Four Feet at least from the nearest Part of any Water Pipe already laid down or hereafter to be laid down for the Conveyance of Water in, under, through, along, across, or round any of the said Streets, Lanes, Entries, Passages, or Places (except in Cases where it shall be unavoidably necessary to lay the said Gas Pipes across any of the said Water Pipes, in which Cases the said Gas Pipes shall be laid over and above the said Water Pipes at the greatest practicable Distance therefrom, and shall form therewith a Right Angle, and in such Cases the Length of the said Gas Pipes so crossing the said Water Pipes shall always exceed Nine Feet, in order that no Joint of the said Gas Pipes shall be nearer to any Part of the said Water Pipes than Four Feet at least); and in laying down the said Gas Pipes the said Commissioners, or any Company or Companies of Proprietors, or Body or Bodies Politic or Corporate, or other Person or Persons whomsoever, making, furnishing, or supplying any Gas used, burnt, or consumed within the said Town for lighting any

Gas Pipes to be laid at least Four Feet from Water Pipes.

[Local.]

19 N

Street,

Street, Highway, or Place, or any House, Manufactory, or other Building therein, shall in no Case join Two or more Gas Pipes together previously 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 then in such Trench, and not before, properly form and complete, with proper and sufficient Materials, the Jointing with the other Pipe or Pipes to be connected therewith, and shall also make and keep Air-tight all and every such Pipes, and all Pipes connected or communicating therewith, and all the Screws, Joints, Inlets, Apertures, or Openings therein respectively, and in all and every respect prevent the said Gas from escaping therefrom, or from any Part thereof, upon pain of forfeiting for every Default the Sum of Fifty Pounds.

Commis-
sioners, &c.
to prevent
Contamina-
tion of Water.

XXV. And be it further enacted, That whenever the Water of any Company of Proprietors, or other Owners or Proprietors of any Waterworks within the said Town, or the Water in any Well or Pond belonging to or used by any Party or Person whomsoever, shall be contaminated or affected by the Gas of the said Commissioners, or of any Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons whomsoever, making, furnishing, or supplying any Gas used, burnt, or consumed within the said Town for lighting any Street, Highway, or Place; or any House, Manufactory, or other Building therein, the said Commissioners, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, shall forfeit and pay for every such Offence a Sum not exceeding Twenty Pounds, and the same shall be applied to and for the Use and Benefit of the said Company of Proprietors, or other the Owners or Proprietors of any Waterworks, Well, or Pond, or the Party or Person using any such Water, and suing for such Penalty; and in case any such Water shall be contaminated or affected by Gas in any Way whatsoever, then and in every such Case the said Commissioners, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, shall within Twenty-four Hours next after Notice thereof in Writing, signed by any of the Directors, or by the Treasurer, or by the Manager or Chief Clerk for the Time being of or for the said Company of Proprietors, or by other the Owners or Proprietors of any Waterworks, Well, or Pond, or by any Party or Person interested in or using any such Water, to be left at the usual Office or Place of transacting Business of the said Commissioners, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or at the last or usual Place of Abode of such other Party or Person as aforesaid, cause Measures to be taken effectually to stop and prevent Gas from escaping from their Works, Mains, or Pipes, or contaminating or affecting any such Water; and in case the said Commissioners, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other 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, then and in every such Case the said Commissioners, Company or Companies of Proprietors,

Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, shall, on each and every Complaint whereof Notice shall be given as aforesaid, forfeit and pay to the Treasurer for the Time being, or to any One of the Directors for the Time being of the said Company of Proprietors, or other the Owners or Proprietors of any Waterworks, or to the Party or Person interested in or using any such Water and complaining as aforesaid, for the Use and Benefit of the same Proprietors or Owners, or Party or Person, over and above the before-mentioned Penalty of Twenty Pounds, the further Sum of Ten Pounds for each and every Day during which any such Water shall be and remain contaminated, tainted, or affected by any such Gas as aforesaid; and in default of Payment thereof as aforesaid, such Penalty or Penalties, Forfeitures or Payments, shall and may be recovered by Information to be exhibited on the Oath of One credible Witness, by and in the Name of the Treasurer, Manager, or Chief Clerk for the Time being of the said Company of Proprietors, or other the Owners or Proprietors of any Waterworks, or by and in the Name of any One or more of the Directors of the said Company of Proprietors, or other the Owners or Proprietors of any Waterworks, at the Option of the Parties prosecuting such Information, or in the Name of the Party or Person interested in or using any such Water, and complaining as aforesaid against the said Commissioners, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, before any Justice of the Peace, with Costs to be assessed by such Justice, and to be levied by Distress and Sale of the Goods and Chattels of the said Commissioners, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, together with the Charges of such Distress and Sale, by Warrant under the Hand and Seal of such Justice, which Warrant such Justice is hereby empowered to grant; and such Penalty or Penalties, Forfeitures or Payments, and Costs, when so levied, shall be paid to the Treasurer, or to One of the Directors for the Time being of the Company of Proprietors, or other the Owners or Proprietors of any Waterworks, for the Use of the same Owners or Proprietors, or to the Party or Person interested in or using any such Water, and informing or complaining as aforesaid.

XXVI. And whereas it may become a Question, upon such Complaint as aforesaid, whether the said Water be contaminated or affected by the Gas of the said Commissioners, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons, making, furnishing, or supplying any Gas used, burnt, or consumed within the said Town, or for lighting any Street, Highway, or Place, or any House, Manufactory, or other Building therein; be it therefore enacted, That in every such Case it shall be lawful for the said Company, or other the Owners or Proprietors of any Waterworks, to dig to and about, and search and examine the Mains, Pipes, Conduits, and Apparatus of the said Commissioners, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, for the Purpose of ascertaining whether such Contamination proceed from or be occasioned by the Gas of the said Commissioners, Company or Companies

For ascer-
taining if the
Water is con-
taminated.

Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid; and if it shall appear that the said Water has been contaminated by any Escape of Gas of the said Commissioners, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, the Costs and Expences of the said Digging, Search, and Examination, and Repair of the Pavement of the Street or Streets which shall be taken up or disturbed, shall be borne and paid by the said Commissioners, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons 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 such 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, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, then and in such Case the said Company, or other the Owners or Proprietors of any Waterworks, shall bear and pay all the Costs and Expences of such Examination, Repair, and Search, and shall also make good to the said Commissioners, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other 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, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, in and by such Search and Examination, and also to the Pavement of the said Streets so broken up or disturbed in such Search or Examination, the Amount of such Injury, Loss, or Damage to be ascertained and determined, if necessary, by such Justice or Justices of the Peace as aforesaid.

Penalty for conveying Washings into any Stream, &c.

XXVII. Provided always, and be it further enacted, That if the said Commissioners, or any Company or Companies of Proprietors, or Body or Bodies Politic or Corporate, or other Person or Persons whomsoever, making, furnishing, or supplying any Gas used, burnt, or consumed within the said Town for lighting any Street, Highway, or other Place, or any House, Manufactory, or other Building therein, shall at any Time drain or convey, or cause or suffer to be drained or conveyed, or to run or flow, any Washings or other waste Liquids, Substances, or Things whatsoever, which shall arise or be made in the making of such Gas, into any River, Brook, or running Stream, Reservoir, Aqueduct, Feeder, Pond, or Spring Head, or do or cause to be done any Annoyance, Act, or Thing to the Water contained in any such River, Brook, or running Stream, Reservoir, Aqueduct, Waterway, Feeder, Pond, or Spring Head, whereby the said Water or any Part thereof shall or may be soiled, fouled, or corrupted, then and in every such Case the said Commissioners, or such Company or Companies of Proprietors, or Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, shall forfeit and pay for every such Offence the Sum of Two hundred Pounds; and such Penalty and Forfeiture shall and may be sued for and recovered, together with full Costs of Suit, in any of His Majesty's Courts of Record at
Westminster,

Westminster, by Action of Debt or on the Case, or by Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, Privilege, Wager of Law, or more than One Imparlance, shall be allowed; and such Penalty shall be paid to the Person or Persons who shall inform or sue for the same: Provided always, that no such Penalty or Forfeiture shall be recoverable unless the same is sued for within Twelve Calendar Months after the Time when such Annoyance, Act, and Thing shall have ceased: Provided also, that in addition to the said Penalty of Two hundred Pounds, (and whether such Penalty shall or shall not be recovered,) in case any of the said Washings or other waste Liquids, or noisome or offensive Liquids, Substances, or Things, shall be drained, conducted, or conveyed, or caused or suffered to run or flow in manner aforesaid, into any River, Brook, or running Stream, or any Reservoir, Aqueduct, Waterway, Feeder, Pond, or Spring Head, 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 whomsoever to the said Commissioners or any of them, or to the Company or Companies of Proprietors or any of them, or to the said Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, and the said Commissioners, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, shall not within Twenty-four Hours after such Notice given stop and prevent all and every such Washings, waste Liquids, or noisome or offensive Liquids, Substances, or Things, from being drained, conducted, or conveyed, or from running or flowing in manner aforesaid, and every such other Annoyance, Act, or Thing from being done as aforesaid, then and in every such Case the said Commissioners, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, shall forfeit and pay the Sum of Twenty Pounds for each Day such Washings, waste Liquids, or noisome or offensive Liquids, Substances, or Things shall be so drained, conducted, or conveyed, or caused to be done as aforesaid; and such last-mentioned Penalty shall and may 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.

XXVIII. 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 said Town for lighting any Street, Highway, or other 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, or using the same, or furnishing any such Gas Light, nor from any Action or Actions for any

Act not to protect Persons, &c. lighting with Gas from being indicted for a Nuisance.

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

Penalty for
damaging
Pipes.

XXIX. And be it further enacted, That if any Person or Persons shall wilfully or maliciously remove, destroy, damage, or injure any or any Part of any Pipe, Plug, or other Apparatus, Matter, or Thing belonging to the said Commissioners, or to any Company or Companies of Proprietors, or Body or Bodies Politic or Corporate, or other Person or Persons whomsoever, or shall wilfully or maliciously waste, or beyond his, her, or their Contract consume any of the Inflammable Air or Gas supplied by the said Commissioners, Company or Companies of Proprietors, or Body or Bodies Politic or Corporate, or other Person or Persons, every Person so offending in any of the respective Premises, and being thereof lawfully convicted, on the Oath or Affirmation of One credible Witness, before One or more Justice or Justices of the Peace for the County where the Offence shall be committed, shall forfeit and pay to the said Commissioners, or to the Party or Person injured, any Sum not exceeding Five Pounds, and Three Times the Amount of the Damage done or occasioned by such Conduct, the same to be ascertained by such Justice or Justices; and such Penalty and Damage, together with reasonable Costs, shall be levied by Distress and Sale of the Goods and Chattels of such Offender, returning the Overplus (if any), on Demand, to the Owner of such Goods and Chattels, or such Offender shall or may be committed to the Common Gaol or House of Correction of the County or Hundred where the Offence shall have been committed, there to remain for any Time not exceeding Three Calendar Months.

Property of
Lamps, &c.
vested in
Commis-
sioners.

XXX. And be it further enacted, That the Right and Property of, in, and to all Lamps, Lamp Irons, Watchboxes, Posts, and other Things thereto belonging, for the Purpose of lighting and watching the said Town of *Ashton-under-Lyne*, or any Road, Way, or Passage leading into or out of the said Town, and also all the Posts, Pillars, Pilasters, Lamp Irons, and Lamps which shall from Time to Time be erected, set up, and furnished for the public Lighting of the said Town or any Part thereof, or any Road, Way, or Passage leading into or out of the said Town, either by Order of the said Commissioners or by any such Gas Light Company, or other Person or Persons as aforesaid, in pursuance of any Contract or Contracts between the said Commissioners and such Gas Light Company, or other Person or Persons, shall (subject only to such Powers as in or by any such Contract or Contracts may be reserved to such Gas Light Company, or other Person or Persons as aforesaid, to remove, take, and carry away to their own Use any of the said Posts, Pillars, Pilasters, Lamp Irons, and Lamps which may have been previously erected or furnished at their Expence, in the Event of there being a Discontinuance of the Contracts between the said Commissioners and such Gas Light Company, or other Person or Persons,) be held and be 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 the 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 all 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, cleansing, watching, and otherwise improving the Town of *Ashton-under-Lyne* in the County Palatine of *Lancaster*; 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 Action or otherwise, all or any Part of the said Materials and Things which shall not be wanted for the Purposes of this Act, and the Money arising therefrom shall be applied to the Purposes of this Act.

XXXI. And be it further enacted, That if any Person or Persons shall wilfully or maliciously break, throw down, or otherwise deface or damage any Lamp or Lamps that shall be set up by virtue of this Act, by Order of the said Commissioners, or in pursuance of any Contract made by the said Commissioners, or by any Person or Persons at his, her, or their own Expence, for the Purpose of lighting any Part of the said Town, or any Road, Way, or public Passage leading into or out of the said Town, or any 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 made (or upon Affirmation, if made by a Quaker) of the Commission of such Offence, to issue a Warrant for apprehending the Party or Parties accused; or it shall be lawful for any Person or Persons who shall see such Offence committed to apprehend, and for any other Person or Persons 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 Peace Officer, in order to be secured and conveyed before some Justice or Justices of the Peace for the said County; 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 any Sum not exceeding Five Pounds, and the Offender or Offenders shall also make full Satisfaction to the said Commissioners for the Damages so done; 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

Penalty for
wilfully
breaking of
Lamps, &c.

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 said County, Hundred, or Place, there to be kept to Hard Labour for any Space of Time not exceeding Three Calendar Months.

Lamps broken accidentally to be paid for.

XXXII. And be it further enacted, That if any Person or Persons shall carelessly or accidentally break, throw down, or damage any of the said Lamps already or hereafter to be hung or set up as aforesaid, or the Irons or other Furniture thereof, and shall not immediately upon Demand make Satisfaction for the Damage done thereto, then and in every such Case it shall be lawful for any One or more of the 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; and in case of Refusal or Neglect to pay any of the Sums of Money so awarded 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.

Power to erect Watchhouses, and to employ Watchmen.

XXXIII. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby empowered and required, from Time to Time, when and as often as they shall think it expedient, to provide, erect, and set up, or cause to be provided, erected, and set up, such and so many Watchhouses and Watchboxes, in such Situations as they shall judge proper and expedient, in any of the Streets, Lanes, Highways, Passages, or other public Places of the said Town, and to appoint and employ such and so many Watchmen and Night Patroles, and such and so many Beadles, as well for the Day as Night, as they shall judge expedient and necessary for the Security and good Order of the said Town, and such Watchmen, Night Patroles, and Beadles from Time to Time remove and displace, and to appoint others in their Stead, and also to order and direct how many of the said Watchmen, Night Patroles, and Beadles shall attend nightly within the said Town, or on any Road, Way, or Passage leading into or out of the said Town, and how such Watchmen, Night Patroles, and Beadles 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 to make such further Orders and Regulations from Time to Time for the better Government and Direction of the said Watchmen, Night Patroles, and Beadles, as they shall from Time to Time think proper.

Power to appoint Committees for regulating Watchmen and Night Patroles.

XXXIV. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time to appoint Committees of such and so many of the said Commissioners, for the Purpose of managing, regulating, suspending, and appointing the said Watchmen, Night Patroles, and Beadles, as Occasion may from Time to Time require, between the several Meetings of the said Commissioners; and

and it shall be lawful for the said Commissioners to appoint any One or more Person or Persons, with a Salary or otherwise, as a Superintendent or Superintendents of such Watchmen.

XXXV. And be it further enacted, That the said Watchmen, Night Patroles, and Beadles 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, Night Patroles, and Beadles respectively 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, or upon any Road, Way, or Passage leading into or out of the said Town, and to lodge them in any Place of Security within the said Town which shall be provided and appointed for that Purpose by the said Commissioners, to be there safely kept and detained until they can conveniently be carried before some Justice of the Peace, to be examined and dealt with according to Law.

Duties of
Watchmen,
&c.

XXXVI. And be it further enacted, That it shall be lawful for the said Commissioners in their Discretion to nominate and appoint One or more standing Deputy Constable or Constables for the said Town of *Ashton-under-Lyne*, for promoting the good Order thereof, and also from Time to Time to appoint a competent Number of able-bodied Men as Assistant Constables of the said Town, in keeping the Peace therein, and for executing all such Warrants, Precepts, and Orders as the Justices of the Peace acting for the said County Palatine of *Lancaster* shall from Time to Time direct to them to be executed within the said Town, and from Time to Time to discharge and replace such Deputy Constable or Constables and Assistant Constables, or any of them, and make other Nominations and Appointments, and pay such Salary and Salaries, Wages, and Remuneration for the due Execution of the Duty they are required to perform, as the said Commissioners shall see fit.

Commission-
ers may ap-
point Deputy
Constables
and Assistant
Constables.

XXXVII. And be it further enacted, That the said Deputy Constables, Assistant Constables, and all Watchmen, Patroles, Beadles, and Market-lookers or Inspectors of Markets and Fairs, to be appointed by virtue of this Act, shall be sworn in as Constables at the Court Leet of the Manor of *Ashton-under-Lyne* aforesaid, or before some Justice of the Peace for the said County Palatine of *Lancaster*, and such Market-lookers or Inspectors of Markets and Fairs shall also be respectively sworn in like Manner for the due Execution of their Office as Market-lookers or Inspectors of Markets and Fairs; and all such Deputy Constables, Assistant Constables, Watchmen, Patroles, Beadles, and Market-lookers or Inspectors of Markets and Fairs respectively, acting as such while in the Execution of the Powers and Authorities of this Act, shall be and they are hereby invested with, and shall have and enjoy the like Powers and Authorities, Privileges and Immunities, and shall be subject and liable to such

Watchmen,
&c. to be
sworn in as
Constables.

and the like Penalties and Forfeitures, as any Constable or Constables is or are invested with, or shall or may have and enjoy, or is or are or shall be subject or liable to by Law.

Constables to
take Recognizances.

XXXVIII. And be it further enacted, That for the better Administration of the Police within the said Town of *Ashton-under-Lyne*, it shall be lawful for the said Deputy Constable or Assistant Constables, on having an Appointment in Writing from the said Commissioners for that Purpose, to take Recognizances without any Fee or Reward from all or any Person or Persons who shall be brought before them or any of them in the Night-time, upon any Charge not amounting to Felony, for the Appearance of such Person or Persons before any Justice or Justices of the Peace for the said County Palatine of *Lancaster* within the Space of Seven Days then next for further Examination; and such Recognizances so to be taken as aforesaid shall be of equal Obligation to the Parties entering into the same, and liable to the same Proceedings, as if the same had been taken before any of His Majesty's Justices of the Peace.

Duty of
Beadles.

XXXIX. And be it further enacted, That it shall be lawful for the said Beadles, and they are hereby required, as often in every Night as shall be ordered by the said Commissioners, to go about their respective Districts and Rounds, to observe and take notice whether all the Watchmen and Night Patroles perform their Duty in their several Stations according to such Orders and Regulations as shall be made and provided by the said Commissioners; and in case any Watchman or Night Patrole shall be found misbehaving himself or neglecting his Duty, the said Beadles shall, as soon as conveniently may be, give Notice thereof to the Committee for the Time being for managing and regulating Watchmen and Night Patroles; and the said Beadles shall also patrole the several Streets within the said Town in the Day-time, during such Hours as the said Commissioners shall appoint, and apprehend and secure all drunken and disorderly Person and Persons disturbing the Public Peace, and all Persons wilfully obstructing or hindering the free Passage of any of the said Streets, Highways, public Passages, or Places, and convey all such Persons before some Justice of the Peace for the said County Palatine of *Lancaster*; and every Person being convicted of any such Offence shall forfeit and pay any Sum not exceeding Twenty Shillings.

Penalty on
Watchmen,
&c. for Neglect of Duty.

XL. And be it further enacted, That if any of the said Watchmen, Night Patroles, or Beadles shall at any Time wilfully neglect or omit to observe and perform all the Orders, Rules, and Regulations made by the said Commissioners for their Conduct or Government respectively, or shall in any Manner neglect their Duty or misbehave, every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Twenty Shillings.

Penalty on
Publicans for
harbouring
them during
the Time of
Duty.

XLI. And be it further enacted, That if any Innkeeper, Victualler, or Keeper of any Public House shall knowingly harbour or entertain, or suffer to remain in his or her Public House, any such Watchman, Night Patrole, or Beadle during any Part of the Time appointed for his being on Duty, every such Innkeeper, Victualler, or Keeper of a
Public

Public House shall, on Conviction thereof, forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

XLII. And be it further enacted, That it shall be lawful for the said Commissioners to give such Rewards in Money to any of the said Watchmen, Deputy or Assistant Constables, Night Patrols, and Beadles respectively, who may conduct himself with any particular Merit, or may be disabled or wounded in the Execution of his Office, as they the said Commissioners shall think reasonable, out of the Monies to be raised by virtue of this Act.

Power to re-ward disabled Watchmen, &c.

XLIII. 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 Persons to be and act as Scavengers, and to purchase or hire any Carts, Carriages, and Horses for cleansing the Streets, Lanes, Highways, Passages, and other public Places within the said Town, and carrying away all Dust, Dirt, Dung, Cinders, Ashes, Rubbish, Filth, and Soil from the same, and from Time to Time to order and direct on what Days and Times particular Streets, Lanes, Highways, Passages, and other public Places shall be cleansed, and the Dirt, Dust, Dung, Cinders, Ashes, Rubbish, Filth, and Soil carried away therefrom, and how and in what Manner the same shall be carried away, and where the same shall be deposited, and to give such Orders and Directions to such Scavengers as shall appear necessary to such Commissioners; or otherwise it shall be lawful for such Commissioners from Time to Time to contract with any Person for cleansing the said Streets, Lanes, Highways, Passages, and other public Places, and for carrying away all Dirt, Dust, Dung, Cinders, Ashes, Rubbish, Filth, and Soil from the same, at such Times and in such Manner as shall appear expedient to the said Commissioners.

Commissioners to appoint or contract with Scavengers.

XLIV. And be it further enacted, That the Persons employed by or contracting with the said Commissioners as such Scavengers as aforesaid, shall, on such Days and Times and in such Manner as the said Commissioners shall appoint, cause to be swept or collected together, and also removed and carried away, all Dirt, Dust, Dung, Cinders, Ashes, Rubbish, Filth, and Soil found in the several Streets, Lanes, Highways, Passages, and other public Places within the said Town; and (where practicable) shall also bring or cause to be brought therein a Cart or other proper Carriage, and at their Approach therewith, and not before, by Sound of Bell, Voice, or otherwise, give Notice to the Inhabitants in such Streets, and also in every Court or Passage wherein such Cart or Carriage cannot pass, of their coming, and such Persons shall immediately take the Dirt, Dust, Dung, Cinders, Ashes, Rubbish, Filth, and Soil (except Filth from any Privy or Necessary House) from the respective Premises in such Streets, Lanes, Passages, and Places, and by means of the said Cart or Carriage immediately, or as soon as may be, remove the same away to the Place appointed by the said Commissioners for that Purpose, upon pain of forfeiting any Sum not exceeding Five Pounds for every Neglect therein; and the Persons so employed or contracting as aforesaid shall cause the Words "Scavenger's Cart" to be painted in large Roman Letters on the Front or on some conspicuous Part of every Cart or Carriage used for

Scavengers Duty.

for the Purpose aforesaid, on pain of forfeiting and paying any Sum not exceeding Twenty Shillings for every Neglect therein.

Penalty on Contractors for cleansing not fulfilling their Agreement.

XLV. And be it further enacted, That if any Person or Persons entering into or engaging in any Contract for cleansing the said Streets, Lanes, Highways, Passages, and other public Places within the said Town, shall in any Manner omit or neglect to perform and fulfil the Conditions of his, her, or their Contract or Engagement, according to the true Intent and Meaning thereof, such Person or Persons shall for every such Omission or Neglect forfeit and pay any Sum not exceeding Ten Pounds; but nothing herein contained shall hinder the said Commissioners from commencing or prosecuting any Action at Law against such Person or Persons, and his, her, or their Surety or Sureties, if any, for or in respect of any such Omission or Neglect.

Penalty on casting Rubbish into the Streets.

XLVI. And be it further enacted, That if any Person or Persons whomsoever shall throw, cast, or lay, or cause or permit to be thrown, cast, or laid, any Dust, Dirt, Dung, Offal, Rubbish, Ashes, or other Filth whatsoever, into or in any Street, Lane, Highway, Passage, or other public Place within the said Town, (with the Exception of such Ashes as may be laid upon any Foot Pavement in Time of Frost for the Prevention of Accidents, and of such Dirt or Rubbish as may be placed in any Street or other public Place in the Course of erecting, pulling down, altering, or repairing any House or Building,) or shall throw or cast, or cause to be thrown or cast, any Dust, Dirt, Dung, Offal, Rubbish, Ashes, or Filth, or any Animal or Carcase, or any noxious or offensive Materials or Ingredients, or any other Substance whatsoever, into any Common Drain, Sewer, Sink, public or private Well, Pump, Canal, Pond, Pool, Watercourse, Reservoir for Water, common River or Brook, within the said Town, (except such Night Soil or other Filth as may be conveyed into any Common Sewer or Sewers from any Watercloset or Waterclosets within the said Town,) every such Person shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Penalty not to extend to Rubbish occasioned by building.

XLVII. 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 for or on account of any Dirt or Rubbish being laid or placed in any such Street, Lane, Highway, Passage, or public Place as aforesaid, in the Course of erecting, pulling down, altering, or repairing any Building, so as there be sufficient Space left in or at the Side of the Street, Lane, Highway, Passage, or public Place where such Dirt or Rubbish shall lie or be placed for Carriages to pass and repass, and sufficient Way be kept clean for Foot Passengers, by the Person or Persons laying or causing such Dirt or Rubbish to be laid or placed as aforesaid, and so as a sufficient Light be at their own Expence set and maintained at the Place where such Dirt or Rubbish shall be so laid or placed, from Sunset to Sunrise, to prevent Accidents to Passengers and Cattle, and so as such Dirt or Rubbish be inclosed in such Manner and within such Time as the Surveyor of the said Commissioners shall direct or appoint, and so as such Dirt or Rubbish be removed at the Expence of the
Persons

Persons laying or causing the same to be laid within such Time as shall be ordered by the said Surveyor.

XLVIII. And be it further enacted, That no Person shall take or carry away any Dust, Dirt, Dung, Offal, Rubbish, Ashes, or other Filth (other than any Rubbish or Dirt occasioned by building as aforesaid) out of any of the said Streets, Lanes, Highways, Passages, or other public Places, except the Person or Persons appointed by the said Commissioners, upon pain of forfeiting any Sum not exceeding Twenty Shillings for every such Offence.

No Ashes, &c. to be taken from the Streets except by the Scavengers.

XLIX. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to prevent any Person from keeping any Dust, Dirt, Dung, Offal, Rubbish, Ashes, or other Filth, which shall have arisen or be made within his, her, or their respective Houses, Buildings, Yards, or Premises, or from making use of the same for Manure or otherwise, so as the same be not suffered to remain there, or become a Nuisance or Annoyance to any of the Inhabitants of the said Town, and so as the same be not laid down or placed in any Street, Lane, Highway, Passage, or other public Place within the said Town, for any longer Time than shall be necessary for loading and carrying away the same; but in case the Person so reserving such Dirt, Dust, Dung, Offal, Rubbish, Ashes, and other Filth shall keep the same in such Streets or Places for the Space of Twelve Hours before the same shall be removed and carried away, every Person so offending shall forfeit any Sum not exceeding Twenty Shillings for every Hour that such Annoyance shall be permitted to remain after the Time aforesaid.

Inhabitants may use their own Ashes, &c.

L. And be it further enacted, That if any Person shall begin to empty any Privy, or take or carry away any Night Soil, or bring or place any Carts for removing the same from any House, Building, or Place within the said Town, before the Hour of Ten of the Clock in the Night, or shall continue to remove the same after the Hour of Seven of the Clock in the Morning, or shall at any Time negligently spill or put or cast any Night Soil out of any Cart, Tub, or otherwise, in or over any of the said Streets, Ways, Lanes, public Passages, or Places, or into any Drains therein, or in any respect improperly, carelessly, or negligently remove the same, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Regulations as to Night Soil.

LI. And be it further enacted, That all the several and respective Occupiers of Houses and Buildings in or adjoining the several Streets, Lanes, Highways, Passages, and other public Places within the said Town, shall and they are hereby required to cause the several Foot-paths or Pavements along the whole Length of the Front of their respective Houses, Buildings, and Premises to be well and sufficiently swept and cleansed every Morning in the Year (except on *Sundays*) between the Hours of Six and Ten of the Clock, and every such Occupier making default therein shall for every such Offence forfeit and pay the Sum of Five Shillings.

Occupiers of Houses to cleanse Footways.

Commissioners may compound with Occupiers for the sweeping of the Footways.

LII. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time, as they shall think proper, to compound by the Year or otherwise with all and every the Occupiers of Houses or Buildings within the said Town, for relieving such Occupiers from the Burthen of sweeping and cleansing the Footpaths or Pavements to which he, she, or they would have been liable, and from all Penalties to be incurred for any Neglect thereof, at or for such Sum or Sums of Money as the said Commissioners and Occupiers shall agree upon in that Behalf, upon Condition nevertheless that such Composition Monies shall always be paid in advance.

Dirt not to be swept into Channels.

LIII. And be it further enacted, That in case any Person shall sweep, rake, or place, or cause to be swept, raked, or placed, any Mud, Dirt, Dust, Rubbish, Filth, or Soil into or upon the Channels on the Sides of the said Roads, Streets, Lanes, and public Places within the said Town, every Person so offending shall forfeit any Sum not exceeding Forty Shillings.

Streets may be watered.

LIV. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time to cause all or any of the Streets, Lanes, Highways, Passages, and other public Places within the said Town, to be watered at such Seasons and Times, and to provide necessary Engines, Carts, and Labour for that Purpose, as the said Commissioners shall think proper and requisite.

Power to declare Streets public Highways, when made, &c. upon Application of the Owners.

LV. And be it further enacted, That when any public Streets, Ways, Roads, or Passages already laid out or hereafter to be laid out within the said Town shall be well and sufficiently made, soughed, paved, flagged, or otherwise repaired and put in good Order, Repair, and Condition, in such Manner as shall be satisfactory to the said Commissioners, it shall be lawful for the said Commissioners, upon the Application of the Owner or Owners of the Soil of such Streets, public Ways, Roads, or Passages, or of the greater Part in Value of such Owners, or of the Person or Persons liable to repair the same, to declare such Streets, public Ways, Roads, or Passages to be Common Highways; and from and after such Declaration made the same and every of them shall be deemed and taken to be public Highways to all Intents and Purposes, and thenceforth repaired and kept in repair by the Inhabitants at large of the said Town of *Ashton-under-Lyne*, or of the District within which such public Highways shall be situated: Provided always, that the said Commissioners shall not be empowered to make such Declaration of or concerning any Front Streets which shall be of less Width than Ten Yards in the narrowest Part thereof, or of and concerning any Back Streets, public Ways, Roads, or Passages which shall be of less Width than Six Yards in the narrowest Part thereof (except such Streets, Ways, Roads, or Passages as were actually laid out previous to the passing of this Act).

Proviso as to Width of Streets.

Owners, &c. of Lands adjoining such Streets not to

LVI. Provided also, and be it further enacted, That no Person being the Owner or Occupier of or otherwise interested in any Land or Building within or adjoining to any Street, Way, or Passage proposed

proposed to be made a public Highway as aforesaid, or within Fifty Yards of the same, shall be entitled to vote as a Commissioner touching the declaring of any such Street, Way, or Passage to be a public Highway, or touching the paving, repairing, or soughing of the same, or any Part thereof.

vote for de-
claring them
Highways.

LVII. And be it further enacted, That it shall be lawful for the said Commissioners and they are hereby required to cause all such Parts of the public Streets, Lanes, Highways, and Passages within the said Town which are now in the Estimation of the said Commissioners fully built upon, but not finished, soughed, paved, flagged, or otherwise put into good Order and Condition, and all such public Streets, Lanes, Ways, and Passages as are now making or may hereafter be made within the said Town or any Part or Parts thereof, although not fully built upon, but of which the Land at the respective Sides thereof has been sold or leased for building upon, to be made, soughed, paved, flagged, repaired, and cleansed, with such Gutters, Sinks, common or main Sewers, Drains, or Watercourses, and with such Materials and in such Manner as to the said Commissioners shall seem meet and necessary; and all such Gutters, Sinks, common or main Sewers, Drains, or Watercourses from Time to Time to be repaired and amended, scoured and cleansed, as Occasion may require; and the Charges and Expences attending the same shall be reimbursed to the said Commissioners by the Occupiers or Persons in the actual Possession of the Houses, Buildings, Ground, or Land within or on the respective Sides of the said Streets, Ways, and Passages so to be soughed, paved, flagged, repaired, and cleansed as aforesaid, or wherein such Gutters, Sinks, common or main Sewers, Drains, or Watercourses, shall be made, repaired, and amended, scoured and cleansed as aforesaid, each such Occupier or Person in Possession paying a proportionable Share thereof, such Share to be ascertained by the said Commissioners or their Surveyor; and if such Occupier or Person in Possession shall at any Time refuse or neglect to pay such Proportion of the said Charges and Expences so to be ascertained as aforesaid, the same shall be levied by Distress and Sale of the Goods and Chattels of such Owner and Occupier, in like Manner as the Rates herein-after directed and required to be raised and levied are authorized to be recovered.

Pavements,
&c. to be
made at the
Charge of
Owners or
Occupiers of
Houses, &c.

LVIII. And be it further enacted, That from and after the passing of this Act the Trustees of the several Turnpike Roads passing or leading through the said Town shall be exonerated and discharged from the Repairs of such Parts of the same Roads respectively as lie within the said Town; and the said Parts of the said Roads respectively shall from Time to Time hereafter be repaired, maintained, supported, and kept in repair by such Person or Persons, Bodies Politic or Corporate, or Inhabitants, liable to the Repair thereof, in like Manner as the same were or ought to be respectively kept in repair in case they had not formed Parts of any Turnpike Roads.

Trustees of
Turnpike
Roads dis-
charged from
the Repair of
such as pass
through the
Town.

LIX. Provided always, and be it further enacted, That the said Commissioners shall not cause the said Streets, Lanes, Ways, and Passages,

Before Com-
missioners
pave any

Streets, &c. they shall give Notice to Occupiers of Houses, &c. requiring them to pave.

Passages, or any Part thereof respectively, to be soughed, paved, flagged, repaired, and cleansed, or Gutters, Sinks, common or main Sewers, Drains, or Watercourses to be made therein as aforesaid, until their Surveyor shall have given or left a Notice in Writing under his Hand to or for the Owner or Occupier of each and every House, Building, Ground, Land, or other Premises within or at the Sides of the said Streets, Lanes, Ways, or Passages, or such Part thereof respectively so wanting soughing, paving, flagging, repairing, and cleansing, or wanting Gutters, Sinks, common or main Sewers, Drains, or Watercourses made therein, requiring him, her, or them to sough, pave, flag, repair, and cleanse the same Streets, Lanes, Ways, or Passages, and to make Gutters, Sinks, common or main Sewers, Drains, or Watercourses therein, in such Manner as shall be expressed in such Notice, either before, behind, or at the Side of his, her, or their Premises, (as the Case may be), and until such Owner or Occupier shall have neglected or refused for the Space of Two Calendar Months next after the Receipt of such Notice to sough, pave, flag, repair, and cleanse the same Streets, Lanes, Ways, and Passages, and to make Gutters, Sinks, common or main Sewers, Drains, and Watercourses therein, in the Manner and Form expressed in such Notice.

Occupiers may retain Expences from Rent.

LX. Provided also, and be it further enacted, That it shall be lawful for every such Occupier at Rack Rent to retain and deduct out of his, her, or their Rent or Rents, all the Charges and Expences which he, she, or they shall bear, pay, or be put unto, or be compelled to pay in respect of any such soughing, paving, flagging, cleansing, and Repairs, and of such Gutters, Sinks, common or main Sewers, Drains, and Watercourses made and done as aforesaid; and in all such Cases such Retention and Deduction shall be made by the actual Occupiers at Rack Rent against his, her, or their immediate Landlord or Landlords only.

Power to place Bars across Streets under Repair.

LXI. And be it further enacted, That it shall be lawful for the said Commissioners or their Surveyor, during such Time as any of the said Streets, Lanes, Highways, Passages, or other public Places within the said Town shall be under Repair, or during the making or repairing of any Sewers or Drains therein, to cause so many Bars, Posts, Rails, and Chains or other Obstructions to be fixed, set up, and placed across or in any of the said Streets, Lanes, Highways, Passages, and other public Places, to prevent the passing of Carriages, Horses, and Cattle whilst such Works and Repairs are in progress, as to the said Commissioners shall seem proper; and if any Person or Persons shall throw down, break, remove, damage, or injure any of the said Bars, Posts, Rails, Chains, or other Obstructions, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Power to set up Posts for guarding Footways.

LXII. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time to erect and set up in such Parts of the said Streets, Lanes, Highways, Passages, and other public Places as they may think necessary, any Posts, Pillars, Stones, Rails, Bars, Chains, or any other Fence or Fences, either permanent or temporary,

temporary, for the Purpose of preserving any of the Footways within the said Town clear from Annoyance by Horses, Cows, Swine, or other Cattle at Fairs and Markets, and for the Purpose of keeping off Carriages from any of the said Footways, and for the Prevention of Accidents; and also to paint, repair, and replace any such Posts, Pillars, Stones, Rails, Bars, Chains, or other Fence or Fences, from Time to Time, whenever it shall appear to be requisite.

LXIII. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time, and at all Times hereafter, to cause such and so many common Sewers, Drains, Culverts, and Watercourses, public Wells or Pumps, of such Materials, Dimensions, and Forms as they may think sufficient and necessary, to be constructed and made or continued in, along, or across any of the Streets, Lanes, Highways, Passages, or other public Places within the said Town, in Situations where, in the Opinion of the said Commissioners, private Individuals ought not to be required to make and construct the same at their own Expence; and also to cause any of the common Sewers, Drains, Culverts, and Watercourses, Wells or Pumps, which now are or hereafter shall be within the said Town, to be altered, enlarged, repaired, cleansed, or completed as the said Commissioners shall deem proper; and also for any of the said Purposes from Time to Time to cause to be dug, carted, and carried away, or brought into the said Streets, Lanes, Highways, Passages, or other public Places, such Gravel, Stones, Bricks, and other Materials as they shall think necessary, and to cause such and so many Gutters or Openings to be made therein, for carrying off and conveying the Filth, Soil, and Waters from the Houses and Buildings already built or to be built in or adjoining to such Streets, Lanes, Highways, Passages, or other public Places, into the said Sewers and Drains, as the said Commissioners shall think necessary; and in case it shall be found necessary for completing any of the aforesaid Sewers, Drains, Culverts, and Watercourses, Wells and Pumps, to carry and continue the same into and through any inclosed Lands lying within the said Town, it shall be lawful for the said Commissioners to carry and continue the same into and through the same accordingly, such Lands not being occupied as Courts, Yards, Gardens, or Orchards, or as Avenues or Approaches to any Dwelling House: Provided always, that if the Owners or Occupiers of any Lands or Grounds, into or through which any Sewer, Drain, Culvert, or Watercourse, Wells or Pumps, shall be made or continued as aforesaid, shall be injured thereby, and such Owners or Occupiers shall refuse to treat, or cannot agree with the said Commissioners as to the Recompence to be paid for such Injury, such Owners or Occupiers may apply to the next General or Quarter Sessions of the Peace for the said County Palatine of *Lancaster*, and the Justices of the Peace at such Sessions shall have Power to direct the Jury there attending for the Trial of Traverses to assess the Recompence which ought to be paid to such Owners or Occupiers for such Injury as aforesaid, and thereupon the said Justices shall order the Sum assessed by the Jury to be paid accordingly, and such Judgment shall be final to all Intents and Purposes; and the said Justices shall and may award Costs to either Party, as they shall think proper; and all Expences in or about the making, enlarging, widening,

Power to
make com-
mon Sewers.

Making good
any Injury
or Damage
caused by
making such
Sewers, &c.

widening, altering, repairing, cleansing, or scouring such Sewers, Drains, Culverts, and Watercourses, Wells or Pumps, shall be defrayed out of the Monies to be raised by virtue of this Act.

Consent to be had for turning private Drains into common Sewers.

LXIV. And be it further enacted, That it shall be lawful for the said Commissioners to empower any Person whomsoever, at any Time or Times hereafter, at his, her, or their own Expence, and upon such other Terms as they may think proper, to turn or carry any new private or Branch Drain into any common Sewer, Drain, Culvert, or Watercourse already made, or which shall be made by virtue of this Act; but if any Person shall turn or carry any such new private or Branch Drain into any such common Sewer, Drain, Culvert, or Watercourse, without the Consent of the said Commissioners, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds: Provided always, that all such private or Branch Drains so to be made as aforesaid, and communicating with any common Sewer, Drain, Culvert, or Watercourse already made or hereafter to be made, shall be made of such Size, Construction, and Form as the said Commissioners shall direct, and under the Inspection and Direction of their said Surveyor.

Private Drains to be cleansed.

LXV. And be it further enacted, That all private Drains which now are or by Permission of the said Commissioners shall hereafter be made within any of the said Streets, Lanes, Highways, Passages, and other public Places of the said Town, and which do or shall issue into any of the public Sewers or Drains, shall be repaired and cleansed under the Inspection and Direction of the Surveyor of the said Commissioners, at the Costs and Charges of the Owners or Occupiers of the Lands or Tenements to which the said private Drains do or shall respectively belong.

Course of Gutters to be turned, if necessary.

LXVI. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time to direct and cause the Course of any Gutter or Channel running in, upon, or through the said Streets, Lanes, Highways, Passages, or other public Places to be turned, tunnelled, covered, or altered in such Manner as they shall think proper, and to direct the Grates already placed or hereafter to be placed over any Sewer to be removed and replaced, in such Manner and at such Place or Places as they shall think proper, the Expences attending which to be defrayed out of the Money arising by virtue of this Act.

Commissioners or Surveyor empowered to get Materials.

LXVII. And be it further enacted, That the said Commissioners or their Surveyor, or such other Person or Persons as they or their Surveyor shall employ and appoint, may and are hereby authorized and empowered to search for, dig, cut, gather, take, and carry away any Stone, Gravel, Sand, or other Materials fit and proper for raising, repairing, and paving, and for covering the Pavement and pitching the Footways and Gutters, Watercourses, Drains, or Sewers of or in any of the said Streets, Lanes, Highways, Passages, and other public Places, out of or from and over the Lands and Grounds of any Person or Persons situate, lying, and being in the said Parish of *Ashton-under-Lyne*, (not being a Yard, Garden, Orchard, Park, Paddock, inclosed

Avenue

Avenue to a House, or Nursery for Trees,) where the same may or are likely to be found and had, such Surveyor or other Person or Persons without Delay filling up the Pits and levelling the Ground or sloping down the Banks where such Materials shall be taken, and railing or fencing off such Pits, so that the same may not remain dangerous to Passengers, Cattle, or Carriages, and also paying or tendering to the respective Owners, and Occupiers of such Lands and Grounds a sufficient Compensation for the Damage or Injury done or occasioned to them by the digging, taking, and carrying away of such Materials as aforesaid; and in case any Difference shall arise touching the Insufficiency of any such Compensation, or the Amount or Extent of any such Damage or Injury, any Two Justices of the Peace for the said County Palatine of *Lancaster*, on Ten Days Notice thereof being given in Writing by either Party to the other, shall in a summary Way hear, settle, and determine the Matter in dispute between them; and the Judgment or Order of the said Justices therein shall be final and conclusive to all Parties.

LXVIII. Provided always, and be it further enacted, That it shall not be lawful for any Surveyor, or any other Person or Persons acting under the Authority of this Act, to search for, dig, cut, gather, take, or carry away any Materials for the Purpose of this Act, out of or from any inclosed Land or Ground, until Notice in Writing, signed by the Clerk to the said Commissioners, shall have been given to the Owner or Occupier, Owners, or Occupiers, of the Lands and Premises from which such Materials are intended to be taken, or left at the House or Houses, or last or usual Place or Places of Abode of such Owner or Occupier, Owners or Occupiers, to appear before any Two or more Justices of the Peace acting for the said County Palatine of *Lancaster*, to show Cause why such Materials shall not be had therefrom; and in case such Owner or Occupier, Owners or Occupiers, shall attend pursuant to such Notice, but shall not show sufficient Cause to the contrary, such Justices shall, if they think proper, authorize such Surveyor or other Person to dig, get, gather, take, and carry away such Materials, at such Time or Times as to such Justices shall seem proper; and if such Owner or Occupier, Owners or Occupiers, shall neglect or refuse to appear by himself or herself, or his, her, or their Agent, the said Justices shall and may (upon Proof on Oath of the Service of such Notice, and which Oath they are hereby authorized to administer,) make such Order therein as they shall think fit, as fully and effectually to all Intents and Purposes as if such Owner or Occupier, Owners or Occupiers, or his or her Agent, had attended.

Notice to be given before Materials are taken from private Lands.

LXIX. And be it further enacted, That the said Commissioners shall cause to be painted, or otherwise described, and placed in a conspicuous Part of some One or more House or Building, at or near each End or Entrance of every Street, Lane, Highway, Passage, and other public Place within the said Town, the Name by which such Street, Lane, Highway, Passage, or public Place now is or shall be called or known, and also cause every House or Building in the said several Streets, Lanes, Highways, Passages, and public Places to be numbered with Figures, either on the Door thereof or otherwise, and in

Names of Streets to be placed up, and Houses numbered.

in such Manner as they shall think most proper for distinguishing the same; and if any Person or Persons shall wilfully destroy, obliterate, deface, remove, or, without the Consent of the said Commissioners for that Purpose first obtained, alter any such Name, Number, or Figures, or any Part thereof, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Numbers of
Houses to be
renewed.

LXX. And be it further enacted, That when any such Number shall, by Accident, Decay, or otherwise, be defaced or rubbed out, the Occupier of such House or Building shall, upon Notice in Writing being given in that Behalf by the Clerk or Surveyor of the said Commissioners, cause the same to be repainted or replaced on such House or Building, or on the Door thereof, within Ten Days after such Notice; and in case of Neglect or Refusal to comply with such Order, every such Occupier shall forfeit and pay for every such Offence any Sum not exceeding Twenty Shillings.

Directions
for the Re-
moval of
Annoyances
by Sign
Posts, &c.

LXXI. And be it further enacted, That the several and respective Occupiers of Houses and other Buildings in the several Streets, Lanes, Highways, Passages, and other public Places within the said Town, shall and they are hereby required, at their own respective Costs and Charges, (within Thirty Days next after their respectively receiving Notice in Writing from the Clerk to the said Commissioners by their Order,) to cause all Signs, Sign Irons, Sign Posts, Barbers Poles, Stalls, Blocks, Bulks, Show Boards, Butchers Hooks, Spouts, Water Pipes, and other Projections, which now are or hereafter shall be fixed or set up against or in front of their respective Houses or Buildings, and which in the Judgment of the said Commissioners shall be considered public Annoyances or Nuisances by reason of their projecting into, encroaching upon, or otherwise annoying or endangering the public Passage along any such Streets, Lanes, Highways, or other public Places, to be taken down, removed, and carried away or altered, and to cause the Water from the Roofs, Cornices, and Penthouses of their respective Houses or Buildings to be carried down by proper and sufficient Pipes to be fixed to and down the Sides of the same Houses or Buildings, in such Manner as shall be directed by the said Commissioners; and in case any Occupier of any House or other Building as aforesaid shall neglect or refuse to cause any such Sign, Sign Iron, Sign Post, Barber's Pole, Stall, Block, Bulk, Show Board, Butcher's Hook, Spout, Water Pipe, or other Projection, which shall be so considered an Annoyance as aforesaid, to be taken down, removed, and carried away or altered, or to cause the Water to be carried down from the Roof, Cornice, or Penthouse of any such House or other Building as aforesaid, within such Time and in such Manner as in such Notice shall be directed, then and in every such Case it shall be lawful for the said Commissioners to cause the same to be forthwith done by their Surveyor; and the Costs and Charges attending the same, having been ascertained by some Justice of the Peace of the said County Palatine of *Lancaster*, shall be recovered from any such Occupier, in like Manner as any Penalties are by this Act authorized to be recovered, and the same shall be paid to the Treasurer to the said Commis-
sioners,

sioners, to be applied to the Purposes of this Act; and it shall be lawful for such Occupier, being a Tenant at Rack Rent, and having either paid such Costs and Charges in the first Instance, or having repaid the same to the said Commissioners, to deduct and retain the Amount thereof out of his or her Rent; and the immediate Landlord or Landlady of every such House or other Building so held at Rack Rent is hereby required to allow the same accordingly, except only in Cases where the Encroachment, Obstruction, or Annoyance so removed or altered, shall have been occasioned by such Occupier, in which Case he or she shall bear the Expence of altering or removing the same.

LXXII. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time to cause all or any of the Penthouses, Porches, Sheds, projecting Windows, Palisadoes, Rails, Posts, Steps, Areas, Cellar Holes, Cellar Windows, Cellar Doors, Hatchways, and all other Obstructions and Projections whatsoever not herein-before specified, which at the Time of passing this Act are erected, affixed, set up, laid down, or exist against or in front of any Houses or other Buildings in any of the Streets, Lanes, Highways, Passages, or other public Places within the said Town, and which in the Judgment of the said Commissioners are public Annoyances or Nuisances by reason of their projecting into or encroaching upon or otherwise annoying or endangering the public Passage along any of the said Streets, Lanes, Highways, Passages, or other public Places, to be taken down, filled up, removed, and carried away, or otherwise altered or reformed, as shall be thought proper and expedient by the said Commissioners, first causing Thirty Days Notice in Writing, under the Hand of the Clerk to the said Commissioners, to be given to the respective Owners and Occupiers of such Houses and Buildings, of their Intention to take down, fill up, remove, alter, or reform such Obstructions or Projections respectively, and also defraying the whole Costs and Charges of executing the same.

For Removal
of existing
Projections.

LXXIII. And be it further enacted, That the several Occupiers of Houses and other Buildings situate in the several Streets, Lanes, Highways, Passages, and other public Places within the said Town, are hereby authorized and required, at their own respective Costs and Charges, within Thirty Days next after their respectively receiving Notice in Writing from the said Commissioners in that Behalf, signed by their Clerk or Surveyor, to cause all and every the Penthouses, Porches, Sheds, projecting Windows, Palisadoes, Rails, Posts, Steps, Cellar Windows, Cellar Doors, Hatchways, and other Obstructions and Projections whatsoever, which shall in future be erected, set up, affixed, or laid down against or in front of their respective Houses or other Buildings, and which in the Judgment of the said Commissioners shall be considered public Annoyances or Nuisances by reason of their projecting into or encroaching upon or otherwise annoying or endangering the public Passage along any of the said Streets, Lanes, Highways, or other public Places within the said Town, to be so taken down, filled up, removed, and carried away, or otherwise altered or reformed in such Manner as shall be directed by the said Commissioners; and in case the Occupier of any such House

For Removal
of future
Projections.

or other Building as aforesaid shall neglect or refuse to cause any such Penthouse, Porch, Shed, projecting Window, Palisado, Rail, Post, Step, Cellar Window, Cellar Door, Hatchway, or other Obstruction or Projection to be taken down, filled up, removed, and carried away, or otherwise altered and reformed, within such Time and in such Manner as in such Notice shall be directed, then and in every such Case it shall be lawful for the said Commissioners to cause the same to be forthwith done; and the Costs and Charges attending the same, having been ascertained by some Justice or Justices of the Peace for the said County Palatine of *Lancaster*, shall and may be recovered by the Occupier of such House or Building in like Manner as any Penalties are by this Act authorized to be recovered; and it shall be lawful for the Occupier of any such House or other Building, being a Tenant at Rack Rent, and having either paid such Costs and Charges in the first Instance, or having repaid the same to the said Commissioners, to deduct and retain the Amount thereof out of his or her Rent; and the immediate Landlord or Landlady of every such House or other Building so held at Rack Rent is hereby required to allow the same accordingly, except only in Cases where the Encroachment, Obstruction, Annoyance, or Nuisance so removed or altered shall have been occasioned by such Occupier, in which Case he or she shall bear the Expence of altering or removing the same.

Cellar
Windows
and Grates to
be secured.

LXXIV. And be it further enacted, That if any Cellar Door, Trap Door, Hatchway, or Flap Window, leading into or giving Light or Air to or placed over any Cellar, Vault, or Office under Ground, within the said Town, shall be left open in the Evening or in the Night, or shall not be effectually made and secured so as to prevent Accidents; or if any Grate, Grid, or other Covering placed over any Opening in the Flagging or Pavement, and used for putting Coals or other Articles into any Cellar or Place under Ground, or for any other Purpose, shall at any Hour of the Day or Night be left open, or not well and effectually fastened down and secured, and made in such Manner so as to prevent Accidents, the Occupier of such Cellar, Vault, Office, or other Place, shall for every such Offence forfeit and pay any Sum not exceeding Twenty Shillings.

Doors and
Gates to open
inwards.

LXXV. And be it further enacted, That the several Occupiers of Houses, Buildings, Yards, Gardens, and Lands within the said Town, are hereby respectively required, at their own Costs and Charges, within Fourteen Days next after their respectively receiving Notice in Writing from the said Commissioners, signed by their Clerk, to cause all the Doors and Gates leading into the several Houses, Buildings, Yards, Gardens, and Lands in their respective Occupations, and not being Cellar Doors or Trap Doors, which now do or shall hereafter open outwards, and when open do or shall project over or upon any of the Streets, Lanes, Highways, Passages, or public Places within the said Town, to be altered, so as that the same Doors or Gates shall thenceforth open inwards and into their said respective Premises; and if any such Occupier shall neglect or refuse to make the Alteration aforesaid according to such Notice, he or she shall forfeit and pay any Sum not exceeding Five Shillings a Day for every

Day during which such Neglect or Refusal shall continue; provided nevertheless, that where any such Occupier shall cause any Door or Gate to be altered in pursuance of Notice as aforesaid, it shall be lawful for him or her, if a Tenant at Rack Rent, to deduct and retain out of his or her Rent the Charges of altering the same, and his or her Landlord or Landlady is hereby required to allow the same accordingly; and it shall be lawful for the said Commissioners to allow to such Occupier, or Landlord or Landlady, all or any Part of the Expence attending such Alteration, if the said Commissioners shall consider it expedient.

LXXVI. And be it further enacted, That if any Slaughter House, Swine Stye, Necessary House, Dunghill, or Sewer, or any Dung, Carrion, Offal, Blood, Soil, Filth, or Rubbish, or any other noisome Matter whatsoever, in or near any of the Streets, Lanes, Highways, Passages, or other Places within the said Town, shall be considered by any of the Inhabitants of the said Town as a Nuisance or Annoyance, it shall be lawful for the said Commissioners from Time to Time, upon Complaint thereof being made to them by any of such Inhabitants, to inquire into the Matter complained of, and if they shall deem the same to be a Nuisance or Annoyance, they are hereby empowered and required, by Notice in Writing under the Hand of their Clerk, to order such Nuisance or Annoyance to be abated or removed within One Calendar Month next after such Notice given to the Person or Persons who ought to remove or abate the same, or for or on whose Behalf the same is carried on, or left at his, her, or their last or usual Place of Abode; and in case such Notice shall not be appealed against at the General Quarter Sessions of the Peace in and for the said County Palatine of *Lancaster*, or any Adjournment thereof, to be holden within the Hundred of *Salford* aforesaid next after the Expiration of One Calendar Month after such Notice shall have been given as aforesaid, such Person or Persons shall forfeit and pay any Sum not exceeding Twenty Shillings for every Day the same shall continue unremoved after the Expiration of the said Notice.

For Removal
of Slaughter
Houses, &c.

LXXVII. And be it further enacted, That if any Person shall injure, damage, or deface any Wall, Pillar, Door, Window, or other external Part of any Church, Chapel, or Place licensed for public Worship, or any public School or other public Buildings whatsoever within the said Town, or any Railing or Inclosure thereof, or any Tomb, Monumental Stone, or Inscription in any Church, Churchyard or 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) against any of the aforesaid Edifices, or any of the Walls or Doors thereof; or shall write with Chalk or any other Matter thereon, or shall play at Ball or Fives upon or against the same; 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 in or about any such Churchyard or Burial Ground as aforesaid, he or she shall forfeit for every such Offence any Sum not exceeding Five Pounds.

Preventing
Injury to
Chapels, &c.

LXXVIII. And

For impounding Cattle suffered to stray.

LXXVIII. And be it further enacted, That if any Horse, Ass, Mule, Swine, or other Beast or Cattle, shall be found straying in any of the Streets, Lanes, Highways, Passages, or other public Places within the said Town, the Owner thereof shall for every such Beast or Head of Cattle forfeit and pay any Sum not exceeding Five Shillings; and it shall be lawful for any Officer appointed by the said Commissioners to impound such Beast or Cattle in the Common Pound, or in any Pound which the said Commissioners may provide, (and which they are hereby authorized and empowered to provide and maintain within or near the said Town for common Use by the Inhabitants thereof,) and to detain the same therein until the said Penalty, and the Expence of impounding and feeding and keeping the same in Pound, shall be paid and satisfied; and if in any such Case the said Penalty and Expence shall not be paid within Three Days after such Beast or Cattle shall have been impounded, it shall be lawful for the Person appointed by the said Commissioners for that Purpose to sell the same, and the Costs and Charges of impounding, feeding, and keeping such Beast or Cattle in Pound, and of selling the same, and the said Penalty, shall be defrayed by such Sale, and the Overplus (if any) of the Monies arising by such Sale shall be paid to the Owner of the said Beast or Cattle upon Demand: Provided always, that whether such Beast or Cattle shall be impounded or not, the Owner thereof shall forfeit and pay for every Head of Cattle found straying as aforesaid the Sum of Five Shillings.

Punishing Persons guilty of Pound Breach.

LXXIX. And be it further enacted, That in case any Person shall release or attempt to release any Horse, Ass, Swine, or other Live Stock or Cattle, which shall be impounded or seized for the Purpose of being impounded under the Authority of this Act, or shall pull down, damage, or destroy the Pound in which the same shall be impounded, or any Part thereof, or any Door, Gate, Lock, or Bolt belonging thereto or with which the same shall be fastened, or shall rescue or release, or attempt to rescue or release, any Distress or Levy which shall be made under the Authority of this Act, until or before such Horse, Ass, Swine, or other Live Stock or Cattle seized or impounded, or such Distress or Levy so made, shall be discharged by due Course of Law, every Person so offending shall, upon Conviction thereof by any Justice of the Peace for the said County Palatine of *Lancaster*, be committed to the Common Gaol, or to the House of Correction for the County, Hundred, or Place where the Offence shall have been committed, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months.

For punishing Misbehaviour in Drivers of Carriages.

LXXX. And be it further enacted, That if the Driver of any Waggon, Cart, Dray, Sledge, or other such Carriage, shall ride upon any Part of such Carriage, or drive the same faster than a Walk, in any of the said Streets, Lanes, Highways, Passages, or other public Places within the said Town, or shall be at such a Distance from the same, during its Passage through the said Town, as not to possess the complete Command over the Horses drawing the same; or if any Person riding or driving any Horse laden with Milk Cans shall drive or ride the same furiously in any such Street, Lane, Highway, Passage,

or

or public Place, or shall by Negligence or wilful Misbehaviour interrupt the free Passage of any Carriage or Passenger along the same; or if any Person shall haul or draw, or cause to be hauled or drawn, upon any Part of the said Streets, Lanes, Highways, Passages, or other public Places, any Tree or Piece of Timber, or any Stone, otherwise than upon a wheeled Carriage, or shall suffer any Part of any Tree or Piece of Timber to drag upon any Part of the said Streets, Lanes, Highways, Passages, or other public Places, the Driver, Rider, or other Person so offending shall for every such Offence forfeit and pay the Sum of Twenty Shillings; and every such Driver, Rider, or other Person offending in any of the said Cases shall and may, by the Authority of this Act, with or without a Warrant, be apprehended by any Person who shall see such Offence committed, and it shall be lawful for the Person so apprehending such Driver, Rider, or other Person, to cause him to be delivered to a Peace Officer, in order to be brought before some Justice of the Peace for the said County Palatine of *Lancaster*, to be dealt with according to Law; and if any such Driver, Rider, or Person, in any of the Cases aforesaid, shall refuse to disclose his Name, the necessary Proceeding may be had against him before such Justice for the said Penalty, by a Description of his Person and the Offence committed, without stating his Name.

LXXXI. And be it further enacted, That if any Person or Persons shall in any of the present or future Streets, Lanes, Roads, Highways, Passages, or other public Places in the said Town, expose for Sale or sell any Horse, Ass, Pig, Sheep, Bull, Cow, or other Beast or Cattle, except in the public Market or Fair, or in such Place or Places as shall be appointed for that Purpose; or exhibit or place for Exhibition any Caravan or other Carriage containing any Animal or Animals, or other public Show, or in any other Manner exhibit or cause to be exhibited any public Show, except in such Place or Places as shall be appointed for that Purpose; or expose or show any Stallion, except in such Place or Places as shall be appointed for that Purpose; or shoe, bleed, or farry any Horse or Beast (except in Cases of Accident); or clean or dress any Horse or other Beast, or exercise any Horse or other Beast; or turn loose or suffer to be at large any Horse, Ass, Sheep, Bull, Cow, Swine, Goat, or other Beast, or any Bull Dog, Mastiff, or other ferocious Dog of any other Species, not being muzzled; or permit or suffer any Dog whatsoever to go at large after any public Notice given by the said Commissioners during such Time as such Notice shall direct Dogs to be confined on account of any Suspicion of the Existence of Canine Madness; or ride on the Shafts of any Waggon, Dray, Cart, Sledge, or other Carriage, or on any other Part of such Waggon, Dray, Cart, Sledge, or other Carriage, or Part of a Carriage, or on any of the Horses, Asses, Mules, or Cattle drawing the same, without the Reins of such Horses, Asses, Mules, or Cattle being held, or be at such a Distance from the same as not to possess the complete Direction over the Horses, Asses, Mules, or Cattle drawing the same; or when driving any empty or unloaded Waggon, Cart, or other such like Carriage, shall refuse or neglect to turn the same aside and make way for any Coach, Chaise, or loaded Carriage of any Description; or when

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driving

driving any Waggon, Cart, Sledge, or other Carriage, shall not readily and promptly turn the same out of the Road on meeting Horses and Carriages, so as to leave proper and sufficient Quarter for such Horses and Carriages; or when riding any Horse or Beast, or driving any Carriage of any Sort or Kind, shall ride or drive the same furiously, or so as to endanger the Life or Limb of any Person, or drive the same against and injure or damage any Curbstone or Foot Pavement or Causeway; or suffer any Waggon, Cart, Dray, or other Carriage to stand or remain with or without Horses longer than may be necessary for loading or unloading thereof, or suffer the same, during such Time of loading or unloading, to be placed or remain so as to interrupt the public Passage more than necessary; or suffer any Stage Coach, Diligence, Post-chaise or other Carriage let to hire, to remain longer than may be necessary for the taking up or setting down of any Passenger or Passengers, or for loading or unloading their Baggage; or draw any Tree or Piece of Timber, Block or Blocks of Wood or Stone, Metal or other heavy Materials (except the same be wholly in or on some Carriage); or make or repair any Coach, Chaise, Waggon, Cart, Dray, Sledge, Wheelbarrow, or other Carriage, or the Wheels, Body, Springs, or other Part of any Coach, Chaise, Waggon, Cart, Dray, Sledge, Wheelbarrow, or other Carriage (except such Carriages as may want immediate repairing from any sudden Accident on the Spot, or which cannot conveniently be removed for that Purpose); or let off or fire any Musket, Gun, or Pistol, or other Fire-arms (except in case of Necessity for Self-defence); or make or assist in making any Bonfire, or set fire to or let off or throw any Cracker, Squib, Rocket, or other Fireworks; or play at Football, or trundle or turn any Hoop or Hoops, or fly any Kite or Kites; or play any other Game or Games to the Annoyance of any Inhabitant or Inhabitants, or Passenger or Passengers; or wilfully break, or abet or assist in wilfully breaking, any Glass or Window Panes or Windows; or burn, dress, or cleanse any Cask, or hoop or fire, cleanse, wash, or scald any Cask or Tub; or hew, saw, bore, or cut any Timber or Stone; or throw, cast, lay, or place any Hay, Straw, Coals, Stones, Slates, Tiles, Lime, Bricks, Mortar, Timber, Boards, Iron, or other heavy Substance (except Stones, Lime, Bricks, Mortar, Timber, or other Materials used for building, or Dirt or Rubbish thereby occasioned, which shall be placed or inclosed in manner mentioned in this Act, so as to prevent any Mischief happening to Passengers), or any Dust, Dirt, Dung, Soil, Filth, Carrion, Blood, Offal, Refuse of Garden Stuff, or any Sort of Rubbish; or throw or cast any such Matters or Things into any public or private Well, Pump, Canal, Pool, Water-course, or Reservoir for Water, or common River or Brook within the said Town; or hang up, place, or expose to Sale the Carcase of any Calf, Sheep, Swine, Cattle, or Beast, or any Part or Parts thereof, or any Goods, Wares, or Merchandize whatsoever, or any Fruit, Vegetables, or Garden Stuff, or any other Matter or Thing, in or upon or so as to project over or upon any Footway, or beyond the Line of or on the Outside of the Window or Windows of the House or Shop at which the same shall be so hung up or placed or exposed to Sale, or so as to obstruct or incommode the Passage of any Person or Carriage; or kill or slaughter, or singe, scald, or dress any Beast, Swine, Ox, Cow, Calf, Sheep, Lamb, or other Cattle, either wholly

or in part; in any Shop or other Place adjoining and exposed to any of such Streets, Lanes, Roads, Highways, Passages, or other public Places; or cause or permit any Offal, Blood, Filth, or other offensive Matter to run from any Slaughter-house, Shambles, Butcher's Shop, Hogstye, or Dunghill; or shall in any of the said Streets, Lanes, or other public Places or Passages within the said Town, sift, screen, wet, slack, or mix any Lime; or fix up any Flowerpot or Bowpot or Pots at any Window or Windows, without sufficiently guarding the same so as to prevent their being blown or thrown down; or leave open (after Sunset) the Door, Hatchway, or Flap Window, Grate, Stone, Plate, Board, or other Covering giving Light or Air to any Cellar, Coalhole, Vault, Office, or other underground Room or Apartment; or of any Area, without having placed or left a sufficient Light to warn or prevent Persons from falling into such Cellars or other underground Rooms or Apartments or Areas; or leave open, or not effectually fasten and secure, any Grate, Stone, Plate, Board, or other Covering placed over any Opening in any Pavement, and used for putting Coals or other Articles into any Cellar or other Place underground; 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 bait or cause to be baited any Bull, Bear, or other Animal, in any Part of the said Town; or commit any public Nuisance or Annoyance whatever within the said Town; or run, draw, drive, or carry any Truck, Wheel, Sledge, Wheelbarrow, Bier, Handbarrow, or Carriage whatsoever upon any Footway or Causeway, (except only for the Purpose of crossing any Footway or Causeway,) or drag thereon any Timber or Log of Wood, or any Stone or Metal, or roll thereon any Cask or Tub (other than for the necessary loading or unloading thereof,) into, upon, from, or out of any Cart or Carriage; or set or place thereon any Furniture, Goods, Wares, or Merchandize, or any Cask, Tub, Barrel, Box, Pail, Bucket, Stool, Bench, or Stall; or erect, set up, or place any Blind, Shade, Coverlid, or Awning, or any other Matter or Thing, in the Front of or before any House, Shop, or other Building, so as in any way to cause any Obstruction or Impediment in any such Footway or Causeway; or slide upon any such Footway or Causeway; or by standing, loitering, or remaining on any such Footway or Causeway (without some reasonable or good and sufficient Cause), or in any other Manner obstruct or incommode, hinder or prevent, the free Passage of any such Footway or Causeway, or prejudice, insult, jostle, or annoy any Person or Persons travelling, passing, or going thereon; or throw, cast, lay, or sift any Ashes (except in the Time of Frost only, and to prevent Accidents); or wilfully ride, lead, or drive on any Footway or Causeway any Horse, Mule, Ass, Swine, or other Beast or Cattle of any Kind whatsoever; or wilfully permit or suffer any Horse or other Beast or Cattle which such Person may be riding, drawing, or leading, to go thereon; or tie or fasten any Horse or other Beast or Cattle to any Door, Wall, Post, Tree, or other Thing whatsoever, so as that such Horse, Beast, or Cattle can go or stand across or upon any Footway or Causeway; or shall post or distribute any indecent or obscene Handbill, Notice, or Placard within the said Town, or expose to Sale any indecent or obscene Print or Pamphlet; each and every Person so offending in any of such Cases, or the Owner or Proprietor of any such Horse,
Beast,

Beast, Cattle, Carriage, Goods, Matter, or Thing aforesaid, as the Case may be (in any of such Cases where the Person actually offending cannot be found or discovered), or the Person causing any of such Offences, Matters, or Things to be committed or done, shall for each and every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Penalty on firing Chimnies.

LXXXII. And be it further enacted, That if the Chimney of any House, Workshop, Outhouse, or other Building in the said Town shall be fired, the Occupier thereof shall for every such Offence forfeit and pay any Sum not exceeding Twenty Shillings.

Power to provide a Public Office.

LXXXIII. And be it further enacted, That it shall be lawful for the said Commissioners to provide and maintain a fit and convenient House or Place as and for a Public Office or Offices within the said Town, for holding the Meetings and transacting the Business of the said Commissioners, and for holding the Meetings of His Majesty's Justices of the Peace acting for the said respective Counties Palatine of *Lancaster* and *Chester*, and for the holding of such public Meetings, and transacting such other public Business relating to the said Town, as the said Commissioners shall direct or allow to be held or transacted therein; and also to provide Lock-up Houses or other Places of Security, wherein may be lodged any Night-walkers, Felons, Malefactors, Vagrants, Disturbers of the Peace, and Beggars within the said Town, until they can conveniently be carried before some Justice of the Peace to be examined and dealt with according to Law; and also to provide Land and Buildings fit and convenient for the Deposit of the Dirt, Dung, Ashes, and other Filth to be swept and collected under the Authority of this Act, and for the Accommodation and Deposit of all Horses, Carts, Fire Engines, Tools, Implements, and other Articles, Matters, and Things to be used and employed by or by the Direction of the said Commissioners; and for any of the aforesaid Purposes to purchase or take any Lands, Messuages, or Buildings which shall be considered necessary, or otherwise to purchase or take Ground and to cause any new Erection or Building to be made thereon, and from Time to Time to give up or sell the same, or to purchase or take any other Lands, Messuages, or Buildings for the Purposes aforesaid; and the said Commissioners are hereby authorized and empowered to take and accept any Lease or Leases, Conveyance or Conveyances of such Land, Messuages, or Buildings for the Purposes aforesaid, and in like Manner to make any Assignment or Conveyance of any Messuages or Buildings, Land or Ground, which they may think proper to sell; and it shall be lawful for the said Commissioners from Time to Time to make and establish such Rules, Orders, and Provisions for the Use and Management of such Public Office, Lock-up Houses, or other Places of Security, and for airing, warming, lighting, cleansing, and repairing the same, and for the Use and Management of any such Lands and Buildings, and to make such Allowance or Allowances to the Keepers or Persons having the Care or Superintendence of the same Offices, Lock-up Houses, Lands, Buildings, and Places, for their necessary Attendance and Trouble about the same, as shall from Time to Time appear expedient to the said Commissioners.

LXXXIV. And

LXXXIV. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time to erect and build, maintain and repair, One or more Fire Engine House or Houses within the said Town, and from Time to Time to provide and maintain One or more Fire Engine or Engines, together with all such Pipes, Buckets, and other Articles and Things as may be necessary for working and using the same, for the Use of the Inhabitants of the said Town, and to pay and defray all Costs and Expences attending the same respectively out of the Money to be raised by virtue of this Act.

Commissioners to provide Fire Engines.

LXXXV. And be it further enacted, That the said Commissioners shall and may from Time to Time order and appoint such and so many Fire Plugs to be put and placed into any main or other Pipes laid or to be laid along any Part or Parts of the Streets of the said Town, and belonging to any Person or Persons, Proprietor or Proprietors whatsoever, for the better obtaining Water for the working of the Fire Engine or Engines, or otherwise extinguishing of Fires; they the said Commissioners giving Three Days previous Notice of their Intention to put down Fire Plugs, to the Surveyor of such Waterworks, and doing as little Damage as may be to the said main and other Pipes; and the Owners or Proprietors of any such Water Pipe or Water Pipes for the Time being shall, upon any Fire happening in the said Town, force up and supply in such Pipes all such Water as can or may be obtained and got along and into the same by means of the Water Engines or Works subsisting for conveying or bringing Water to the said Town for the Time being; and such Pavements so to be taken up, and such Pipes so to be broken into, shall be repaired and made good by the said Commissioners out of the Rates and Monies to be raised as herein-after is mentioned.

Commissioners to provide Fire Plugs, &c.

LXXXVI. And be it further enacted, That if any Person shall wilfully injure any of the Fire Engines, Buckets, Pipes, or Plugs, or other Things provided or to be provided for the Purpose of extinguishing Fires as aforesaid, every Person so offending shall for every such Offence forfeit and pay a Sum not exceeding Ten Pounds, and shall also make such Recompence to the said Commissioners for the Injury to be so committed, as by any One of His Majesty's Justices of the Peace shall be ascertained and awarded in that Behalf; and if any Person shall negligently or accidentally injure or damage any of the said Fire Engines, Buckets, Pipes, Plugs, or other Things to be so provided for the extinguishing of Fires, every such Person shall in like manner make Recompence for such Injury, to be ascertained and awarded as aforesaid.

Punishing Persons injuring Fire Engines, &c.

LXXXVII. And be it further enacted, That the Person or Persons appointed by the said Commissioners as Inspector or Inspectors of Markets and Fairs, and of Weights and Measures therein, shall and may and is and are hereby authorized and required to seize and publicly to destroy all unwholesome Flesh Meat or Fish which shall be brought in or offered for Sale in any Markets or Fairs to be held

Inspectors to seize unwholesome Meat and false Measures in the Markets and Fairs.

[Local.]

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within

within the said Town, and all false and deficient Weights and Measures which shall be used or found therein.

Form of Conveyance to the Commissioners.

LXXXVIII. And be it further enacted, That all Sales, Conveyances, and Assurances of any Houses, Buildings, Lands, Tenements, Rents, or Hereditaments, or any Estate or Interest therein, to be made to the said Commissioners, shall be made in the Form or to the Effect following, *mutatis mutandis*; (that is to say,)

‘ I in consideration of the Sum of
 ‘ to me paid by the Commissioners appointed under
 ‘ or by virtue of an Act passed in the Eighth Year of the Reign of
 ‘ His Majesty King George the Fourth, intituled [*here insert the*
 ‘ *Title of this Act,*] do hereby grant and convey to the said Commis-
 ‘ sioners for the Time being all [*here describe the Premises to be*
 ‘ *conveyed,*] and all my Estate, Right, Title, Term, and Interest to
 ‘ and in the same and every Part thereof; to hold to the said Com-
 ‘ missioners and their Successors from henceforth for ever. In witness
 ‘ whereof I have hereunto set my Hand and Seal, this
 ‘ Day of in the Year of our Lord .’

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

Corporate Bodies may sell.

LXXXIX. And be it further enacted, That it shall be lawful for all Bodies Politic, Corporate, Collegiate, or Ecclesiastical, Corporations Aggregate or Sole, Tenants in Fee Simple or for Life or for Years, or in Fee Tail General or Special, and all Feoffees in Trust for charitable and other Purposes, Husbands, Guardians, Committees for Lunatics and Idiots, Executors and Administrators, and other Trustees and Persons whomsoever, not only for and on behalf of themselves and their respective Heirs, Executors, Administrators, and Successors, but also for and on behalf of their respective Cestuique Trusts, whether Infants, Issue unborn, Lunatics, Idiots, Femes Covert, or other Persons under any Disability of acting for themselves, and to and for all Femes Covert who are or shall be seised, possessed of, or interested in their own Right, or entitled to Dower or other Interest, and for all and every other Person and Persons whomsoever who is, are, or shall be seised or possessed of or interested in any Messuages, Houses, Buildings, Walls, Lands, Tenements, or Hereditaments, or entitled to any Estate, Right, Title, Lien, Charge, or Interest whatsoever in or to any Messuages, Houses, Buildings, Walls, Lands, Tenements, or Hereditaments situated within the said Town of *Ashton-under-Lyne*, which the said Commissioners shall consider proper and necessary to be purchased for the Purposes of this Act, to contract and agree with the said Commissioners for a Lease or Leases, or for the absolute Sale thereof, or of any Part or Parts thereof, and of all and every Estates, Rights, Titles, Terms, and Interests whatsoever of, in, and to the same, unto the said Commissioners for the Purposes of this Act, and to demise, convey, and assign the same respectively unto the said Commissioners; and all such Contracts, Leases,

Leases, Assignments, Bargains, Sales, Conveyances, and other Assurances shall, without any Fine, Recovery, or other Assurance in the Law whatsoever, and without Enrolment or Registry, be good, valid, and effectual to all Intents and Purposes, not only to convey the Estate and Interest of the Party or Parties so conveying, but also to convey all the Estate, Right, Title, Interest, Trust, Use, Property, Possession, Claim, and Demand whatsoever of their several Cestuique Trusts, and all Persons whomsoever claiming or having Title to claim by, from, through, or under them or any of them, and all Persons entitled in Remainder or Reversion expectant on any particular Estates; and the same shall be deemed and considered to bar all Dower of the Wife or Wives of such Party or Parties, and all Estates Tail and other Estates in Possession, Reversion, Remainder, or Expectancy, and of the Issue and Issues of the same Party or Parties claiming under them or any of them respectively, any Law, Statute, or Usage, or any other Matter or Thing whatsoever to the contrary thereof in anywise notwithstanding.

XC. And whereas some Part or Parts of the said Houses, Buildings, Lands, Tenements, or Hereditaments to be purchased, taken, or used for the Purposes of this Act, may happen to be more than will be necessary for the Purposes of this Act; be it therefore further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, to sell or dispose of and to convey, or cause to be sold or disposed of and conveyed, such Part or Parts of the said Houses, Buildings, Lands, Tenements, or Hereditaments, to be vested in them by virtue or in pursuance of this Act, to any Person or Persons willing to contract, agree for, or purchase the same; and the Money arising therefrom shall be paid and applied for the Purposes of this Act.

Power to sell Messuages, &c. not wanted for the Purposes of this Act.

XCI. Provided always, and be it further enacted, That in case the said Commissioners shall think proper to sell or dispose of all or any of the same Houses, Buildings, Lands, Tenements, or Hereditaments, or any Part or Parts thereof, as may not be necessary to be made use of for the Purposes of this Act, they shall first offer the same (except any Space of Land which may be wanted for widening the Streets or Highways in the said Town of *Ashton-under-Lyne*) for Sale to the Person or Persons from whom the same shall have been purchased; and if such Person or Persons shall then and thereupon refuse or shall not agree (except with respect to or on account of the Price thereof) to purchase the same respectively, on an Affidavit being made and sworn before a Master Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the said County Palatine of *Lancaster* (who are hereby respectively empowered to take such Affidavit,) by some Person or Persons no way interested in the said Houses, Buildings, Lands, Tenements, or Hereditaments, stating that such Offer was made by or on behalf of the said Commissioners, and that such Offer was then and there refused or was not agreed to by the Person or Persons to whom the same was made, such Affidavit shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made and was refused

First Offer thereof to be made to the Person from whom the same shall have been purchased.

refused or not agreed to by the Person or Persons to whom such Offer was made (as the Case may be); and in case such Person or Persons shall be desirous of purchasing such Houses, Buildings, Lands, Tenements, or Hereditaments, and he, she, or they and the said Commissioners shall differ or not agree with respect to the Price thereof, then the Price or Prices thereof shall be settled and ascertained by a Jury, in such and the like Manner as any Sum or Sums of Money to be paid by the said Commissioners for the Purchase of any Houses, Buildings, Lands, Tenements, or Hereditaments is or are herein-before directed to be settled and ascertained in case of any Difference or Dispute about the same; and the same shall be recovered, levied, and applied in such and the like Manner, and the Costs and Expences of hearing and determining such Differences shall be borne and paid in like Manner as herein-before directed, *mutatis mutandis*; and all the Money to arise by such Sale shall be applied to the Purposes of this Act, but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Nonapplication of such Purchase Money.

Application
of Compensation
Money,
if amounting
to 200*l*.

1 G. 4. c. 35.

XCII. And be it further enacted, That if any Money shall be agreed or awarded to be paid for the Purchase of any Houses, Buildings, Lands, Tenements, or Hereditaments, to be purchased, taken, or used by virtue of the Powers of this Act for the Purposes of this Act, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or Person or Persons under any Disability or Incapacity as herein-before is mentioned, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of His Majesty's Court of Exchequer at *Westminster*, to be placed to his Account there *ex parte* the Commissioners for executing this Act, pursuant to the Method prescribed by an Act passed in the First Year of the Reign of His present Majesty, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at Westminster on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Orders of the said Court, and without Fee or Reward; to the Intent that such Money may be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Houses, Buildings, Lands, Tenements, or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrances, or Part thereof, as the said Court shall authorize to be paid, affecting the same Houses, Buildings, Lands, Tenements, or Hereditaments, or affecting other Houses, Buildings, Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Trusts, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under and with the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, or upon such and the like Uses,
Trusts,

Trusts, Intents, and Purposes, and in the same Manner as the Houses, Buildings, Lands, Tenements, and Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making the Conveyance and Settlement shall be existing undetermined and capable of taking effect; and in the meantime, and until such Purchase shall be made, the said Money shall, by Order of the said Court of Exchequer upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities, or in Government or Real Securities; and in the meantime, and until such Bank Annuities or Government or Real Securities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends or Interest and annual Produce of the said Consolidated or Reduced Bank Annuities or Government or Real Securities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Houses, Buildings, Lands, Tenements, and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

XCVIII. And be it further enacted, That if any Money so agreed or awarded to be paid for any Houses, Buildings, Lands, Tenements, or Hereditaments purchased, taken, or used for the Purposes of this Act, and belonging to any Corporation, or to any Person or Persons under any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Houses, Buildings, Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy, Idiocy, Lunacy, or other Incapacity, to be signified in Writing under their respective Hands, be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General of the said Court of Exchequer, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same may be paid, at the like Option, to Two Trustees to be nominated by the Person or Persons making such Option, and approved of by Three or more of the Commissioners for executing this Act, (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties,) in order that such Principal Money, and the Dividends arising thereon, may be applied in the Manner herein-before directed, so far as the Case may be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court of Exchequer.

When less than 200*l.* and exceeding 20*l.*

XCIV. And be it further enacted, That when such Money so agreed or awarded to be paid as aforesaid shall not exceed Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Houses, Buildings, Lands, Tenements, or Hereditaments purchased, taken, or used for the Pur-

Application where not more than 20*l.*

[Local.]

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poses

poses of this Act, in such Manner as the said Commissioners shall think fit; or in case of Infancy, Idiotcy, Lunacy, or other Incapacity, then the same shall be paid to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

Respecting
disputed
Titles to
Money.

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

The Court
may order
reasonable
Expences of
Purchases to
be paid by
the Commis-
sioners.

XCVI. And be it further enacted, That where, by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Houses, Buildings, Lands, Tenements, or Hereditaments, or any Part, Estate, Right, or Interest therein, to be purchased or taken under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the Bank of *England*, or to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the said Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Commissioners, who shall from Time to Time, out of the Monies to be raised by virtue of this Act, pay such Sums of Money for such Purposes as the said Court shall direct.

Commission-
ers may enter
into Con-
tracts.

XCVII. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, from Time to Time to enter into any Contract or Contracts for doing any of the Works by this Act authorized to be done, or for
furnishing

furnishing any Materials, Implements, Labour, or other necessary Matters and Things whatsoever for the Performance thereof, or for any other of the Purposes of this Act, with any Person or Persons who shall be willing to 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, and before any such Contract or Contracts shall be entered into, Ten Days public Notice at the least shall be given, expressing the Purpose or Purposes of the Contract or Contracts intended to be made, in order that Persons willing to undertake the same may make Proposals to the said Commissioners at a certain Time and Place in such Notice to be specified; and all such Contracts shall specify the several Works to be done, and the Prices to be paid for the same, and the Time or Times when the said Works are to be completed, together with the Penalties to be incurred in Cases of Nonperformance of such Contracts respectively; and the same shall be signed by the said Commissioners, or any Five or more of them, and also by the Person or Persons contracting to perform such Works 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.

XCVIII. 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 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 such Sum or Sums of Money or other Recompence as the said Commissioners shall think proper.

Composition
for Breach of
Contract.

XCIX. And be it further enacted, That nothing in this Act, or in any Deed, Contract, Lease, or other Instrument hereby authorized to be entered into or made by the said Commissioners for executing this Act, or any of them, shall extend to charge the Person or Persons of all or any of the Commissioners executing any such Deed, Contract, Lease, or other Instrument, or the Heirs, Executors, or Administrators of the same Commissioners, or any of them, or their or any of their own proper Lands and Tenements, Goods and Chattels, with or for the Performance of all or any of the Covenants, Conditions, or Agreements in the same Deed, Contract, Lease, or other Instrument contained on the Part of the same Commissioners, or any of them; but the Amount of all Costs, Charges, Damages, and Expences which shall or may be recovered in any Suit or Suits at Law or in Equity against the said Commissioners, or any of them, or against their or any of their Heirs, Executors, or Administrators, for or by reason or means of such last-mentioned Deed, Contract, Lease, or other Instrument, or the Covenants, Conditions, or Agreements therein contained, and also all the Costs, Charges, Damages, and Expences which the said Commissioners shall bear, pay, expend, or be put unto, or which shall be occasioned to them for or by reason or means of any such Deed, Contract, Lease, or other Instrument, or the Covenants, Conditions, or Agreements therein contained, or any Action or Actions, Suit or Suits, to be brought or prosecuted by

Commission-
ers exempted
from per-
sonal Res-
ponsibility
in Contracts,
&c.

or

or against them or any of them thereupon, shall be respectively paid and discharged by and out of the Monies to be raised, or to arise or be received by virtue of this Act.

Rates to be made for carrying the Act into Effect.

C. And for raising Money for answering and defraying the Expences attending the obtaining of this Act, and carrying into Execution the several Purposes thereof, be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized, empowered, and required, when and so often as they shall think necessary, at any Meeting or Meetings to be holden for that Purpose, to order and direct a Rate or Rates, Assessment or Assessments, to be made, charged, or levied upon the Tenants or Occupiers of all Messuages, Houses, Shops, Workshops, Warehouses, Cellars, Vaults, Manufactories, Foundries, Mills, Stables, Coach Houses, and other Buildings and Erections already built, erected, or made, or which shall hereafter be built, erected, or made, or situate, standing, and being within or forming Part of the said Town of *Ashton-under-Lyne*, and upon the several Gardens, Curtilages, Yards, and other Conveniences thereto adjoining and belonging or therewith occupied, and upon all Gardens, Tenements, and Hereditaments adjoining to or upon or contiguous to any of the Streets, Lanes, Ways, Roads, Passages, or other public Places which are already made or built or which shall hereafter be made or built within or form Part of the said Town, (except as is herein-after excepted,) according to the annual Rent or Value of the same respectively, not exceeding in any One Year the Sum of One Shilling in the Pound upon such annual Rent or Value, without the Consent of the Inhabitants at large of the said Town of *Ashton-under-Lyne*, signified in the Manner required by Law for the Regulation of Parish Vestries, at some public Meeting convened for the Purpose of considering the Propriety of making any additional Rate, and of which Meeting Twenty-one Days Notice at the least shall be given in the Manner herein-before directed for the giving of Notices under this Act; and such Rate or Rates, Assessment or Assessments, shall be made at any Time after the passing of this Act, and shall be assessed, levied, and raised by such yearly, half-yearly, quarterly, or other Payments, as the said Commissioners shall think fit and direct, and shall be paid to and levied and collected by any Person or Persons to be appointed Collector or Collectors by the said Commissioners, and shall, when collected, be paid to the Treasurer or Treasurers for the Time being to the said Commissioners, such annual Rent or Value to be from Time to Time settled, ascertained, and fixed in such Manner as the said Commissioners shall direct or appoint: Provided always, that the whole Rate or Rates to be made by virtue of this Act shall never in any One Year exceed the Sum of One Shilling and Sixpence in the Pound upon such Rent or Value; provided also, that in all Cases where the Tenant or Occupier of any Messuage or Dwelling House in the said Town of *Ashton-under-Lyne*, shall be also the Tenant or Occupier of any Workshop, Warehouse, Manufactory, Foundry, or Mill, rateable under this Act, such Workshop, Warehouse, Manufactory, Foundry, or Mill shall be rated at One Half only of the full annual Rent or Value thereof respectively; and the said Rates and Sums of Money so to be raised and levied by virtue of this Act

Annual Value to be settled by Commissioners.

Act shall be and the same are hereby vested in the said Commissioners.

CI. And be it further enacted, That it shall be lawful for the said Commissioners, or any Person or Persons by them authorized, from Time to Time to inspect all and every or any of the Poor Rates for the said Parish of *Ashton-under-Lyne*, and the Assessments by which the same are regulated and made, and to take Copies of or Extracts therefrom respectively, which the Overseer or Overseers, or other Person or Persons having the Custody thereof respectively, is and are hereby required to permit and suffer to be made and taken without Fee or Reward; and on Refusal thereof, he or they so refusing shall forfeit and pay for every Offence any Sum not exceeding Forty Shillings.

Commissioners may inspect Poor Rates.

CII. And be it further enacted, That the Money to be so rated or assessed shall be paid to the Collector or Collectors, or other Person or Persons appointed by the said Commissioners to receive the same; and if any Person or Persons rated or assessed as aforesaid shall neglect or refuse to pay his, her, or their Proportion of any of the said Rates or Assessments respectively, for the Space of Fourteen Days next after personal Demand thereof, or Demand in Writing left at the usual or last Place of Abode of such Person or Persons, the same shall be levied and recovered on all and every such Person or Persons so neglecting or refusing, by Distress and Sale of his, her, or their Goods and Chattels, by Warrant under the Hand and Seal of any One Justice of the Peace acting for the said County Palatine of *Lancaster*, and the Overplus (if any) of the Monies to be raised by such Distress and Sale shall be returned to the Owner or Owners of the Goods and Chattels distrained and sold, after deducting all Charges attending such Distress and Sale: Provided always, that nothing herein contained shall prevent the said Commissioners from recovering any such Rate or Assessment, where the same amounts to or exceeds the Sum of Twenty Pounds, by Action of Debt or on the Case, in any of His Majesty's Courts of Record at *Westminster*, or in the Court of Common Pleas at *Lancaster*, wherein no Essoign, Protection, Wager of Law, nor more than One Imparlance, shall be allowed.

Rates to be paid to Collectors, and recoverable by Distress or Action.

CIII. And be it further enacted, That in case any Person or Persons shall quit or be about to quit his, her, or their Houses, Buildings, Lands, Tenements, or Hereditaments, before he, she, or they shall have paid such Rates or Assessments, or such Portion or Portions thereof, as may be then due from him, her, or them by virtue of this Act, and shall refuse to pay the same when demanded as aforesaid, then and in every such Case it shall be lawful for the said Collector or Collectors, or other Person or Persons as aforesaid, or any of them, by Warrant under the Hand and Seal of any One Justice of the Peace for the said County Palatine of *Lancaster*, (which Warrant he is hereby authorized and required to grant,) upon Proof of any such Removal, or that there is Reason to suspect the same, to distrain his, her, or their Goods and Chattels, wherever they may be, and to sell the same, rendering the Overplus (if any), after having deducted the reasonable Costs, Charges, and Expences attending

Recovery of Rates from Persons removing.

[Local.]

19 Y

such

such Distress and Sale, upon Demand, to the Owner or Owners of such Goods and Chattels respectively.

Form of Warrant.

CIV. And be it further enacted, That the Warrant of Distress for the Nonpayment of any Rates or Assessments to be made under this Act may include One or more Person or Persons, and be in the Words or to the Effect following, *mutatis mutandis*; (that is to say,)

‘ Lancashire, to wit: } To the Collector or Collectors of the Rates
‘ Town of Ashton- } made by the Commissioners for executing an
‘ under-Lyne. } Act passed in the Eighth Year of the Reign of His Majesty
‘ King George the Fourth, intituled [*here insert the Title of*
‘ *this Act,*] and also to the Constables and other Peace
‘ Officers of the said Town :

‘ WHEREAS the undersigned Persons, now or late Inhabitants,
‘ Landlords, Tenants, or Occupiers of Houses, Buildings, Lands,
‘ Tenements, or Hereditaments, or Parts of Houses, Buildings, Lands,
‘ Tenements, or Hereditaments, within the Town of *Ashton-under-*
‘ *Lyne* aforesaid, have been duly rated and assessed under the Autho-
‘ rity of the said Act, and there is now due from them respectively
‘ the several Sums of Money at their Names herein-after respectively
‘ set down, which they have respectively refused or neglected to pay,
‘ as appeareth upon due Proof upon Oath to me, One of His
‘ Majesty’s Justices of the Peace for the said County; and the said
‘ several Persons having been duly summoned to appear before me
‘ to answer the Premises, and not having shown any sufficient Cause
‘ why such Sums of Money should not be paid; These are there-
‘ fore in His Majesty’s Name to will and require you, or any of you,
‘ forthwith to levy the said several Sums herein-before mentioned,
‘ by Distress and Sale of the respective Goods and Chattels of the
‘ Persons aforesaid, rendering to them respectively the Overplus
‘ (if any), the reasonable Charges of such Summons, Warrants,
‘ Distresses, Sale, and Keeping being first deducted; and if no
‘ sufficient Distress can be had or taken, that then you certify the
‘ same to me, to the end that such further Proceedings may be had
‘ as the Law doth authorize or direct: And I do hereby strictly
‘ charge and command all and singular the Constables, and other
‘ His Majesty’s Peace Officers for the said Town, to be aiding and
‘ assisting in all Things relating to the Premises. Given under my
‘ Hand and Seal this Day of One thou-
‘ sand

‘ A.B. - - - - } Sum due.
‘ C.D. - - - - }

Exemptions from Rates.

CV. Provided always, and be it further enacted, That no Rate or Assessment shall be made in pursuance of this Act, upon any Person or Persons for or in respect of his, her, or their being the Occupier or Occupiers of any Dwelling House or other Building situate in any Street or Place within the said Town which shall not be lighted or watched under and by virtue of this Act; or upon any Person or Persons for or in respect of his, her, or their being the Occupier or Occupiers of any Dwelling House or other Building situated

situated at a Distance exceeding Two hundred Yards from any such Street or Place which shall be so lighted or watched; and no Rate or Assessment whatsoever shall be made in pursuance of this Act upon any Person or Persons for or in respect only of his, her, or their being the Occupier or Occupiers of any Dwelling House, Cottage, Cellar, or other such Building under the actual annual Value or Rent of Five Pounds, such annual Value or Rent to be from Time to Time settled and ascertained by the said Commissioners, either according to the Amount of Rent actually paid by such Occupier or Occupiers, or in such other Manner as the said Commissioners may determine; or upon 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, or for the Repairs of the Highways within the said Town; nor shall any Person be charged or rated in or by such Rate or Assessment as aforesaid; for or on account of any Yard, Close, Barn, Stable, or other Building used for the Purpose of Husbandry only, nor for any Arable, Meadow, or Pasture Land within the said Town; or upon any Almshouse or Charity School, or the Workhouse of the said Town; provided also, that it shall be lawful for the said Commissioners, in case they shall see fit, by reason of the Poverty, Sickness, Want of Work, or Non-employment of any Person or Persons so rated as aforesaid; either wholly or in part to excuse such Person or Persons from the Payment of any Rate or Rates, as they in their Discretion shall think proper; and the said Commissioners shall be also authorized, in Cases where they see fit, to make reasonable Abate-ments from the Rates in respect of any Workshop, Warehouse, Manu- factory, Foundry, or Mill, the Work-people whereof shall be either wholly or partially unemployed.

CVI. And be it further enacted, That any Person being a Land- lord or Tenant, who shall let his or her House in separate Apart- ments, or ready furnished, or partly so, to a Lodger or Lodgers, shall for the several Purposes of this Act be rated and assessed as the Occupier thereof.

Rates where Houses are let to several Families.

CVII. And be it further enacted, That in all Cases where any Person shall remove from or quit any House, Shop, Warehouse, Factory, or Property whatsoever, which shall be rated or assessed by virtue of this Act, such Persons shall be liable to pay such Rates or Assessments, in proportion to the Time for which he or she occupied the same, in like Manner as if such Person had not removed from or quitted the same; and in all Cases where any Person shall come into or occupy any such House, Shop, Warehouse, Factory, or other Pro- perty as aforesaid, out of or from which any other Person rated as aforesaid shall be removed, or which at the Time of making such Rate or Assessment was or were empty, 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 for which he, she, or they shall occupy the same, in the same Manner as if he, she, or they had been originally rated or assessed for such House, Shop, Warehouse, Factory, or other Property; which said respective Pro- portions shall, in case of Dispute, be settled and ascertained by the said Commissioners.

Rates to be apportioned on Persons removing from their Houses.

CVIII. And

Amendments
of Rates by
Commissioners.

CVIII. And be it further enacted, That it shall be lawful for the said Commissioners, either on the Application of any Person aggrieved or without, from Time to Time to amend any Rate or Assessment to be made by virtue of this Act, by inserting therein the Name or Names of any Person or Persons who ought to have been or to be then rated, or by striking out the Name or Names of any Person or Persons who ought not to have been rated therein, or by making such other Amendments or Alterations therein as will in the Judgment of the said Commissioners make such Rate or Assessment conformable to the true Intent and Meaning of this Act; and no such Amendment so to be made by the said Commissioners shall be held to vitiate the same or render it less operative.

Rates may be
inspected
and Copies
demanded.

CIX. And be it further enacted, That Duplicates of all Rates and Assessments made or assessed by virtue of this Act shall be deposited with the Clerk or Treasurer to the said Commissioners, who shall permit any Person included therein, or any Mortgagee of such Rates or Assessments, to inspect the same, or to take Copies thereof, upon Payment of One Shilling, and such Clerk or Treasurer or other Officer shall, within Ten Days after Demand, deliver a true Copy of such Rates and Assessments, or any Portion thereof, to such Person or Mortgagee as aforesaid, having been first paid for the making of such Copy at the Rate of Sixpence for every One hundred Words; and in case such Clerk or Treasurer or other Officer shall refuse to permit or shall not permit every such Person or Mortgagee to inspect the same or to take Copies thereof, or shall refuse or neglect to deliver such Copy within the said Ten Days, or at the Rate aforesaid, then and in every such Case every such Clerk or Treasurer shall forfeit and pay any Sum not exceeding Five Pounds.

Power to
mortgage
Rates, &c.

CX. And for the more speedily enabling the said Commissioners to discharge the Costs, Charges, and Expences of and attending and incident to the obtaining and passing of this Act, and for the several Purposes thereof, and of executing the several Powers vested in them; 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 at any One Time the Sum of Three thousand Pounds, upon the Credit of the Buildings and Premises which may be vested in the said Commissioners for the Time being, and upon the said Rates or Assessments granted, or arising and authorized to be made, levied, and collected by virtue of this Act; and by any Writing or Writings under the Hands and Seals of the said Commissioners, or any Five or more of them, to mortgage, grant, or assign the said Buildings and Premises, Rates and 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 such Interest as the said Commissioners and the Parties lending such Money shall agree upon; and the Charges and Expences of such Security or Securities respectively shall be from Time to Time defrayed by the

the said Commissioners out of the Money advanced upon such respective Security; and every such Mortgage or Security shall be in the Words or to the Effect following; (that is to say,)

‘ **B**Y virtue of an Act passed in the Eighth Year of the Reign of His Majesty King *George* the Fourth, intituled [*here set forth the Title of this Act*], we whose Names and Seals are hereunto subscribed and set, (being Five of the Commissioners acting in the Execution of the said Act,) in consideration of the Sum of _____ 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 to the said Commissioners, do hereby grant and assign unto the said [or to his, her, or their Trustee or Trustees, as the Case may be,] his [her or their] Executors, Administrators, and Assigns, such Proportion of the Rates and Assessments granted or arising, and authorized to be raised, levied, and collected by virtue of the said Act, and also of the Buildings and Premises thereby vested in the said Commissioners, as the said Sum of _____ Pounds doth or shall bear to the whole Sum to be borrowed, and which shall from Time to Time be owing upon the Credit of the said Rates, Assessments, and Premises; to be had and holden from the Day of the Date of these Presents, until the said Sum of _____ Pounds, with Interest for the same after the Rate of _____ per Centum per Annum, to be paid half-yearly, 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 One thousand _____

Form of the Mortgage.

And every such Mortgage or Security shall be good, valid, and effectual in the Law to all Intents and Purposes whatsoever.

CXI. And be it further enacted, That it shall be lawful for the Persons entitled to any of the Securities for the Money to be borrowed as aforesaid, and their respective Executors, Administrators, and Assigns, at any Time or Times, by Writing under their respective Hands and Seals, to transfer the same respectively to any Person or Persons whomsoever, in the Form or to the Effect following; (that is to say,)

Power to transfer Securities.

‘ **I** *A. B.* of _____ [or *I C. D.* of _____] Executor or Administrator of *A. B.* late of _____ or otherwise, as the Case may happen to be,] in consideration of the Sum of _____ to be paid by *E. F.* of _____ do hereby assign and transfer unto the said *E. F.*, his Executors, Administrators, and Assigns, a certain Security, 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 Eighth Year of the Reign of King *George* the Fourth, intituled [*here set forth the Title of this Act*], and the Principal Sum of _____ thereby secured, and all Interest now due and hereafter to grow due thereon, with all my Right, Title, and Interest in and to the same. Dated _____ [Local.] _____ 19 Z _____ this

Form of Transfer.

' this Day of in the Year of our Lord One
' thousand

No Prefer-
ence in Pay-
ment of
Mortgages.

CXII. And be it further enacted, That the several Persons to whom any such Mortgages shall have been made, shall be severally entitled to their respective Quota of the said Buildings, Rates, and Assessments respectively, in proportion to the annual Amount of the Interest of the Monies borrowed on Mortgage, without any Preference by reason of the Priority in Date of any such Mortgage, or on any other Account whatsoever.

Register
Book to be
kept.

CXIII. And be it further enacted, That a Book shall be provided by the said Commissioners and kept by their Clerk, in which Book shall be entered and registered Copies of all Mortgages and other Securities made in pursuance of this Act, and of every Transfer thereof; which Book shall be open to the Inspection of the several Holders of Mortgages and Securities made by virtue of this Act, and their respective Executors, Administrators, and Assigns, at all reasonable Times, without Fee or Reward; and every such Mortgage, Security, or Transfer, after such Entry as aforesaid, but not before, shall entitle the Person to whom the same shall be made, and his or her Executors, Administrators, and Assigns, to the Benefit of the Security thereby made or transferred; and the Person or Persons to whom such Mortgage, Security, or Transfer shall or may be made, his, her, or their Executors, Administrators, or Assigns, may from Time to Time transfer such Security for Money to any other Person or Persons whomsoever in a similar Way.

For compel-
ling Payment
of Subscrip-
tions.

CXIV. And be it further enacted, That all and every Person and Persons who have already subscribed or agreed, or who have or hath signed their Names, or signified their Consent in Writing to advance any Money, or who shall or may hereafter subscribe or agree to advance any Money for any of the Purposes of this Act, or for or towards the Expences, Costs, and Charges of obtaining this Act, their Executors or Administrators, shall and they are hereby required to pay the Amount of such Sum or Sums of Money by them respectively subscribed or agreed to be taken or advanced, or such Part or Proportion of the Amount of such Sum or Sums of Money as shall remain unpaid, or as shall from Time to Time be called for by the said Commissioners, at such Times and Places and in such Manner as shall be directed by the said Commissioners, by Notice in Writing under their Hands, or under the Hand of their Clerk or Treasurer; and in case any or either of such Subscribers, their Executors or Administrators, shall refuse or neglect to pay the Amount of such Sum or Sums so called for, at the Time and Place and in Manner required for that Purpose, within Twenty-one Days next following, the said Commissioners are hereby empowered to recover the same in an Action of Debt or on the Case, or by Bill, Complaint, or Suit, in the Name of any One or more of the said Commissioners, or of the Clerk or Treasurer of the said Commissioners for the Time being, against the Person or Persons so neglecting or refusing as aforesaid, his, her, or their Executors or Administrators, in any of His Majesty's Courts of Record at *Westminster*, or in the Court of Common Pleas at *Lan-*
caster;

caster; and after Proof of such Person or Persons having subscribed or agreed to subscribe, and that such Notice was given as aforesaid, a Verdict shall pass and be given for the Plaintiff, with full Costs of Suit, and Execution shall issue thereupon as the Case may require.

CXV. And be it further enacted, That the Money to arise and be received by or from the Rates or Assessments by virtue of this Act, or which may be borrowed on the Credit thereof (unless in Cases otherwise expressly directed), shall be paid, applied, and disposed of, in the first place, in paying and defraying the Costs, Charges, and Expences of applying for and incident to the obtaining and passing of this Act, together with Interest for the same from the Time or respective Times of advancing, paying, or disbursing the same Costs, Charges, and Expences, and then in paying the Purchase Monies for, and the Costs, Charges, and Expences of and attending or incident to the purchasing of any Messuages, Houses, Buildings, Lands, Tenements, or Hereditaments, or any Estate, Right, or Interest of or in any Messuages, Houses, Buildings, Lands, Tenements, or Hereditaments, or any Part or Parts thereof, which by this Act are authorized to be purchased, and in erecting, building, and completing the said Buildings and Conveniences authorized by this Act to be erected and built, and in reducing, paying off, and discharging the several Principal Sums of Money and Interest which shall be borrowed upon any Mortgage or Mortgages to be granted by virtue of this Act or any of them, and in and for carrying the Intents and Purposes of this Act into full and complete Execution in other respects, or in or for any of the aforesaid Purposes.

Application
of Tolls,
Rates, and
other Monies.

CXVI. And be it further enacted, That all Monies whatsoever which shall be raised and collected by Order of the said Commissioners by or from any of the aforesaid Rates or Assessments, or which shall be by them borrowed on Mortgage for the Purposes of this Act, or which shall be otherwise payable to them under any of the Provisions of this Act, shall from Time to Time be paid into the Hands of the Treasurer or Treasurers to the said Commissioners; and no Sum or Sums of Money shall be disbursed or paid by such Treasurer or Treasurers, on behalf or on account of the said Commissioners, without an Order in Writing signed, at a Meeting of the said Commissioners to be held in pursuance of this Act, by the Chairman of the said Meeting for the Time being.

Treasurer not
to pay Money
without an
Order.

CXVII. And be it further enacted, That when and as often as any Sum or Sums of Money shall be directed or ordered to be paid by this Act by the said Commissioners to any Person or Persons, as or by way of Compensation or Satisfaction for any Damage, Spoil, or Injury of any Nature or Kind whatsoever done or committed by such Commissioners, or any Person or Persons acting by or under their Authority, or for any Costs and Expences relating thereto not herein-before otherwise provided for or directed, and such Sum and Sums of Money shall not be paid by the said Commissioners to the Party or Parties entitled to receive the same within Ten Days after Demand in Writing shall have been made for that Purpose, then and in every such Case the Amount of such Compensation or Satisfaction,

Compensa-
tion for Da-
mages, &c.
to be levied
by Distress of
the Goods
vested in
Commission-
ers or their
Treasurer.

Costs

Costs or Expences, shall and may be levied and recovered by Distress and Sale of the Goods and Chattels vested in such Commissioners by virtue of this Act, or of the Goods and Chattels of their Treasurer or Treasurers for the Time being, under a Warrant to be issued for that Purpose by any Justice of the Peace for the said County Palatine of *Lancaster*, (which Warrant such Justice is hereby authorized and required to grant under his Hand and Seal,) on Application made to him 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 Damage, Spoil, or Injury as aforesaid, or for any Costs or Expences 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 the Overplus shall be returned on Demand to the said Commissioners or their Treasurer for the Time being, as the Case may be: Provided always, that it shall be lawful for such Treasurer or Treasurers to retain, out of any Monies which he or they may have received or shall receive in pursuance of this Act, all such Damages, Costs, Charges, and Expences as he or they shall have sustained or be put unto by virtue of any Warrant as aforesaid.

Penalty for obstructing Execution of this Act.

CXVIII. And be it further enacted, That if any Person or Persons shall obstruct, assault, hinder, or molest any of the said Commissioners, or any Treasurer, Clerk, Assessor, Collector, or Surveyor, Workman or Agent, or any Watchman, Deputy or Assistant Constable, Night Patrole, Beadle, Market-looker or Inspector of Markets and Fairs, or other Officer or Officers, Person or Persons whomsoever, who is, are, or shall be appointed or employed by virtue of this Act, in the Execution or Performance of his or their Duty, or in the Execution of any of the Works, Matters, or Things to be done by virtue or under the Authority of the same respectively, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds.

Commissioners may direct Prosecutions.

CXIX. And be it further enacted, That the said Commissioners may and they are hereby empowered to order and direct any Prosecution against any Person or Persons for any public Nuisance whatsoever which shall be committed or suffered within the said Town of *Ashton-under-Lyne*, or for any Resistance to the Execution of this Act, or to any Person acting under the same, or for any Offence committed against this Act, or for any Encroachment or Obstruction laid, placed, erected, or made in or upon the said Streets, Lanes, Ways, Roads, or other public Passages or Places, or upon the Footpaths within the said Town of *Ashton-under-Lyne*, or any Part thereof; and the Costs and Charges of and attending all such Prosecutions shall be paid out of the Monies to be raised under and by virtue of this Act.

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

CXX. And be it further enacted, That where 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 in this Act mentioned, the Amount of such Damages or Charges, in case of Dispute

pute respecting the same, shall be settled 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 by this Act directed for the levying of any Penalties or Forfeitures.

CXXI. And be it further enacted, That in all Cases wherein any Penalty or Forfeiture hereby imposed is made recoverable by Information before a Justice of the Peace, it shall 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, and any Witness or Witnesses the said Justice may think proper, 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, whether he be present or absent, and to adjudge him 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 in the Recovery of Penalties.

CXXII. And be it further enacted, That all Offences whatsoever which by virtue or under the Authority of this Act are or shall be subject to or punishable with any pecuniary Penalties, Fines, or Forfeitures, for the Recovery of which no express Provision is hereinbefore made, shall and may in every Case be heard, adjudged, and determined by or before any One or more Justice or Justices of the Peace for the said County Palatine of *Lancaster*, in a summary Way, upon Information or Complaint made, whether the same shall be in Writing or not, (and which shall in every Case be made within Three Calendar Months at farthest 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 summon the Party or Parties accused, and such Witness or Witnesses as may by such Justice or Justices be thought proper or necessary, and examine into the Matter thereof, and if upon the Confession of the Party or Parties accused, or on the Oath of any One or more credible Witness or Witnesses (whether the Party or Parties accused be present or absent,) the Party or Parties accused shall be convicted of having committed such Offence or Offences, then and in every such Case the Penalty or Penalties, Fine or Fines, Forfeiture or Forfeitures, 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 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 (except in Cases otherwise provided by this Act,) the same 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

Recovery and Application of Penalties.

[*Local.*]

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by

by such Justice or Justices, by Distress and Sale of the Goods and Chattels of such Offender or Offenders, rendering the Overplus of the Money arising by such Sale (if any), upon Demand, to the Party or Parties whose Goods and Chattels shall be distrained, One Moiety of which Penalties not herein directed to be otherwise applied shall be paid to the Informer, and the other Moiety shall be paid to the Treasurer or Treasurers to the said Commissioners, to be applied to the Purposes of this Act; and it shall 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, her, or their Appearance 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 Five Days from the 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, Fine or Fines, Forfeiture or Forfeitures, and such Costs as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to such Justice or Justices, either upon the Confession of the Offender or Offenders or otherwise, that the Offender or Offenders hath or have not sufficient Goods or Chattels whereon such Penalty or Penalties, Fine or Fines, Forfeiture or Forfeitures, and such Costs as aforesaid, can be levied, were such Distress or Warrant issued, such Justice or Justices shall not be required to issue the same, and thereupon it shall be lawful for the said 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 said County, Hundred, or Place, there to remain without Bail or Mainprize for any Term not exceeding Three Calendar Months, or unless such Offender or Offenders shall have sooner fully paid such Penalty or Penalties, Fine or Fines, Forfeiture or Forfeitures, and all Costs attending such Proceedings as aforesaid, to be ascertained by such Justice or Justices, or shall otherwise be discharged by due Course of Law.

For securing
transient Of-
fenders.

CXXIII. And be it further enacted, That it shall be lawful for any of the said Commissioners, or for any of their Surveyors, Collectors, or other Officers, 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, Surveyors, Collectors, or Officers,) who shall commit any Offence or Offences against this Act, and to deliver him, her, or them into the Custody of any Peace Officer, in order to be secured and conveyed before any Justice or Justices of the Peace for the said County Palatine of *Lancaster*, and such Justice or Justices is and are hereby required to proceed and act with respect to such Offender or Offenders according to the Provisions of this Act.

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CXXIV. And

CXXIV. And, for the more easy and speedy Conviction of Offenders against this Act, be it further enacted, That a Conviction in the Form or to the Effect following shall be good ; (that is to say),

Form of Conviction.

County of Lancaster } BE it remembered, That on the
 to wit. } Day of in the Year of our Lord
 is [or are, as the Case may be] convicted
 before me [or us, as the Case may be] of His Majesty's
 Justices of the Peace for the County Palatine of Lancaster, of
 having [here state the Offence, and the Time and Place when and
 where the same was committed,] contrary to the Statute passed in
 the Eighth Year of the Reign of His Majesty King George the
 Fourth, intituled [here set forth 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 Given
 under my Hand and Seal [or our Hands and Seals, as the Case may
 be] the Day and Year first above written.'

CXXV. And be it further enacted, That if any Person shall be summoned by any Justice or Justices of the Peace for the said County Palatine of Lancaster as a Witness to give Evidence before him or them, or any other Justice or Justices of the Peace for the said County, 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 or decline to be examined upon Oath or Affirmation or to give Evidence touching the Matter in question before such Justice or Justices, then and in every such Case every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Ten Pounds, to be recovered as other Fines and Penalties are by this Act recoverable.

Penalty on Persons not appearing or refusing to be examined as Witnesses.

CXXVI. And be it further enacted, That no Person shall be disqualified from being a competent Witness, or from being admitted to give Evidence in any Action, Information, Prosecution, Appeal, Cause, or Proceeding whatsoever, authorized by or relating to the Execution of this Act, by reason of paying or being charged with or liable to pay any of the Rates or Assessments hereby authorized to be charged, levied, made, or assessed, or any other Rate or Assessment within the said Town, or being One of the Commissioners for putting this Act into Execution, or holding any Office or Employment under the said Commissioners.

Persons paying Rates, &c. may be Witnesses.

CXXVII. 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 or Want of Form in such Distress or in any Proceeding relating thereto, nor a Trespasser or Tres-

Distress not to be deemed unlawful for Want of Form.

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 the special Damage in an Action on the Case.

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

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

Plaintiffs not to recover without Notice, or after Tender of Amends.

CXXIX. And be it further enacted, That no Plaintiff or Plaintiffs shall recover in any Action to be commenced against any Person for any thing done in pursuance of this Act, unless Notice in Writing shall have been given to the Defendant or Defendants, Twenty-one Days before such Action shall be commenced, of such intended Action, signed by the Attorney for the Plaintiff or Plaintiffs, specifying the Cause of such Action ; nor shall the Plaintiff or Plaintiffs recover in any such Action if Tender of Amends shall have been made to him, her, or them, or his, her, or their Attorney, by or on behalf of the Defendant or Defendants, before such Action brought ; and in case no such Tender shall have been made, it shall be lawful for the Defendant or Defendants in any 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 Proceeding, Order, and Judgment shall be made and given in and by such Court as in other Actions where the Defendant is allowed to pay Money into Court.

Limitation of Actions.

CXXX. And be it further enacted, That no Action or Suit shall be commenced or prosecuted against any Person or Persons, for any thing done in pursuance or under the Authority of this Act, after the Expiration of Three Calendar Months next after the Fact committed or the Cause of Action has ceased and determined (except as may be herein otherwise directed) ; and all such Actions and Suits shall be laid and tried in the County or Place 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 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 such Matter or Thing shall appear to have been so done, and if such Action or Suit shall have been brought before Twenty-one Days Notice shall have been given, or after sufficient Satisfaction shall have been 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, or if such Action shall be proceeded in after sufficient Money shall have been paid into Court as herein-before authorized, then and in every of the said Cases the Jury shall find a Verdict for

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 Suit 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: Provided nevertheless, that in the Case of paying Money into Court as aforesaid, the Defendant or Defendants shall be entitled to Treble Costs from the Time of such Payment only.

CXXXI. Provided always, and be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Rate or Assessment made and passed under or by virtue of this Act, or by any Determination or Judgment made or given by any Justice or Justices of the Peace in pursuance of this Act, or by any other Matter or Thing made or done in pursuance of this Act, (except in Cases where the Verdicts or Inquisitions of Juries are directed to be taken,) he, she, or they may, within Four Calendar Months next after the Cause of Complaint shall have arisen, appeal to the Justices of the Peace for the said County Palatine of *Lancaster*, at their General or Quarter Sessions of the Peace, or at some Adjournment thereof, to be held within the said Hundred of *Salford* in the said County, such Appellant or Appellants having given at least Fourteen clear Days Notice in Writing of his, her, or their Intention of making such Appeal, and of the Matter and Cause thereof, to the Party or Parties against whom such Appeal shall happen to be made, or whose Interest may be affected by such Appeal, except where the Appeal shall be made against any such Rate or Assessment as aforesaid, or against any other Matter or Thing made or done by the said Commissioners, or by any Justice or Justices of the Peace; in which Case such Notice shall be given to any one of the said Commissioners, or to the Clerk or Treasurer to the said Commissioners; and within Four Days next after such Notice causing Recognizances to be entered into before some Justice of the Peace for the said County Palatine of *Lancaster*, by himself or herself, and Two sufficient Sureties, in the Sum of Twenty Pounds a-piece, conditioned for the Party or Parties, Appellant or Appellants, to try such Appeal, and abide the Order and Award of the Justices of such Sessions thereon, and to pay such Costs as shall be awarded at such Sessions; and thereupon the Justices present at any such Sessions, upon due Proof upon Oath of such Notice and Recognizances having been given and entered into as aforesaid, shall hear and finally determine the Cause and Matter of such Appeal in a summary Way; and the said Justices shall have Power to award such Restitution, Damages, and Costs to the Party or Parties appealing or prosecuting such Appeal, or such Costs to the Respondent or Respondents, Party or Parties defending such Appeal, as the said Justices shall think proper; and all such Orders and Determinations of the said Justices at such Sessions shall be final, binding, and conclusive upon all Parties to all Intents and Purposes whatsoever, and shall not be removable by Certiorari or otherwise

Allowing
Appeal to the
General
Quarter Ses-
sions.

[Local.]

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into any of His Majesty's Courts of Record at *Westminster* or elsewhere.

On Appeal from Rate, the Quarter Sessions may amend it without quashing it; or if necessary to grant Relief, may quash the Rate.

CXXXII. 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, 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.

Persons giving false Evidence to be punished.

CXXXIII. And be it further enacted, That if any Witness or Witnesses who shall be examined by or before any Justice of the Peace or otherwise, under this Act, upon Oath, shall wilfully and corruptly give false Evidence, and shall be thereof convicted, he, she, or they so giving false Evidence shall be subject to the same Punishment as Persons convicted of Perjury are subject and liable to.

For paying the Expences of this Act.

CXXXIV. And be it further enacted, That the Costs, Charges, and Expences of obtaining and passing this Act and incident thereto, together with lawful Interest from the Time of advancing, paying, or disbursing the same, shall be paid and discharged by the said Commissioners, by and out of the first Monies hereby authorized to be raised by them, in preference to all other Payments whatsoever; and for that Purpose it shall be lawful for the said Commissioners, or any Five or more of them, and they are hereby authorized and required, as soon as conveniently may be after the passing of this Act, to cause One or more Rate or Assessment, Rates or Assessments, to be made upon the Tenants and Occupiers of all and every the several Messuages, Houses, Shops, Workshops, Warehouses, Cellars, Vaults, Manufactories, Foundries, Mills, Stables, Coach-houses, and other Buildings, Erections, and Hereditaments within the said Town of *Ashton-under-Lyne*, rateable and assessable by virtue of this Act, in the Manner herein-before directed touching the making of Rates for the Purposes of this Act, and to cause such Rate and Assessment, or Rates and Assessments, to be collected, levied, received, and recovered by such and the like Ways and Means as the other Rates and Assessments are herein directed to be collected, levied, received, and recovered, together with the Costs of levying and recovering the same, from any Person or Persons who shall neglect or refuse to pay such Rate or Assessment, or Rates and Assessments; and One or more Justice or Justices of the Peace for the said County Palatine of *Lancaster* is and are hereby authorized and required to grant his and their Warrant or Warrants for the levying and recovering of the said Rate and Assessment, or Rates and Assessments, and Costs, in like Manner

as the other Rates and Assessments are herein-before mentioned and directed to be levied and recovered.

CXXXV. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to prejudice or affect the Lord of the Manor of *Ashton-under-Lyne* for the Time being, in respect of any Rights or Emoluments belonging, due, or in anywise appertaining to him as Lord of the Manor of *Ashton-under-Lyne* aforesaid; any thing herein-before contained to the contrary thereof in anywise notwithstanding.

Not to prejudice the Rights of the Lord of the Manor.

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

Public Act.

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