



ANNO SEPTIMO

GEORGIIV. REGIS.

Cap. cxvii.

An Act for paving, watching, lighting, cleansing, and improving the Township of *Oldham* in the County *Lancaster*, and for regulating the Police thereof. [26th *May* 1826.]

WHEREAS the Township of *Oldham* in the County Palatine of *Lancaster* is an extensive and populous Township, a Place of considerable Trade and Manufacture, a great Thoroughfare for Travellers, and in the Vicinity of and in immediate Connection with the most populous Districts of the Counties of *Lancaster* and *York*, and from its Position and natural Advantages hath of late much increased, and is rapidly increasing in Population: And whereas the said Township of *Oldham* hath never as yet been lighted or watched, except in a very partial Manner, by private Individuals or by voluntary Contributions, and the Want of effectual Lighting and Watching has been productive of great Inconvenience and Danger to the Inhabitants and others resorting to the said Township: And whereas there are many Streets newly laid out, and other Streets, Lanes, public Passages and Places within the said Township, the greater Part whereof are not paved, or properly cleansed or repaired, but are subject to various Nuisances and Annoyances, endangering the Health and Comfort of the Inhabitants: And whereas there is no public Building nor any suitable Office or Offices wherein to transact the public Business of the said Township: And whereas it would tend to the Safety, Convenience, and Advantage of the Inhabitants of the said Township, and all Persons resorting to or travelling through the same, if the same were more effectually

[*Local.*] 38 0 lighted,

lighted, watched, and the Police thereof duly regulated; and if Provisions were made for the paving, cleansing, repairing, and Improvement of the Streets, Lanes, Passages, Highways, and public Places therein, and for removing and preventing existing and future Nuisances and Annoyances therein; and if the Inhabitants were provided with a Town Hall, or other suitable Building or Buildings, wherein to transact the Public Business of the said Township: And whereas the Purposes aforesaid cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from after the First Day of *January* One thousand eight hundred and twenty-seven, every Person being a Male Inhabitant of the said Township of *Oldham*, of the Age of Twenty-one Years or upwards, being, either in his own Right or in the Right of Wife, in the actual Possession or Enjoyment or Receipt of the Rents and Profits of any House or Houses, Warehouse or Warehouses, or other Building or Buildings, or of any Land or other Tenement within the said Township, of the clear yearly Rent or annual Value of Fifty Pounds at the least, or being the Occupier of any House or Houses, Warehouse or Warehouses, or other Building or Buildings, Land, or other Tenement, within the said Township, of the clear yearly Value of Thirty Pounds at the least, shall be and hereby constituted, appointed, and declared to be a Commissioner for putting and carrying the several Purposes of this Act into Execution.

Commis-
sioners.

Disqualifica-
tion of Com-
missioners.

II. Provided always, That no Person shall be capable of acting as a Commissioner in the Execution of this Act, until he shall have occupied some Messuage or other Tenement within the said Township for the Space of Six Calendar Months: Provided also, that no Person or Persons shall be capable of acting as a Commissioner in the Execution of this Act, in respect of his or their being the Owner or Occupier of any Mill, Factory, or other Building or Premises of any Description, or any Room or Rooms therein, or any Part or Parts of any Mill, Factory, or other Building or Premises, or Part or Parts of any Room or Rooms therein, the yearly Rent or annual Value whereof shall in part arise from or be computed in respect of the Application of Steam or other Power of turning Machinery therein, but such yearly Rent or annual Value shall (for the Purposes of qualifying any Person to act as a Commissioner for putting this Act into Execution) be taken wholly to consist of the *bonâ fide* yearly Rent or annual Value of such Building or Buildings or other Premises, or Part or Parts of Buildings or Premises alone, and that without including or taking into account any such Application of Steam or Power of turning Machinery therein.

Further Dis-
qualifications
of Commis-
sioners.

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, 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 or other Building, Land or Tenement, Messuages, Dwelling Houses, Warehouses or other Buildings, Lands or Tenements, within the said Township, of the yearly Rent or Value aforesaid, or shall cease to be resident within the same Township, or who shall not be liable to the Payment of Rates or Assessments to be levied pursuant to and by virtue of this Act: Provided always, 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.

Commissioners, being Justices, may act as such.

IV. 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 to the Chairman of a Meeting as herein-after 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; and which Oath or Affirmation shall be administered in manner herein-after mentioned, and an Entry or Memorandum thereof shall be made in the Book of Proceedings of the Commissioners taking, making, and subscribing of such Oath or Affirmation, and of the Date of administering the same:

Commissioners to take Oath previous to acting.

I do swear, [*or, being One of the People called Quakers, do solemnly affirm,*] That I am an Inhabitant of the Township of *Oldham*, and am of the Age of Twenty-one Years or upwards, and that I truly am 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 Warehouses, or other Building or Buildings, Land or Tenement, within the said Township, of the clear yearly Rent or Value of Fifty Pounds, [*or in the actual Occupation of some House or Houses, Warehouse or Warehouses, or other Building or Buildings, Land or Tenement, within the said Township, of the clear yearly Rent and Value of Thirty Pounds*]; and that I will truly and impartially, according to the best of my Skill and Judgment, execute and perform all and every the Powers and Authorities reposed in me by virtue of an Act passed in the Seventh Year of the Reign of His Majesty King George the Fourth, intituled *An Act [here set forth the Title of this Act]*. So help me GOD.

Oath.

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

V. And be it further enacted, That no Person shall, from and after the Time of holding the First Meeting of the Commissioners by virtue of this Act, 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

After the First Meeting no Commissioner to act until some Meeting subsequent to the Time of Qualification.

such Person shall for every such Offence forfeit and pay the Sum of Fifty 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 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; and the Money so to be recovered shall, after Payment of the Costs and Expences attending the Recovery thereof, be paid and apportioned as follows; (that is to say), One Moiety thereof to the Informer or Prosecutor, and the other Moiety thereof to the Treasurer to be appointed by virtue of this Act, to be by him applied to the general Purposes of this Act.

Acts of Persons acting as Commissioners valid till Conviction.

VI. 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.

Regulating the First and other Meetings of the Commissioners.

Quorum.

VII. And be it further enacted, That the said Commissioners, or any Seven or more of them, shall and may, upon the Second *Wednesday* after the First Day of *January* One thousand eight hundred and twenty-seven, assemble and hold a General Meeting, at the Hour of Eleven in the Forenoon, at the House of Mistress *Fletcher*, known by the Name of the *Angel Inn*, in *Oldham* aforesaid, or at some other convenient Place in the said Township of *Oldham*, 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 Township of *Oldham* 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 Seven 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 Seven 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 Seven or more of the said Commissioners shall be present, and in which the Majority of such Seven or more Commissioners shall concur (and not otherwise), shall be as valid and effectual as if all the

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 the First Meeting which shall be held for putting this Act into Execution, One of the Commissioners present thereat shall be appointed Chairman, to whom any one other of such Commissioners shall and is hereby authorized and required to administer the Oath or Affirmation in the Words or to the Effect herein-before mentioned, and such Chairman shall or may immediately afterwards administer the like Oath or Affirmation to the other Commissioners then present; and at every other Meeting to be held in pursuance of this Act, a Chairman shall or may in like Manner be appointed; and the Chairman for the Time being, or any one of the Commissioners, shall and he is hereby authorized and required to administer at any General or Special Meeting to such of the Commissioners as shall not have taken the Oath or Affirmation hereby required to be taken by the said Commissioners; and in all Cases where there shall arise at any Meeting a Difference of Opinion upon any Question, the Question shall be decided by a Majority of Votes of the Commissioners then present; and if upon any Question there shall be an equal Number of Votes (including the Chairman's Vote), then the Chairman shall have and give 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 Commissioners or their Clerk, at the Request in Writing of any Seven or more of the 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 of 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 Fifteen 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.

of printed to the M. of Georgia

Chairman.

Chairman

No Order, &c. to be revoked unless at a Special Meeting, at which more than Fifteen Commissioners shall concur.

Commissioners to pay their own Expences.

VIII. Provided nevertheless; and be it further enacted, That if it shall at any Time be thought necessary to hold a Meeting before the Time at which a Meeting is hereby required to be held, or shall be so as aforesaid appointed to be held, then and in such Case it shall be lawful for the said Commissioners or any Three or more of them, or for their Clerk, at the Desire in Writing of any Seven or more of the said Commissioners, and they or he are and is hereby required to call a Special Meeting, of which Ten Days previous Notice shall be given in the same Manner as is herein-before mentioned in the Case and for the Purpose of calling a Meeting to revoke, suspend, or alter a former Order, Rule, Resolution, or Proceeding.

Special Meetings of the Commissioners.

[Local.] to be printed 38^o P. and IX. And

Directing the
Mode of
giving Notice.

IX. 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 Printing, and affixed to or upon some conspicuous Part of the Town Hall or Public Office intended to be erected as herein-after mentioned, after the same shall be so erected, and on the principal outer Doors of the several Churches and Chapels under the Establishment in *Oldham* aforesaid; and all Notices so published shall be good and available in Law for the Purposes of this Act, except as aforesaid.

Proceedings
to be entered
in Books.

X. 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 Seven 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 any of their Meetings such Book or Books shall be open to the Inspection of all and every the said Commissioners, and all and every other Person and Persons rated and assessed for the Purpose 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 seasonable 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 and
remove
Officers.

XI. 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 Clerk or Clerks, Treasurer or Treasurers, Surveyor or Surveyors, Assessor or Assessors, Collector or Collectors of the Rates or Monies to be raised under or by virtue of this Act, also all such 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 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 to the said Commissioners in the Execution of this Act, as to the said Commissioners shall seem reasonable; provided that on the Removal,
Death,

Death, or Resignation of any Clerk, Treasurer, Assessor, Surveyor, or Collector, Notice be previously given of the Time and Place of Meeting for the Purpose of filling up the Vacancy or Vacancies thereby occasioned, in manner herein-before appointed for the giving of Notices, at least Fourteen Days before the Election and Appointment of every such Clerk, Treasurer, Assessor, Surveyor, or Collector as aforesaid.

XII. 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 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 if any such Treasurer shall hold or accept 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.

Treasurer
and Clerk not
to be the
same Person.

XIII. 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 anything 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 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 con-
cerned in
Contracts.

XIV. And

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

XIV. 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, or to such Person or Persons as they shall appoint, within One Calendar Month after being thereunto required by 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 any Account or Accounts shall appear to be in their respective Hands to the said Commissioners, or as they 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 said County of *Lancaster*, 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 Hundred of *Salford*, 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 Seven or more of them, are hereby empowered to make), or until he shall deliver up such Books, Papers, and Writings as aforesaid, or give Satisfaction in respect thereof to the said Commissioners: Provided always, that no Person so committed shall be detained in Prison, for Want of sufficient Distress only, for a longer Space of Time than Three Calendar Months.

XV. 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 general Balance struck, by the said Commissioners on every Twenty-fourth Day of *June*, from Year to Year, 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 or any Seven or more of them 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 to be holden in and for the County of *Lancaster*, or any Adjournment thereof; Notice of such Appeal being given in Writing to the Clerk to the said Commissioners at any Time before such Accounts have been signed.

Books to be settled annually and lie open for Inspection.

XVI. 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 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.

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

XVII. 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 of their Clerk 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 or Names of One of the said Commissioners or of their said Clerk 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 or Names of One of the said Commissioners or of their Clerk, shall abate or be discontinued by the Death or Removal of such Commissioner or Clerk, or either of them, or by the Act or Default of such Commissioner or Clerk, or either of them, done or suffered without the Direction or Consent of Seven or more of the said Commissioners for the Time being, but One of the said Commissioners, or the Clerk of the said Commissioners for the Time being, shall always be deemed Plaintiff or Defendant (as the Case may be) in such Actions or Suits: Provided always, that every such Commissioner or Clerk, 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 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 Seven or more of the said Commissioners assembled at a Meeting under this Act.

For vesting Pavements, &c. in Commissioners.

XVIII. And be it further enacted, That all the present and future Pavements, Flag Stones, Curb Stones, Stone, Gravel, and all other Materials of the several present and future public Streets, Highways not being Turnpike Roads, Lanes, Passages, and other public Places in the said Township of *Oldham*, and all the present and future public Drains, Ditches, Sewers, Tunnels, Gutters, and Sinks within the said Township, and all the Land, Ground, and Buildings to be purchased, erected, or held by the said Commissioners, and all Gasometers, Apparatus, Machinery, Mains, Pipes, Lamps, or Lamp Irons, and all other Materials, Matters, and Things purchased or provided for Purposes of public lighting of the said Township, and all Watch-boxes, Fire Engines and Buckets, Materials, Implements, and other Things belonging to the Use or Practice thereof, and all Horses, Carts, Carriages, Tools, Arms, and Implements, Materials, and other Things whatsoever to be purchased or provided by or by Order of the said Commissioners for the Watchmen, Scavengers, Firemen, or other Persons employed under the Authority of this Act, or for any of the Purposes of this Act, and also all the Dust, Dirt, Dung, and Ashes to be swept, gathered, or collected under the Authority

thority of this Act, shall belong to, and be the Right and Property of, and the same are hereby vested in the said Commissioners; and the said Commissioners shall and may cause to be brought any Action or Actions, or direct the preferring of any Bill or Bills of Indictment (as the Case may require), against any Person or Persons who may direct, turn, disturb, interrupt, obstruct, steal, take away, embezzle, deface, injure, damage, or destroy any of the aforesaid Land, Buildings, Pavements, or the Materials thereof, Drains, Sewers, Ground, Buildings, Materials, Pipes, Lamps, Lamp Irons, Watch-boxes, Fire Engines, Implements, Dust, Dirt, Dung, or Ashes, or any of the other several Articles, Matters, and Things hereby vested in them the said Commissioners as aforesaid, 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, on account of which such Action or Actions shall be brought, or Bill or Bills of Indictments preferred, is or are the Property of the Commissioners for paving, watching, lighting, cleansing, and improving the Township of *Oldham*, without particularly mentioning or specifying the Name or Names of all or any of the said Commissioners.

XIX. 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 for the Time being, in which Book or Books such Clerk shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended for 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 or may make Copies or Extracts from the said Book or Books, or any Part or Parts thereof, without paying any thing for the same; and in case the said Clerk shall refuse to permit or shall not permit the said Commissioners or such Creditors, or any of them, to inspect the same at all seasonable Times, or take such Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum not exceeding Five Pounds, to be levied and recovered in manner herein-after directed.

Accounts to be kept of Receipts and Disbursements.

XX. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, from Time to Time, and at all Times hereafter, to purchase and provide such and so many Glass or other Lamps of such Sorts and Sizes, and also such and so many Lamp Irons and Lamp Posts, as they shall judge necessary, and to direct the same to be affixed or set up, into, upon, or against the Ground adjoining to, or the Walls, Posts, or Palisadoes of all or any of the present or future Houses or Buildings, or upon or against any other Walls, or in or upon any of the Carriageways or Footways within the said Township, or in or upon such other Places and Situations, and at such Distances within the said Township, and from Time to Time to be altered, taken down, or removed, in such Manner as they shall think proper, 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 for so many Hours in each Evening or Night, and to do all such other Things as to them shall seem necessary

Provision for lighting the Streets, &c.

Power to
contract for
lighting.

cessary or proper for the well and sufficient lighting of all or any of the said Streets, Lanes, Highways, Passages, and other public Places within the said Township; and 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 Township, or in the Neighbourhood thereof, or with any other Person or Persons, Body or Bodies Politic or Corporate, for lighting the said Township with Gas, Oil, or otherwise, for any Number of Years or other Time, and upon such Terms and Conditions in all respects as the said Commissioners shall from Time to Time think proper; or otherwise of their own proper Authority to light the said Township with Gas, and to purchase Ground not exceeding Three Acres Statute Measure, and thereon to erect the necessary Buildings, Apparatus, and Machinery for that Purpose, but not for preparing Gas for Sale; and in the said Streets, Lanes, Highways, Passages, and public Places, as well as elsewhere within the said Township, to cause Mains and other Pipes, for the Conveyance of Gas, to be laid and carried along, through, and under the Streets, Lanes, Highways, Passages, and public Places within the said Township, or any of them, and to cause Pipes to be set up or affixed upon or against all or any of the present or any of the future Houses, Tenements, Walls, or other Buildings or Places within the said Township, and to do and effect all other Matters or Things whatsoever necessary for lighting the said Street, Lanes, Highways, Passages, and public Places: Provided nevertheless, that nothing herein contained shall authorize and empower the said Commissioners to carry, lay, or place any Main or Mains, or other Pipe or Pipes, through or against any Dwelling House or Houses, Manufactoryes, public or private Buildings, Yards, or Grounds, for the Purpose of lighting the said Streets, Lanes, Highways, or other Place or Places with Gas, or to continue the same, without the Consent of the Occupier of every such Dwelling House, Manufactory, public or private Building, Yard, or Ground through or against which such Pipe or Pipes may be carried, laid, or placed for the Purposes aforesaid: Provided also, that it shall not be lawful for the said Commissioners, or any Body or Person contracting with them, to lay any Pipe or Pipes or other Apparatus for conveying Gas, over, across, or upon any public Bridge or Bridges within the said Township, or within or under any Part of the Roads belonging thereto, unless such Pipe or Pipes or other Apparatus shall be conveyed under the Footpaths over such Bridge or Bridges, and within Brick or Stone Soughs, such Soughs to be set in Limer Mortar, and covered with good and sufficient Flags, to form Part of such Footpaths.

Provision for
protecting
public
Bridges.

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

XXI. And be it further enacted, That if the said Commissioners, or any Body Politic or Corporate, or any Contractor or Contractors, or any other Person or Persons whatsoever, making, furnishing, or supplying any Gas used, burnt, or consumed within the Limit of this Act, for lighting any Street, Highway, or 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 produced in or by the said Gas Works, or in the Manufacture or Process of making or procuring such Gas, into any River, Brook, or running Stream, Canal, Reservoir, Aqueduct, Feeder,

Feeder, Pound, Spring Head, or Well, or into any Drain, Sewer, or Ditch communicating therewith, or do or cause to be done any Annoyance, Act, or other Thing to the Water contained in such River, Brook, or running Stream, Canal, Reservoir, Aqueduct, Feeder, Pound, or Spring Head, Well, Drain, Sewer, or Ditch, whereby the said Water, or any Part thereof, shall or may be spoiled, fouled, or corrupted, then and in each and every such Case the said Commissioners, or any Body Politic or Corporate, or such Contractor or Contractors, or other Person or Persons, shall forfeit and pay for every such Offence the Sum of Two hundred Pounds; and such Penalty or Forfeiture shall and may be sued for and recovered, together with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, or Court of Common Pleas at *Lancaster*, by Action of Debt or on the Case, or by Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, Privilege, or Wager of Law, nor more than One Imparlance, shall be allowed; and the whole of 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 be sued for within Twelve Calendar Months from the Time that such Annoyance, Nuisance, Injury, Damage, Act, or Thing shall have ceased or determined: Provided also, that over and above and in addition to the said Penalty of Two hundred Pounds, and whether such Penalty shall have been sued for or recovered or not, in case any of the said Washings or other waste Liquids, or noisome or offensive Liquids, Substances, or Things, shall be drained, conducted, or conveyed, or caused or suffered to run or flow in manner aforesaid, into any River, Brook, or running Stream, Canal, or any Reservoir, Aqueduct, Feeder, Pond, Spring Head, or Well, or into any Drain, Sewer, or Ditch communicating therewith, or any such Annoyance, Act, or Thing shall be done or caused to be done as aforesaid, and Notice thereof in Writing shall have been given by any Person or Persons to whom the same shall belong, or by any other Person or Persons whomsoever, to the said Commissioners, or Body Politic or Corporate, or Contractor or Contractors, or Person or Persons, and the said Commissioners, Body, Contractor, or Person shall not, within Twenty-four Hours after such Notice shall have been given to him or them as aforesaid, stop, hinder, or prevent all and every such Washings, waste Liquids, or noisome or offensive Liquids, Substances, or Things, from being drained, conducted, or conveyed, or from running or flowing in manner aforesaid, and every such other Annoyance, Nuisance, Injury, Damage, Act, or Thing from being done as aforesaid, then and in every such Case the said Commissioners, or Body Politic or Corporate, Contractor or Contractors, or Person or Persons, shall forfeit and pay the Sum of Twenty Pounds for each and every Day such Washings, waste Liquids, or noisome or offensive Liquids, Substances, or Things, shall be so drained, conducted, or conveyed, or caused or suffered to run or flow in manner aforesaid, or such other Annoyance, Act, or Thing shall be so done as aforesaid; and such last-mentioned Penalty shall and may be recovered, levied, and applied in such and the like Manner as any other Penalty or Forfeiture is in and by this Act directed to be recovered, levied, and applied, 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 such Act so done or committed.

Stopping the
Escape of
Gas.

XXII. And be it further enacted, That whenever any Gas shall be found to escape from any of the Pipes which shall be placed, laid down, or set up by the said Commissioners, or Body Politic or Corporate, or Contractor or Contractors, or other Person or Persons as aforesaid, then and in every such Case the said Commissioners, or Body Politic or Corporate, or Contractor or Contractors, or other Person or Persons, shall, at their own Expence, immediately after receiving Notice by Parol or in Writing, from any Inhabitant of the said Township, of any such Escape of Gas, cause the most speedy and effectual Measures to be taken to stop and prevent such Gas from so escaping; and in case the said Commissioners, or Body Politic or Corporate, Contractor or Contractors, or Person or Persons, within Twenty-four Hours after such Notice by Parol or in Writing being given by any such Inhabitant as aforesaid of any such Escape of Gas, shall not effectually stop and prevent the Gas from escaping, and wholly and satisfactorily remove the Cause of Complaint, then and in every such Case the said Commissioners, or Body Politic or Corporate or Contractor or Contractors, or other Person or Persons shall, for every such Offence, forfeit and pay the Sum of Five Pounds for each and every Day after the Expiration of Twenty-four Hours from the Time of giving any such Notice during which the Gas shall be suffered to escape as aforesaid, which Penalty shall be from Time to Time recovered in a summary Way on the Oath or Affirmation of One or more credible Witness or Witnesses, before One or more Justice or Justices of the Peace for the said County of *Lancaster*, or other Justice or Justices having Jurisdiction, as the Case may require, and shall and may be recovered with all reasonable Charges (which such Justice is hereby required to allow to the Complainant), by Distress and Sale of the Goods and Chattels of the said Commissioners, Contractors, or Person or Persons, by the Warrant of any such Justice or Justices of the Peace as aforesaid, to be granted in like Manner and subject to the like Provisions as are herein directed with regard to other Penalties.

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

XXIII. And be it further enacted, That all and every the Pipes or other Conduits to be laid or used for the Conveyance of Gas in, under, through, along, across, or round any Street, Lane, Highway, Passage, or public Place in the said Township, shall be laid at the greatest practicable Distance, and whenever the Width of the Carriageway will allow thereof, at the Distance of Four Feet at least, as well from the nearest Part of any Water Pipe already laid down or hereafter to be laid down for the Conveyance of Water in, under, through, along, across, or round any of the said Streets, Lanes, Highways, Passages, or public Places in the Township of *Oldham* aforesaid, (unless in case where it shall be unavoidably necessary to lay the Pipes for the Conveyance of Gas across any Water Pipes, in which Cases the said Pipes for the Conveyance of Gas shall be laid over and above such Water Pipes at the greatest practicable Distance therefrom, and shall form therewith a right Angle); and that in such Cases the said Pipes for the Conveyance of Gas so crossing the said Water Pipes shall be at least Nine Feet in Length, so that no Joint of any of the said Gas Pipes shall be nearer to any Part of the said Water Pipes than Four Feet at least; and that in laying down the said Gas Pipes, the Person or Persons to whom the same shall belong shall in no case join Two or more Gas Pipes together previous to their being laid

laid in the Trench, but shall lay each Pipe as near as may be in its Place in the Trench, and shall in such Trench form the Jointing with the other Pipes to be added thereto with proper and sufficient Materials, and also make and keep all and every such Pipes, and all Pipes communicating or connecting therewith, and all the Screws, Joints, Inlets, Apertures, or Openings therein respectively, air-tight, and in all and every respect prevent the said Gas from escaping therefrom and from any Part thereof, upon Pain of forfeiting for every such Offence the Sum of Five Pounds, to 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.

XXIV. And be it further enacted, That whenever the Water of any Company of Proprietors of Water Works shall be contaminated or affected by the Gas of the said Commissioners, the said Commissioners shall forfeit and pay for every such Offence a Sum not exceeding Twenty Pounds, to be sued for and recovered as any Penalty is hereby directed to be sued for and recovered, and shall be applied to and for the Use and Benefit of the Company of Proprietors affected thereby; and in case any such Water shall be contaminated or affected by Gas in any Way whatsoever, that then and in every such Case and Cases the said Commissioners shall, within Twenty-four Hours next after Notice thereof in Writing, signed by the Manager or Chief Clerk for the Time being of and for such Company, to be left at the usual Office or Place of transacting Business of the said Commissioners, cause the most proper and effectual Measures to be taken effectually to stop and prevent Gas from escaping from the Works, Mains, or Pipes, or contaminating or affecting such Water; and in case the said Commissioners shall not, within Twenty-four Hours 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, that then and in every such Case the said Commissioners shall, on each and every Complaint whereof Notice shall be given as aforesaid, forfeit and pay to the Treasurer for the Time being of the Company of Proprietors over and above the before-mentioned Penalty of Twenty Pounds, the Sum of Ten Shillings for each and every Day during which the Water of the said Company shall be and remain contaminated, tainted, or affected by the Gas of the said Commissioners; and in default of Payment thereof as aforesaid, such Penalty or Penalties shall and may be recovered by Information to be exhibited on the Oath of One credible Witness, by and in the Name of the Treasurer of the same Company, before any Justice of the Peace for the said County of *Lancaster*, with Costs, to be assessed by such Justice, and to be levied and recovered as any other Penalty is by this Act directed to be levied and recovered; and such Penalty or Penalties and Costs, when so levied, shall be paid to the Treasurer for the Time being of such Company of Proprietors.

To prevent
Escape of
Gas and Con-
tamination of
Water, &c.

XXV. And whereas it may be or become a Question, upon such Complaint as aforesaid, whether the said Water be contaminated or affected by the said Gas; be it therefore enacted, That in every such Case it shall and

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

and may be lawful to and for any Company of Proprietors of Water Works to dig to and about, and search and examine the Mains, Pipes, Conduits, and Apparatus of the said Commissioners, for the Purpose of ascertaining whether such Contamination proceed or be occasioned by the Gas of the said Commissioners; and if it shall appear that the said Water has been contaminated by any Escape of Gas of the said Commissioners, the Costs and Expences of the said Digging, Search, 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, which Costs and Expences shall be ascertained and determined, if necessary, by such Justice as aforesaid; and be recovered in like Manner as any Penalty may be recovered by virtue of this Act: Provided always, that if upon Examination it shall appear that such Contamination had not arisen from any such Escape of Gas from any of the Mains, Pipes, or Conduits of the said Commissioners, then and in such Case the said Water Company shall bear and pay all the Costs and Expences of such Examination, Repair, and Search, and shall also make good to the said Commissioners any Loss, Injury, or Damage which may be occasioned to the Mains, Pipes, Conduits, or Apparatus of the said Commissioners in and by such Search and Examination, and also to the Pavement of the said Streets so broken or disturbed in such Search or Examination; the Amount of such Loss, Injury, or Damage to be ascertained and determined by such Justice or Justices as aforesaid.

Not to prevent Commissioners, &c. from being indicted for a Nuisance.

XXVI. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to prevent any Person or Persons from proceeding by Indictment or otherwise against the said Commissioners, or any Body or Bodies Politic or Corporate, or any of his or their Servants, Workmen, or Officers, or Person or Persons, making, furnishing, or supplying any Gas used, burnt, or consumed within the Limits of this Act, for lighting any Street, Highway, or Place, or any House, Manufactory, or other Building therein, in respect of any Works, or the Means which shall be employed by them in making the said Gas and using the same, or furnishing such Light as aforesaid, as a public or private Nuisance, or from bringing any Action or Actions against the said Commissioners, or Body or Bodies Politic or Corporate, or any of their Servants, Workmen, or Officers, or Person or Persons, for any Injury sustained by reason of any such Works, or the Use of the said Gas, or the Method of lighting therewith, whether such Injury 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 breaking Lamps wilfully.

XXVII. And be it further enacted, That if any Person or Persons who-soever shall wilfully or maliciously take away, break, throw down, or otherwise deface or damage any Lamp or Lamps already set up, or 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 Township, or any Pipe, Post, Pillar, Pilaster, Lamp Iron, Cover, or other Furniture thereof, or shall wilfully extinguish the Light or Lights of any such Lamp or Lamps, it shall be lawful for any Justice or Justices of the Peace for the said County

of *Lancaster*, and he and they is and are hereby required upon Oath (or upon Affirmation of a Quaker) of the committing 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, the said Justice or Justices shall proceed to examine upon Oath (or being a Quaker, upon Affirmation) any Witness or Witnesses who shall appear to give Evidence touching such Offence or Offences; and if the Party or Parties so accused shall be convicted of such Offence or Offences, either upon Confession or upon such Evidence as aforesaid, then and in every such Case every Person so offending shall for every such Offence forfeit and pay the Sum of Five Pounds, together with the Costs of Conviction; and the Offender or Offenders shall also make full Satisfaction to the said Commissioners or other Persons for the Damages so done; and in case such Offender or Offenders shall not upon such Conviction pay the Forfeit or Forfeitures by him or her incurred as aforesaid, and make such Satisfaction as aforesaid, the Justice or Justices before whom such Offender or Offenders shall be convicted is and are hereby empowered to commit him or her to the Common Gaol or House of Correction for the Hundred of *Salford*, there to be kept to Hard Labour for any Space of Time not exceeding Three Calendar Months.

XXVIII. 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 hung or set up, or to be hereafter hung or set up, or to be hereafter hung, or 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 for the said County of *Lancaster*, 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 against for doing such Damage as aforesaid; and upon hearing the Allegations and Proofs on both Sides, or Non-appearance of the Party or Parties so complained against, to award such Sum or Sums of Money as the Damage to be proved shall amount unto, together with the Costs of such Summons and the Conviction thereon; and in case of Refusal or Neglect to pay any of the Sums of Money so awarded, and the said Costs, within Seven 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.

Damages to be paid for Lamps broken accidentally.

XXIX. And for the better Administration of Police within the said Township of *Oldham*, be it further enacted, That it shall and may be lawful to and for the said Commissioners, in this Discretion, to nominate and appoint One or more Constable or Constables for the said Township, for promoting the good Order thereof, and from Time to Time to discharge and replace him or them so appointed, and make other Nominations and Appointments as they see fit, and to pay such Salary or

Power to appoint a Constable.

[*Local.*]

Salaries for the due Execution of the Duty which he or they are required to perform as shall be fixed upon and allowed by a Majority of Commissioners present at any General Meeting directed to be held in pursuance of this Act.

Power to Commissioners to provide Watch-house, employ Watchmen, Night Patroles, and Beadles.

XXX. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby empowered and authorized from Time to Time, when and so often as they shall think it expedient, to provide and set up Watch-houses and Watch-boxes, in such Situations as they shall judge proper and expedient, in any of the Streets, Lanes, Highways, Passages, or other public Places within the said Township, and to appoint and employ such and so many able-bodied Watchmen and Night Patroles, and such and so many Beadles, as well for the Day as Night; with their respective Superintendants, as they the said Commissioners shall judge expedient and necessary to be employed for the Security and good Order of the said Township; and such Watchmen, Night Patroles, Beadles, and Superintendants from Time to Time to remove and displace, and to appoint others in their Stead, and also to order and direct how many of the said Watchmen, Night Patroles, Beadles, and Superintendants shall attend nightly or within the said Township, and how such Watchmen, Night Patroles, Beadles, and Superintendants shall be armed, and at what Stations they shall be placed, for what Number of Hours they shall watch, and how often they shall go their Rounds, and also to fix and determine what Wages or other Allowances shall be paid or given to them for their Services; and the said Commissioners are hereby also authorized and empowered to make such further Orders and Regulations from Time to Time for the better Government and Direction of the said Watchmen, Night Patroles, Beadles, and Superintendants, as the Nature and Extent of their Services shall appear to them to require.

Power to appoint Committees for regulating Watchmen and Night Patroles.

XXXI. And be it further enacted, That it shall and may be lawful to and for the said Commissioners to appoint a Committee or Committees, of such and so many of the said Commissioners, for the Purpose of appointing, superintending, and suspending the said Constables, Watchmen, Night Patroles, Beadles, and Superintendants, or any of them, as Occasion may from Time to Time require, between the Times of holding the Meetings of the said Commissioners, and to regulate and manage the Duties and Offices of such Constables, Watchmen, Night Patroles, Beadles, and Superintendants.

Duties of Watchmen, &c.

XXXII. And be it further enacted, That the said Constables, Watchmen, Night Patroles, and Beadles shall and they are hereby required in their several Courses of Service, and in their respective Stations, to use their utmost Endeavours, not only to prevent Fires, but also to keep Watch and Ward within the said Township, and to prevent Murders, Burglaries, Robberies, Felonies, and other Outrages, Disorders, and Breaches of the Peace, and to that End the said Constables, Watchmen, Night Patroles, and Beadles shall and may and they are hereby respectively empowered and required to arrest and apprehend all Felons, Malefactors, Vagrants, Beggars, Disturbers of the Peace, and all idle, disorderly, and suspected Persons, Prostitutes and Night Walkers, who shall be found misbehaving or wandering within the said Township, and to lodge them in the Common Gaol or House of Correction

tion for the Hundred of *Salford*, or in any Watch-house or other Place of Security within the said Township, which shall be provided or 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; and the said Beadles or Superintendants shall, as often in every Night as shall be ordered by the said Commissioners, go about their respective Districts and Rounds, 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 misbehave himself or neglect his Duty, the said Beadles or Superintendants shall, as soon as conveniently may be, give Notice thereof to the Committee for the Time being appointed by the said Commissioners for managing and regulating Watchmen and Night Patroles, and such Committee is and are hereby authorized to suspend such Watchman or Night Patrole from the Execution of his Office, and appoint another Person to officiate therein, until the then next Meeting of the Commissioners, when the said Committee shall acquaint the Commissioners assembled at such Meeting with the Complaint against such Watchman or Night Patrole, in order that the said Commissioners may proceed to the Examination of the Offence or Charge; and all such Watchmen, Night Patroles, Beadles, and Superintendants, and their respective Substitutes, are hereby respectively constituted Constables of the said Township, and shall be duly sworn in as Constables before any Justice or Justices of the Peace of the said County of *Lancaster*, and shall respectively act as such while in the Execution of the Powers and Authorities of this Act, and they are hereby respectively invested with and shall have and enjoy the like Powers and Authorities, Privileges, Protections, and Immunities, as any Constable or Constables are invested with or have or enjoy by Law; and such Justice or Justices is and are hereby authorized and required to administer to them respectively such Oath or Oaths as aforesaid, when applied to for that Purpose.

Watchmen,
&c. to be
Constables,
and sworn
before a Jus-
tice of the
Peace.

XXXIII. And be it further enacted, That it shall and may be lawful for the Constables appointed for the said Township respectively, or the Constables to be appointed by the said Commissioners, or any One of them, or their respective Deputy Constables; on having an Appointment in Writing from their respective principal Constables 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, on any Charge not amounting to Felony, for the Appearance of such Persons or Person before any Justice of the Peace for the said County, within the Space of Two Days then next, for further Examination, and that 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 for the estreating thereof, as if the same had been taken before any of His Majesty's Justices of the Peace.

Constables to
take Recogn-
izances.

XXXIV. And be it further enacted, That it shall and may be lawful for the said Beadles and Constables, and they are hereby required to patrol the
Streets

Duty of
Beadles.

Streets and other public Places within the said Township in the Daytime, on such Days and during such Hours and Times as the said Commissioners shall direct or appoint, and to apprehend and secure, in the Place or Places of Security to be for such Purpose appointed by the said Commissioners, all and every drunken, riotous, and disorderly Person or Persons, Persons singing Ballads in the Streets, Persons who shall insult any Female by using obscene Language or by indecent Exposure of the Person, Persons found loitering in Groups in the Streets or Footways to the Annoyance and Obstruction of Passengers, or in any-wise wilfully obstructing or hindering the free Passage of any of the said Streets, Highways, or public Places within the said Township, Persons playing at any Game in the Streets or other public Places, Persons setting any Dogs to fight, abetting and encouraging any Dog-fight, or by any other Means disturbing the good Order and public Peace of the said Township, and to carry all such Persons before some Justice of the Peace for the said County of *Lancaster*; and it shall and may be lawful for such Justice to order any Person so brought before him to pay any Penalty not exceeding the Sum of Twenty Shillings, as such Justice in his Discretion shall think fit, and upon Non-payment thereof, to commit such Person to the House of Correction for the Hundred of *Salford*, for any Time not exceeding Six Days, from whence such Person shall not be liberated except upon Payment of the Penalty so ordered by such Justice to be paid.

Penalty on
Watchmen,
&c. for Neg-
lect of Duty.

XXXV. And be it further enacted, That if any of the said Constables, Watchmen, Night Patroles, or Beadles so appointed or employed as aforesaid, or any of their Substitutes, shall at any Time wilfully neglect to attend in their respective Turns and Courses, during the several Hours of Service, to keep Watch or Ward within the said Township, at the Hour appointed by the said Commissioners for their Attendance thereon, or shall depart from or cease keeping Watch or Ward during the several Hours appointed by the said Commissioners for the Continuance of the same, or shall neglect to apprehend, arrest, or detain any Felon, Malefactor, Vagrant, Beggar, Night-walker, Disturber of the Peace, or any other disorderly or suspected Person found misbehaving or wandering within the said Township, or shall not observe and perform all the Orders, Rules, and Regulations made by the said Commissioners for their Conduct and Government in their aforesaid Employment, or shall in any other Manner neglect their Duty or misbehave, every Person so offending shall forfeit and pay for every such Offence a Sum not exceeding Twenty Shillings, and also shall be dismissed from his said Employment, if the said Commissioners shall think proper so to do.

Watchmen,
&c. guilty of
Misconduct
liable to be
punished.

XXXVI. And be it further enacted, That in case any Constable, Watchman, Night Patrole, or Beadle, to be appointed by virtue hereof, shall be guilty of any Neglect or Misconduct in the Execution of his Duty, it shall and may be lawful to and for any One or more Justice or Justices of the Peace for the said County, upon Complaint against any such Constable, Watchman, Night Patrole, or Beadle, of any such Neglect or Misconduct, to commit any such Constable, Watchman, Night Patrole, or Beadle, to the House of Correction for the Hundred of *Salford*, for any Time not exceeding Three Calendar Months.

XXXVII. And

XXXVII. And be it further enacted, That if any Victualler or Keeper of any Public House shall knowingly harbour or entertain, or suffer to remain in his or her Public House, Outhouse, or other Premises, any such Constable, Watchman, Night Patrole, or Beadle as aforesaid, during any Part of the Time appointed for his being on Duty, every such Victualler or Publican shall on Conviction forfeit and pay for the First Offence any Sum not exceeding Forty Shillings, and for the Second or any other Offence of the same kind any Sum not exceeding Five Pounds.

Punishing Publicans harbouring them during the Time they should be on Duty.

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

Power to reward disabled Constables, Watchmen, &c.

XXXIX. And be it further enacted, That if any Person shall obstruct or assault any Constable, Watchman, Night Patrole, or Beadle, so employed or appointed by virtue hereof, in the Execution of his Duty, every Person so offending, upon being thereof convicted before One or more Justice or Justices of the Peace of the said County, shall be liable to pay any Sum not exceeding Ten Pounds, or such Justice or Justices may commit any such Person to the House of Correction for the Hundred of *Salford*, and there to be kept to hard Labour, for any Time not exceeding Three Calendar Months.

Penalty on Persons assaulting Watchmen, &c.

XL. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby required, from Time to Time to appoint and employ any proper Person or Persons to be and act as a Scavenger or Scavengers, and to provide or maintain all Carts or other Carriages, Horses, Matters, and Things necessary for cleansing, sweeping, and watering the present and future Streets, Lanes, Highways, Causeways, Footpaths, Passages, and other public Places within the said Township, and for carrying all Dirt, Dust, Dung, Cinders, Ashes, Rubbish, Filth, and Soil away from the same respectively, and from the Houses and other Buildings within the same; and from Time to Time to order and direct on what Days and at what Times in every Week the particular Streets, Lanes, Highways, Passages, and other public Places within the said Township shall be swept, cleansed, or watered, and the Dirt, Dust, Dung, Cinders, Ashes, Rubbish, Filth, and Soil carried away from the same, and from the several Houses and other Buildings within the same, and how and in what Manner the same shall be carried away, and where the same shall be deposited; and to give such other Orders and Directions to any such Scavenger or Scavengers as shall appear necessary to such Commissioners; or otherwise it shall be lawful for the said Commissioners, from Time to Time, to contract with any Person or Persons willing to act as such Scavenger or Scavengers, for the sweeping, cleansing, and watering the said Streets, Lanes, Highways, Passages, and other public Places within the said Township, and for carrying all Dirt, Dust, Dung, Cinders, Ashes, Rubbish, Filth, and Soil away from the same, at such Times and in such Manner as shall appear expedient to the said Commissioners.

Commissioners to appoint or contract with Scavengers.

Scavengers
Duty.

XLI. And be it further enacted, That the Person or Persons employed by or contracting with the said Commissioners for cleansing the several Streets, Lanes, Highways, Passages, and other public Places within the said Township, or the Person or Persons employed by or acting under the Direction of such Person or Persons so contracting with the said Commissioners, shall, on such Days and at such Times as the said Commissioners shall from Time to Time appoint, sweep and collect together all Dirt, Dust, Dung, Cinders, Ashes, Rubbish, Filth, and Soil, in such Streets, Lanes, Highways, Passages, and other public Places within the said Township, and shall also bring or cause to be brought a Cart or Carts or other proper Carriage or Carriages into such Streets, Lanes, Highways, Passages, and other public Places within the said Township, where such Cart or other Carriage can pass, and shall at his or their Approach with such Cart or other Carriage, and not before, by Sound of Bell, Voice, or otherwise, give Notice to the Inhabitants of his or their coming, and give the like Notice in every Court, Passage, or Place into which such Cart or Carriage cannot pass; and such Person or Persons so employed by or contracting with the said Commissioners shall immediately take the Dirt, Dust, Dung, Ashes, Cinders, Rubbish, Filth, and Soil, (except Filth from any Privy or Necessary House), from the respective Premises in such several Streets, Lanes, Passages, and other public Places within the said Township, and put the same into such Cart or Carriage; all which Dirt, Dust, Dung, Cinders, Ashes, Rubbish, Filth, and Soil, (except as aforesaid), as well as all such Dirt, Dust, Dung, Cinders, Ashes, Rubbish, Filth, and Soil as shall be swept up and collected together as aforesaid, such Person or Persons shall then immediately, or as soon as may be, carry away or cause to be carried away to the Place or Places appointed by the said Commissioners for depositing the same, upon pain of forfeiting and paying any Sum not exceeding Five Pounds for every Offence or Neglect therein; and the Person or Persons so employed or contracting as aforesaid shall cause the Words "Scavengers Cart" to be painted in large Roman Letters on the Front or on some conspicuous Part of every Cart or Carriage used for the Purpose aforesaid, on pain of forfeiting and paying any Sum not exceeding Twenty Shillings for every Neglect therein.

Penalty on
casting Rub-
bish in the
Streets;

or throwing
offensive Sub-
stances into
Wells, &c.

XLII. And be it further enacted, That if any Person or Persons who-soever shall throw, cast, or lay, or cause or permit to be thrown, cast, or laid, any Dust, Dirt, Dung, Night Soil, Offal, Rubbish, Ashes, or other Filth whatsoever, into or in any Street, Lane, Highway, Passage, Footpath, or other public Place within the said Township, with the Exception of such Ashes as may be laid down upon any Foot Pavement in Time of Frost for the Prevention of Accidents, and with such further Exceptions as are herein-after specified, every such Person so offending shall for every such Offence forfeit and pay the Sum of Twenty Shillings; or if any Person or Persons who-soever shall throw or cast, or cause to be thrown or cast, any such Dirt, Dust, Dung, Night Soil, Offal, Rubbish, Ashes, or other Filth, or any Animal or Carcase, or any noxious or offensive Materials or Ingredients, or any other offensive Substance whatsoever, into any Common Sewer, Drain, Sink, public or private Well, Pond, Pump, Reservoir, or Watercourse within the said Township, except such Night Soil or other Filth as may be conveyed into any such Common Sewer or Sewers from any Water Closet or Water Closets, every

every such Person shall for every such Offence forfeit and pay the Sum of Forty Shillings.

XLIII. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to subject any Person whomsoever to any Penalty by this Act inflicted, for or on account of any 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 or Buildings, so as there be full and sufficient Space, in the Opinion of the said Commissioners, or of their Surveyor or Surveyors for the Time being, 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 a 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 or Lights be, at his, her, or their own Expence, set and maintained at the Place where such Dirt or Rubbish shall be so laid or placed, from Sun-set to Sun-rise, to prevent any Accident to Passengers or Cattle, and so as such Dirt or Rubbish be inclosed and fenced about in such Manner and within such Time as the Surveyor or Surveyors of the said Commissioners shall, by any Notice to be by him or them given to such Person or Persons, direct and appoint, and so as such Dirt or Rubbish be removed at the Expence of the Person or Persons so laying or causing the same to be laid, within such Time as shall be expressed in any Notice to be in like Manner given by the Surveyor or Surveyors of the said Commissioners.

Penalty not to extend to Rubbish occasioned by building.

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

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

XLV. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to prevent any Person or Persons from keeping any Dust, Dirt, Dung, Offal, Rubbish, Ashes, or other Filth which shall have arisen or been made within his, her, or their respective Houses, Buildings, Yards, or Premises, or from making use of the same for Manure or otherwise, so as the same be not suffered to remain there to become a Nuisance or Annoyance to any of the Inhabitants of the said Township, and so as the same be not laid down or placed in any Street, Lane, Highway, Passage, or other public Place within the said Township, for any longer Time than shall be necessary for loading and carrying away the same, and in no case upon any Footway within the said Township, or in any greater Quantity in any one Place than One Cart Load at a Time; but in case the Person or Persons so reserving such Dirt, Dust, Dung, Offal, Rubbish, Ashes, or other Filth, shall continue to keep the same for the Space of Twenty-four Hours after Complaint shall have been made and proved to the said Commissioners

Inhabitants may use their own Ashes, &c.

tioners of the same being such Nuisance or Annoyance to any of the said Inhabitants, and after Notice in Writing given to him, her, or them by any Clerk or Surveyor of the said Commissioners to remove the same, or shall permit or suffer the same to remain in any such Street, Lane, Highway, Passage, or other public Place as aforesaid, for any longer Time than Twelve Hours before the same shall be removed and carried away, or shall lay or place or permit or suffer the same to be laid or placed upon any Footway, then and in every of the said Cases every Person so offending shall for every such Offence forfeit and pay the Sum of Forty Shillings, and Twenty Shillings for every Day that such Nuisance shall be permitted to remain after the respective Times so limited as aforesaid.

Regulations
as to Removal
of Night
Soil and
other offen-
sive Sub-
stances.

XLVI. And be it further enacted, That if any Person or Persons shall begin to empty any Slaughter House, Swine Sty, or Privy, or take or carry away any Night Soil, Carrion, Offal, Blood, or Filth, or bring or place any Cart or Carts for removing the same from any House, Building, or Place within the said Township, at any Time of the Year between *Lady Day* and *Michaelmas*, except after the Hour of Eight of the Clock in the Evening, and before Eight of the Clock in the Morning, or at any Time of the Year between *Michaelmas* and *Lady Day*, except after the Hour of Six of the Clock in the Evening, and before the Hour of Ten of the Clock in the Morning, or shall at any Time remove the same without being properly mixed with Ashes, or negligently spill, or put or cast any Night Soil, Blood, or Filth, 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 Forty Shillings.

Occupiers of
Houses to
sweep Foot-
ways.

XLVII. And be it further enacted, That the several and respective Occupiers of Houses and Buildings, with the Yards, Gardens, Pleasure Grounds, and other Appurtenances next adjoining the several Streets, Lanes, Highways, Passages, and other public Places within the said Township, the Churchwardens and Chapelwardens of every Church or Chapel, or any One or more of them, the Owner or Owners of any dead Wall and other Fence, and vacant Piece of Ground (not used as Arable, Meadow, or Pasture Ground only), the Trustee or Trustees, Treasurer, and Minister of every Meeting House or Place of Public Worship, or any One or more of them, and the Person or Persons who for the Time being shall be the ostensible Director or Directors, Manager or Managers, of every Hospital, School, Theatre, or other public Building respectively situate or being in the said Streets, Lanes, Highways, Passages, and other public Places within the said Township, shall and they are hereby required to cause to be well and sufficiently swept, scraped, and cleansed the several Footways and Foot Pavements along the whole Length of the Fronts of the respective Houses, Buildings, Churches and Churchyards, Chapels and Chapelyards, dead Walls, vacant Pieces of Ground, Meeting Houses, Hospitals, Schools, Theatres, and other public Buildings, Tenements, Yards, Gardens, Pleasure Grounds, or other Hereditaments (except as aforesaid), and to the full Extent of the said Footways and Foot Pavements, before, behind, and on the Side or Sides of the same respectively, previous to the Hour of Nine of the Clock in the Morning on every *Tuesday* and *Saturday*, and on such other Days, and at such other Times,

as the said Commissioners shall from Time to Time order or require the same to be done, and shall also cause the Dirt, Soil, Snow, or Ice to arise from such sweeping and cleansing to be collected and put together, so as not to obstruct either the Carriageway or Footway, in order that the same may be removed by the Public Scavenger or other Person to be employed for that Purpose; and every such Occupier or other Person making Default in any of the Cases aforesaid shall for every such Offence or Neglect forfeit and pay any Sum not exceeding Ten Shillings.

XLVIII. Provided always, 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, at their Discretion, with all or any of the Occupiers of Houses or Buildings, or other Persons within the said Township hereby made liable to the cleansing of Footpaths, for relieving the Persons so compounding from the Burthen of sweeping or cleansing of any of the said Foot Pavements to which the said Occupiers or other Persons would have been liable under the Provisions of this Act, at or for such Sum or Sums of Money as the said Commissioners shall think reasonable in that Behalf, upon Condition nevertheless, that such Composition Monies shall always be paid in advance; and such Compositions, when so made, shall, during the Existence thereof, protect the Occupier or other Person so compounding from incurring any Penalties for neglecting to sweep or cleanse any of the said Foot Pavements.

Commissioners may compound for the sweeping of Footways.

XLIX. And be it further enacted, That in case of any Frost, the several and respective Occupiers of Houses and Buildings, and all other Persons by this Act made liable to the sweeping and cleansing the several Footways and Foot Pavements next adjoining to their several and respective Premises, shall and they are hereby required, before Eight of the Clock in every Morning during the Continuance of such Frost, well and sufficiently to lay, scatter, and spread Sand, Ashes, Dust, or other proper Materials on the Footways before their respective Premises, for the preventing of Accidents thereon; and every such Occupier or other Person making Default shall for every such Offence or Neglect forfeit and pay any Sum not exceeding Twenty Shillings.

Occupiers of Houses, &c. to lay Sand, &c. on the Footways in Time of Frost.

L. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, if it shall at any Time or Times hereafter appear to them expedient for the Improvement of the said Township, to enter into any Agreement relative to the Mode of erecting, building, altering, or rebuilding, or to the Line or Direction of the Fronts or Sides of any Houses or Buildings which now are or hereafter shall or may be erected or built within the said Township, with the Owners or Proprietors and Occupiers thereof respectively, and to make or give such Compensation or Satisfaction for any Injury, Loss, or Damage which any such Owners or Proprietors or Occupiers may thereby sustain, or for Goodwill for the same, as the said Commissioners shall think reasonable for the Object or Purpose of Improvement to be thereby obtained, and to pay such Compensation or Satisfaction out of the Rates to be raised by virtue of this Act, so as that in any one Instance the Compensation or Satisfaction shall not exceed the Sum of Two hundred Pounds.

For making Compensation to the Owners of Buildings agreeing to erect them in such Manner as shall be an Improvement to the Town.

Compelling
Payment of
Money raised
by Subscrip-
tion.

LI. And be it further enacted, That, in case it shall be found expedient for the accomplishing some of the Purposes of this Act, that Sums of Money should from Time to Time be raised by voluntary Subscriptions in aid of the Rates and Assessments authorized to be imposed by this Act, the Money which may be so subscribed from Time to Time shall be and is hereby vested in the Commissioners for executing this Act, and shall be by them applied to such of the Purposes thereof as in such Subscription shall be expressed; and in case any Person or Persons who shall subscribe or undertake to pay any Sum or Sums of Money whatsoever for the Purposes of this Act, or any of them, shall afterwards refuse or neglect to pay the Sum or respective Sums of Money by him, her, or them respectively so subscribed or undertaken to be paid, or any Part thereof, according to the Terms of Subscription, unto such Person or Persons as the said Commissioners shall direct and appoint to receive the same, for the Space of Fourteen Days next after the same shall, according to the Terms of the Subscription, become due and have been demanded by the Person or Persons so to be appointed, or in case any Person or Persons to whom or in whose Hands any of the Monies subscribed, after being paid or deposited, shall refuse or neglect to pay the same, or any Part thereof, unto such Person or Persons as the said Commissioners shall direct or appoint to receive the same, by the Space of Fourteen Days after the same shall be demanded by such Person or Persons so to be appointed for that Purpose, the said Commissioners are hereby authorized, empowered, and required, to sue for and recover such Sum or Sums of Money of, from, or against the Person or Persons refusing or neglecting to pay the same as aforesaid, his, her, or their Heirs, Executors, or Administrators, by Action of Debt, Bill, Plaint, Suit, or Information in any of His Majesty's Courts of Record at *Westminster*, or Court of Common Pleas at *Lancaster*, wherein no Essoign, Protection, Wager of Law, or more than One Imparlance, shall be allowed; in which Action, Bill, Plaint, Suit, or Information, it shall only be necessary to prove the Subscription, with the Name or Names of the Defendant or Defendants subscribed thereto, and the Sum or Sums by such Defendant or Defendants respectively subscribed, or the Receipt by the Person or Persons with whom the Money so subscribed or to be subscribed, or any Part thereof, is or shall be deposited, or who shall have received the same; and if the Defendant or Defendants cannot prove the actual Payment of his, her, or their respective Subscriptions, or of the several Sum or Sums of Money to them paid, or with them deposited, to a Person duly authorized by the said Commissioners to receive the same, the Plaintiff or Plaintiffs in such Action or Actions shall be entitled to a Verdict to the Amount of the Subscription sued for; and such Plaintiff or Plaintiffs shall upon such Verdict recover Double Costs, and have such Remedy for the same as any Plaintiff or Plaintiffs hath or have in any other Cases by Law.

Persons
liable to
Statute
Duty, or
Composition
in lieu there-
of, to be
discharged
therefrom.

LII. And be it further enacted, That, from and after the First Day of *January* One thousand eight hundred and twenty-seven, all and every Person and Persons shall be and they are hereby exonerated, released, and forever discharged from the Performance of Statute Duty for the Repairs of the public Highways within the said Township, or any Hamlet or Division within the same, and from the Payment of any Composition for the same in lieu thereof, and from all Liability by Law to be called upon for the Repair

Repair of such Highways: Provided always, that the Surveyor or Surveyors to be appointed under or by virtue of this Act shall be, and he or they is or are hereby invested with and made subject and liable to all and every the Rights, Liberties, Powers, Authorities, Duties, Penalties, and Obligations in respect of the Streets, Lanes, Roads, Ways, and other public Places within the said Township, or any Hamlet or Division within the same, which by Law now are, or hereafter shall or may be, granted to or conferred or imposed upon the Surveyors of the public Highways within that Part of *Great Britain* called *England*; and all Monies, Costs, and Charges which any such Surveyor or Surveyors shall pay or be subjected to in the Execution of the Duties of his or their Office or Offices, shall be paid by the said Commissioners or their Treasurer out of the Monies and Rates to be by them or him received by virtue of this Act; and all Indictments and other Processes of Law, which may be brought for or on account of the Repair or Non-repair of the Streets, Roads, and Ways within the said Township, shall be brought against any One of the said Commissioners, or their Clerk, in manner herein-before directed.

Surveyors of the Commissioners to be invested with all Powers and liable to all Penalties granted to or imposed upon Surveyors of public Highways.

Indictments, &c. to be brought against Commissioners.

LIII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, and they are hereby authorized, empowered, and required, from Time to Time, when and so often and in such Manner as they shall think proper and necessary, to cause the present and the future Streets, Highways, Lanes, Passages, and other public Places, as well Carriage as Footways, within the said Township, and each and every of them, and each and every or any Part or Parts thereof respectively, to be paved, flagged, or otherwise constructed, repaired, and amended, supported and kept in good Order and Condition, and the same, and the Pavements, Flagging, and other Materials thereof, to be taken up and relaid, and the Ground or Soil thereof to be raised, lowered, or altered, from Time to Time, and in such Manner and with such Materials as they the said Commissioners shall think fit.

Commissioners to pave the Streets, &c.

LIV. And be it further enacted, That when any new Streets, Ways, or Passages, as well Carriage as Footways, already laid out or hereafter to be laid out within the said Township, and each and every of them, and each and every or any Part or Parts thereof, shall be well and sufficiently made, soughed, paved, flagged, or otherwise constructed, repaired, amended, and put in good Order and Condition, in such Manner and with such Materials and with such public Drains therein as shall be satisfactory to the said Commissioners, it shall be lawful to and for the said Commissioners, or any Seven or more of them, at any Meeting to be duly held by virtue hereof, upon the Application of the Owner or Owners of the Soil of such Streets, and the Occupier or Occupiers of the several Messuages, Buildings, and Tenements respectively, being in or adjoining such Streets, public Ways or Passages, or of the greater Part in Number and Value of such Owners and Occupiers, to declare such Streets, Ways, or Passages to be Highways, and from and after such Declaration made, and Publication thereof by Notice to be given in manner herein-before directed for the giving of Notices, the same and each of them shall be deemed and taken to be public Highways to all Intents and Purposes, and repaired and kept in repair by the said Commissioners under and by virtue of the Powers and Provisions of this Act: Provided always, that the said Commissioners shall not be empowered to make such Declaration of or concerning

Power to declare new Streets to be Highways, provided they are of certain Widths.

cerning any front Streets, public Ways, or Passages, which shall be of less Width than Twelve Yards in the narrowest Part thereof, or of and concerning any back Streets which shall be of less Width than Eight Yards in the narrowest Part thereof; except such Streets as were actually laid out and begun to be built upon previous to the passing of this Act.

New Pavements to be made by Commissioners in certain Cases, but at the Charges of Owners or Occupiers of Houses.

LV. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, and they are hereby required, at any Meeting to be by them held under this Act, to cause all such Parts of the public Streets, Ways, and Passages within the said Township which are now built, but not paved, flagged, and cleansed, and all such other public Streets, Ways, and Passages within the said Township which are now making or being built upon, or which may hereafter be made and built upon, and all other Streets, Lanes, Avenues, Ways, or Passages within the said Township, which are now making or being built upon, or shall or may hereafter be made or built upon, but not laid open to the Public, which now have or shall hereafter have Messuages or other Buildings erected at the respective Sides thereof, which Buildings, with the respective Yards, Courts, Gardens, and other Conveniences thereto belonging, shall be fronting to the said last-mentioned respective Streets, Avenues, or Passages, to the Extent of Two-third Parts of the aggregate Length of such last-mentioned Streets, Avenues, Ways, or Passages, either in a continued Line or not, and whether inclosed or not, to be made, paved, set, flagged, and cleansed, or otherwise repaired, amended, supported, and put in good Order and Condition, in such Manner and with such Materials, and with such and so many Soughs, Sewers, Gutters, Sinks, Drains, or Watercourses, in, through, over, or under the same, as to them the said Commissioners or their Surveyor or Surveyors shall seem meet and necessary; and the Charges or Expences attending or in any Manner relating to such new Pavements, Flaggings, Cleansings, Drainings, or otherwise putting into good Repair and Condition, shall be paid and reimbursed to the said Commissioners by the Owners or Occupiers of the Houses, Buildings, Courts, Yards, Gardens, Ground, or Land, within or adjoining the said Streets, Ways, and Passages so to be new made, paved, flagged, drained, and cleansed, or otherwise repaired, amended, supported, and put in Order and Condition as aforesaid, each and every such Owner or Occupier paying an equal Share or Proportion thereof, according as such new making, paving, flagging, draining, cleansing, or repairing is or shall be either before, behind, or at the Side of his, her, or their House or Houses, Building or Buildings, Courts, Yards, Gardens, Ground, or Land as aforesaid; and such Share shall be ascertained by the Surveyor or Surveyors of the said Commissioners, to be appointed under and by virtue and in pursuance of this Act; and if any such Owner or Occupier shall at any Time neglect or refuse to pay such Charges and Expences within Fourteen Days after the same shall have been demanded by or on behalf of the said Commissioners, the same shall and may be levied by Distress and Sale of the Goods and Chattels of such Owner or Owners, or Occupier or Occupiers, in like Manner as the Rates herein-after authorized to be raised and levied are directed to be recovered; the Overplus (if any) of the Monies to arise thereby, after deducting such Charges and Expences as aforesaid, and the Costs and Expences attending such Distress and Sale, being returned to such Owner or Occupier.

LVI. Pro-

LVI. Provided always, and be it further enacted, That before the said Commissioners shall cause the said public Streets, Ways, and Passages within the said Township which are now built upon, but not made, paved, flagged, cleansed, or otherwise put into good Order and Condition, and all such other Streets, Avenues, Ways, and Passages within the said Township which are now making or being built upon, or may hereafter be made, laid out, or built upon, or such Parts thereof respectively as may require the same, to be so made, paved, flagged, cleansed, or otherwise repaired, amended, supported, and put in good Order and Condition, in such Manner, and with such Materials, and with such and so many Soughs, Gutters, Sinks, Drains, or Watercourses, as to them the said Commissioners shall seem meet and necessary as aforesaid, they shall in the first Place cause their Surveyor or Surveyors to give or leave a Notice in Writing under his or their Hand or Hands, to or at the last usual Place of Abode of the Owner or Owners or Occupier or Occupiers of each and every House, Building, Tenement, Parcel of Ground, Land, or Hereditaments within the said Streets, Avenues, Ways, or Passages so to be paved, flagged, and cleansed, or otherwise put into good Order and Condition as aforesaid, requiring him, her, or them to make, pave, flag, cleanse, drain, or otherwise repair, amend, and put the same into good Order and Condition, in such Manner and with such Materials as they shall direct, either before, behind, or at the Side of his, her, or their House, Building, Ground, Land, Hereditaments, and Premises, (as the Case may be or require); and in case any such Owner or Occupier shall neglect or refuse, for the Space of Six Calendar Months next after the Receipt of such Notice, or the same being so left as in manner aforesaid, to make, pave, flag, cleanse, or otherwise repair, amend, and put the same into good Order and Condition, in such Manner and with such Materials as the said Commissioners shall direct, either before, behind, or at the Side of his, her, or their House, Building, Ground, Land, or Hereditaments as aforesaid, that then and in such Case it shall and may be lawful to and for the said Commissioners, and they are hereby required, to cause the same to be done in such Manner and with such Materials as they shall direct, and to recover the Costs, Charges, and Expences thereof from such Owner or Occupier, in case of Refusal to pay the same, in any Manner in which any Rates or Penalties may be recovered under this Act.

Before any Streets, &c. are paved by Commissioners, Notice to be given to Occupiers of Houses, requiring them to pave.

LVII. Provided always, and be it further enacted, That it shall and may be lawful to and for all and every the Occupier or Occupiers of every House, Building, Tenement, Parcel of Ground or Land, or other Hereditaments within the said Streets, Avenues, Ways, or Passages so to be paved, flagged, cleansed, and put in good Order as aforesaid, being a Tenant or Tenants at Rack Rent, who being thereunto required shall pay the Costs, Charges, and Expences of doing and executing such Works aforesaid, or whose Goods or Chattels shall be distrained and sold for Payment thereof as aforesaid, to retain and deduct, out of his, her, or their Rent or Rents, all his, her, or their Costs, Charges, and Expences, which he, she, or they shall bear, pay, or be put unto in respect of any such first or new making, paving, flagging, draining, cleansing, or other Reparations and Amendments to be made and done as aforesaid; and the Landlord or Proprietor of every such Messuage, Building, Land, or Tenement, so held at Rack Rent, is hereby required to allow the same accordingly; and in all Cases where Houses, Buildings, Lands, Grounds, Tenements, or Hereditaments

Occupiers may retain Expences of paving from Rent.

taments are held upon Leases for Lives perpetually renewable, or for the Term of Ninety-nine Years, or any longer Term, such Retention and Deduction shall be made against the Party or Parties so holding, and not against those entitled to the Reversionary Interest in the Houses, Buildings, Lands, Grounds, or Hereditaments.

Power to declare Streets public Highways, after being paved by Commissioners.

LVIII. And be it further enacted, That when the said Commissioners shall have caused any of the public Streets, Ways, and Passages within the said Township which are now built upon, but not made, paved, and cleansed, or otherwise repaired, amended, supported, and put in good Order and Condition, or any other public Streets, or other Streets, Roads, Ways, and Passages within the said Township, now making or being built upon, or hereafter to be made or built upon, to be made, paved, and cleansed, or otherwise repaired, amended, and put in good Order and Condition as aforesaid, to the Satisfaction of the said Commissioners, and the Charges and Expences attending the same shall have been paid and satisfied by the Owners or Occupiers of the Houses, Buildings, Ground, or Land within the said Streets, it shall and may be lawful for the said Commissioners, or any Seven or more of them, at any Meeting to be held by virtue of this Act, upon the Application of the Owner or Owners of the Soil of such Streets, Ways, and Passages, or of the greater Part in Value of such Owners, to declare such Streets, Ways, or Passages to be public Highways, and thenceforth the same and every of them, and every Part thereof, shall be deemed and taken to be public Highways to all Intents and Purposes, and be cleansed, maintained, and kept in repair by the said Commissioners out of the Rates to be levied by virtue of this Act.

Owners of Land, &c. adjoining to such Streets not to vote as Commissioners respecting them.

LIX. Provided always, and it is hereby further declared, That no Person, being the Owner or Occupier of any Land or Buildings within or adjoining to any Street, Way, or Passage proposed to be made a public Highway as aforesaid, or within Fifty Yards of the same, or being entitled unto a Chief Rent or other Rent issuing out of any such Land or Buildings, shall be entitled to vote as a Commissioner touching the declaring of any such new Street, Way, or Passage to be a public Highway, or touching the making, paving, repairing, draining, soughing, or completing the same, or any Part thereof.

Width of Footways in Streets hereafter to be laid out.

LX. And be it further enacted, That in all Streets to be hereafter made and laid out within the said Township, which shall be of greater Width than Eight Yards, and shall not exceed the Width of Twelve Yards, there shall be made and laid out on each Side of such Streets good and sufficient Footways of the Width of at least Four Feet; and in all Streets to be hereafter made and laid out within the said Township, which shall exceed the Width of Twelve Yards, and shall not exceed the Width of Fourteen Yards, there shall be made and laid out on each Side of such Streets good and sufficient Footways of the Width of at least Six Feet; and in all such Streets as shall exceed the Width of Fourteen Yards, and shall not exceed the Width of Sixteen Yards, there shall be the like Footways on each Side of the said Streets of the Width of at least Seven Feet; and in all such Streets as shall be of greater Width than Sixteen Yards, there shall be the like Footways on each Side of such Street, of the Width of at least Nine Feet.

LXI. And

LXI. And be it further enacted, That the Width of the said several Streets shall, with respect to the making of any such Footway as aforesaid, be computed from Side to Side, beyond the Limits of all Areas or Cellar Holes, Steps, Windows, and other Projections.

Width of Streets how to be computed.

LXII. And be it further enacted, That this present Act, as to the laying out of all such new Streets as aforesaid, shall take effect from and after the First Day of *January* One thousand eight hundred and twenty-seven.

Commencement of Act as to laying out Streets.

LXIII. And be it further enacted, That it shall be lawful for the said Commissioners, or any Seven or more of them, to make, and to flag and pave, or flag or pave, and to repair such Foot Crossing or Foot Crossings as shall or may lead to or from the Entrance, Corner, or Termination of any Street, Square, Lane, Passage, or public Place, to any other Street, Square, Lane, Passage, or public Place within the said Township of *Oldham*, as the said Commissioners or any Seven or more of them shall think proper, and to pay and defray the Costs and Charges attending such making, paving, and repairing by and out of the Monies to be raised by virtue of this Act: Provided always, that nothing herein contained shall extend to authorize the Commissioners to pay and defray the Costs and Charges attending any Foot Crossing or Foot Crossings which shall or may be made to lead from one Side of a Street, Square, Lane, Passage, or public Place, to the other Side thereof, or otherwise howsoever, save only as before mentioned.

Foot Crossings to be repaired by the Commissioners, and paid for out of the Rates.

LXIV. And be it further enacted, That it shall be lawful for the said Commissioners, or their Surveyor or Surveyors, during such Time as any of the Streets, Lanes, Highways, Passages, or other public Places within the said Township shall be under Repair, or during the making or repairing of any Sewer or Drain therein, to cause such and so many Bars, Posts, Rails, Fences, and Chains, or other Obstruction or Obstructions, to be fixed, set up, and placed across or in any of the said Streets, Lanes, Highways, Passages, or 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, break down, remove, damage, or injure any of the said Bars, Posts, Rails, Fences, or Chains, or other Obstructions, without the Authority or Consent of the said Commissioners, every Person so offending shall for every such Offence forfeit and pay the Sum of Forty Shillings.

Power to place Bars across Streets under Repair.

LXV. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time to erect and set up, or cause to be erected and set up, in such Parts of the said Streets, Lanes, Highways, Passages, and other public Places as the said Commissioners may think necessary, any Posts, Pillars, Stones, Rails, Bars, Chains, Pales, or any other Fence or Fences, either permanent or temporary, for the Purpose of preserving any of the Footways, Pavements, or Curb Stones within the said Township from Damage, and clear from Annoyance by Horses, Cows, Swine, or other Cattle, and for the Purpose of keeping off Carriages from any of the said Footways, and for Prevention of Accidents, and the better Security of Passengers; 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 be requisite so to do.

Posts may be erected for guarding Footways.

LXVI. And

Pavements
not to be
taken up
without Con-
sent of Com-
missioners.

LXVI. And be it further enacted, That it shall not be lawful for any Person or Persons at any Time to take up, remove, or alter, or cause to be taken up, removed, or altered, the Pavement, Flags, or other Materials of such Streets, Ways, or Passages within the said Township, or any Part thereof, without the previous Consent and Approbation of the said Commissioners in Writing, and signed by their Clerk, and made or given at some Meeting held under the Directions of this Act, upon pain that every Person so taking up, altering, or removing, or causing to be taken up, altered, or removed, the said Pavements, Flags, or other Materials, or any Part thereof, without such Consent and Approbation, shall for every such Offence forfeit the Sum of Forty Shillings; and in case the Person or Persons so taking up any such Pavements, Flags, or other Materials shall not within Seven Days after Notice by the Surveyor or Clerk to the Commissioners, given to or left in Writing at the last or usual Place of Abode of such Person or Persons, cause the same to be reinstated; it shall be lawful for the Surveyor of the said Commissioners to reinstate the same, and the Expence attending the doing whereof shall be borne and paid by the Person and Persons who shall have taken up, altered, or removed such Pavement, Flags, or other Materials, or caused the same to be done; the same to be recovered in the like Manner as the Rates or Assessments are by this Act directed to be recovered: Provided always, that nothing herein contained shall in any Manner repeal, alter, or abridge the Powers, Liberties, or Privileges granted to the Company of Proprietors of the *Oldham Gas Light and Waterworks*, 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 Oldham, and the Neighbourhood thereof, within the Parish of Prestwich-cum-Oldham, in the County Palatine of Lancaster, and for the better supplying the Inhabitants of the said Town and Neighbourhood with Water.*

Trustees of
Turnpike
Road not to
repair High-
ways in the
Town.

LXVII. Provided always, and be it further enacted, That from and after the First Day of *January* One thousand eight hundred and twenty-seven, it shall not be lawful for the Trustees for executing an Act made in the Sixth Year of the Reign of His present Majesty, intituled *An Act for more effectually improving the Roads from Manchester in the County Palatine of Lancaster, through Oldham, to Austerlands in the Parish of Saddleworth in the County of York, and from Oldham to Ashton-under-Lyne, and from Oldham to Rochdale, in the said County Palatine of Lancaster*, to repair or amend such Part of the said Turnpike Road as extends from the Westerly Corner of a certain Street in the said Town of *Oldham*, called *Bow Street*, to the Easterly Corner of a certain other Street in the said Town, called *King Street*, at the Point where the same Street communicates with the *Manchester Road*, by or with any of the Monies to arise from the Tolls collected from the said Turnpike Road.

Act not to
discharge
certain Per-
sons from
Liability to
repair.

LXVIII. And be it further enacted, That nothing in this Act contained shall extend, or be deemed or construed to extend, to exempt, exonerate, or discharge any Person or Persons, Body Politic or Corporate, from the Repair of any Highways to the Reparation of which any Inhabitants, Person or Persons, Body Politic or Corporate, were or was, could or might be, liable by any Act or Acts of Parliament, Verdict or Verdicts in any Court or Courts of Justice, Custom, or other good and lawful Cause of Obligation, save and except the Trustees of such Turnpike Road or Roads as last aforesaid; but that all such Inhabitants, Person

or Persons, and Body Politic and Corporate, shall, notwithstanding any thing herein contained, be charged and chargeable with the Repairs and Maintenance of all such Highways as last aforesaid, in as full and ample a Manner as they could or might be respectively charged with and liable to the same in case this Act had not been passed.

LXIX. And be it further enacted, That it shall be lawful for the said Commissioners, from Time to Time and all Times hereafter, to cause such and so many Common Sewers, Drains, Vaults, 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 in, along, or across any of the said Streets, Lanes, Highways, Passages, or other public Places within the said Township; and also to cause any of the Common Sewers, Drains, Vaults, Culverts, and Watercourses, Wells or Pumps, which now or hereafter shall be within the said Township, or any Part or Parts thereof, to be stopped up, altered, opened, enlarged, widened, made deeper, repaired, cleansed, or completed, when and so often 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 out of or brought into the said Streets, Lanes, Highways, Passages, or other public Places, or any of them, such Gravel, Stones, Bricks, and other Materials as they shall think necessary; and also to cause such and so many Openings or Gutters to be made therein, for the conveying and carrying off the Filth, foul and other Waters from the Houses built or to be built in or adjoining to such Streets, Lanes, Highways, Passages, or other public Places, into the said Sewers, Drains, and Vaults, as the said Commissioners shall and may think necessary and expedient for that Purpose; and in case it shall be found necessary for completing any of the aforesaid Sewers, Drains, Vaults, Culverts, and Watercourses, Wells or Pumps, to carry and continue the same into and through any inclosed Lands or Grounds lying within the said Township, it shall be lawful for the said Commissioners to carry and continue the same into and through the said Lands or Grounds accordingly, such Lands or Grounds respectively not being occupied as Courts, Yards, Gardens, or Orchards, or as Avenues or Approaches to any Dwelling House: Provided always, that if the Owner or Owners of any such Lands or Grounds, into or through which any such Sewer, Drain, Vault, Culvert, or Watercourse, Wells or Pumps, shall be made, carried, or continued by the said Commissioners as aforesaid, shall be injured or damnified thereby, and such Owner or Owners shall refuse to treat or cannot agree with the said Commissioners as to the Recompence or Compensation to be paid for such Injury or Damage, then such Owner or Owners may apply to the next or Second General Quarter Sessions of the Peace to be holden for the said County of *Lancaster*, or any Adjournment thereof, and the Justices of the Peace at such Sessions shall have Power to direct the Jury which shall attend at such Sessions for the Trial of Traverses, to enquire into and assess the Recompence Money which ought to be paid to such Owner or Owners for such Injury or Damage as aforesaid, and thereupon the Justices in such Sessions shall adjudge and order such Recompence so found and assessed by the Jury to be paid to such Owner or Owners accordingly, and such Enquiry and Judgment shall be final to all Intents and Purposes; and the said Justices shall and may award, order, and adjudge Costs to either Party,

Power to make Common Sewers, public Wells, &c.

If Owners of Land are dissatisfied, they may apply to the Quarter Sessions.

Justices to order such Recompence as shall be assessed by a Jury, and award Costs to either Party.

as they shall think proper; and all Costs, Charges, and Expences in or about the making, enlarging, widening, raising, altering, removing, making deeper, repairing, cleansing, or scouring such Sewers, Drains, Vaults, Culverts, and Watercourses, Wells or Pumps, shall be borne and defrayed out of the Monies to be raised by the Rates or Assessments to be made by virtue of this Act.

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

LXX. And be it further enacted, That it shall be lawful for the said Commissioners to authorize and empower any Person or Persons whomsoever, at any Time or Times hereafter, at his or their own Expence, to turn or carry any new Private or Branch Drain into any Common Sewer, Drain, Vault, Culvert, or Watercourse, already made or which shall be made by virtue of this Act; but if any Person or Persons shall at any Time hereafter turn or carry any such new Private or Branch Drain into any such Common Sewer, Drain, Vault, Culvert, or Watercourse, without the Licence and Consent of the said Commissioners first had and obtained, every Person so offending in the Premises shall for every such Offence forfeit and pay the Sum of Five Pounds.

Private Drains to be cleansed.

LXXI. 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 Streets, Lanes, Highways, Passages, and other public Places of the said Township, and which do or shall issue into any of the public Sewers, Drains, or Vaults, shall be repaired and cleansed under the Inspection and Direction of the Surveyor or Surveyors or other proper Officer or Officers of the said Commissioners, at the Costs and Charges of the Owner or Owners, Occupier 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.

LXXII. 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 Watercourse, Gutter, or Channel running in or through the said Streets, Lanes, Highways, or other public Places, or any of them, within the said Township, to be turned, covered over, 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 or Drain, to be removed and replaced in such Manner and at such Place and Places as they shall think most proper; all which shall from Time to Time be done at the Expence of the said Commissioners, and paid for out of the Money to be raised by virtue of this Act.

Names of Streets and Numbers of Houses to be put up.

LXXIII. And be it further enacted, That the said Commissioners shall or may cause to be painted, engraved, or otherwise described, and placed on a conspicuous Part or Parts of any One or more House or Houses, Building or Buildings, at or near each End, Corner, or Entrance, or any other Part or Situation of every Street, Lane, Road, Highway, Passage, and other public Place within the said Township, the Name by which such Street, Lane, Road, Highway, Passage, or public Place now is or at any Time shall be called or known; and may also cause every House and Building in the said several Streets, Lanes, Roads, Highways, Passages, and public Places in the said Township, to be marked and numbered with Figures either on the Door thereof or otherwise, and in such Manner as they shall think most proper for distinguishing the same, and

and from Time to Time to vary the same Numbers and Figures as Occasion may require, 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, or cause or procure the same to be so done, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

LXXIV. And be it further enacted; That when any such Number or Figures painted or placed on any House or other Building within the said Township, or on the Door thereof, shall by Accident, Decay, or otherwise be defaced or rubbed out, the Occupier or Occupiers of such House or Building shall, upon Notice in Writing being given in that behalf, signed by the Clerk or Surveyor of the said Commissioners, cause the same Number or Figures to be painted or placed on such House or other 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.

Numbers of Houses to be renewed.

LXXV. And be it further enacted, That no Water shall be permitted to drain from any Building upon the Footpath of any Street, Square, Highway or public Place, but all such Water shall be conveyed from Buildings in covered Pipes or Tunnels, where practicable, below the Surface of the Pavement or Flagging of the Footpath, and where impracticable, on account of the Level of the Street, in Channels formed in the Pavement or Flagging of the Footpath; nor shall any Water be pumped up or discharged from any Building upon the Footpath of any Street, Square, Highway, or public Place, but the same shall be conveyed over or under the Footpath, by Spouts or Trunks, to the Drain or Channel of the Street; nor shall any Smoke or Steam be discharged from the Front, Side, or End of any Building into any Street, Square, Highway, or public Place, under the Penalty for each Offence of any Sum not exceeding Forty Shillings.

Water from Buildings to be conveyed in Drains.

No Smoke nor Steam to be discharged from Fronts of Buildings.

LXXVI. And be it further enacted, That for the Purpose of laying or forming such Pipes, Tunnels, or Channels as aforesaid, it shall and may be lawful for the Proprietors of any Buildings, at their Expence, to take up so much of the Pavement or Flagging of any Footpath or Carriageway as may be requisite; and that the said Pipes, Tunnels, or Channels shall be laid and formed under the Directions of the Surveyor of the said Commissioners; and that all Damages which may be thereby occasioned to the Flagging or Pavement of the Footpath or Carriageway shall be made good and shall be paid by the said Proprietors of Buildings to the Surveyors of the said Commissioners; and in the Event of any Neglect or Refusal to make good or pay the Amount of such Damages, such Amount shall and may be recovered as any Penalties, Rates, or Assessments are by this Act authorized to be recovered.

How Pipes, &c. for conveying Water shall be laid.

LXXVII. And be it further enacted, That the Owner or Occupier of all or any Buildings within the said Township, shall cause the Cellar Openings of the same, or Areas to the Front of any Street, Square, Highway, or public Place, to be well and sufficiently covered over and fastened down,

Cellar Openings to be covered or secured by Railing.
or

or guarded by a good and sufficient Iron Railing, of not less than Three Feet in Height, under the Penalty of Forty Shillings for each Offence.

For Removal
of Encroach-
ments and
Annoyances.

LXXVIII. And be it further enacted, That the several and respective Occupiers of Houses and other Buildings situate in the several present and future Streets, Lanes, Highways, Passages, and other public Places within the said Township, are hereby authorized and required, at their own respective Costs and Charges, within Twenty-one Days next after their respectively receiving Notice in Writing from the said Commissioners in that Behalf, signed by any Seven or more of the said Commissioners, or the same being left at his or their usual Place of Abode, to cause all or any of the Signs, Sign Irons, Sign Posts, Barbers Poles, Stalls, Blocks, Bulks, Show Boards, Butchers Hooks, Spouts, and Water Pipes, which now are or hereafter shall in anywise be affixed or set up 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 the projecting into or encroaching upon, or otherwise annoying or endangering the public Passage along any of the Streets, Lanes, Roads, Highways, or other public Places within the said Township, to be taken down, filled up, removed, and carried away, or otherwise altered or reformed, and to cause the Water from the Roofs, Cornices, and Penthouses of the respective Houses or other Buildings, to be carried down by proper and sufficient Spouts or Pipes, to be fixed to and down the Sides of the same Houses or Buildings; and in case the Occupier of any such 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, or Water Pipe, which shall be so considered an Annoyance as aforesaid, to be taken down, removed, and carried away, or otherwise altered or reformed, or 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 the Surveyor or any other Person or Persons acting under their Authority; and the Costs and Charges attending the same, having been ascertained by some Justice or Justices of the Peace of the said County, shall and may be recovered from the Occupier of such House or Building, in like manner as any Penalties, Forfeitures, Rates, or Assessments are by this Act authorized to be recovered; and when so recovered the same shall be paid to the Treasurer of the said Commissioners, to be applied to the general Purposes of this Act; 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, or whose Goods and Chattels shall have been distrained and sold for Payment thereof, to deduct and retain the Amount thereof out of his or her Rent; and the Proprietor or Landlord 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 originally occasioned by such Occupier, in which Case he or she shall bear the Expence of altering or removing the same.

LXXIX. And

LXXIX. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time to cause all and every or any of the Penthouses, Porches, Sheds, projecting Windows, Palisades, Rails, Posts, Steps, Area Cellar Holes, Cellar Windows, Cellar Doors, Hatchways, and other Obstructions and Projections whatsoever, not herein-before particularly specified, which are already erected, affixed, set up, or laid down, or being against or in front of any Houses or other Buildings whatsoever, in any of the Streets, Lanes, Highways, Passages, or other public Places within the said Township, 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 aforesaid Streets, Lanes, Highways, Passages, or other public Places, to be taken down, filled up, removed and carried away, or otherwise altered or reformed, by the Surveyor of the said Commissioners, or any other Person or Persons acting under their Authority, in such Manner as shall be thought most proper and expedient by the said Commissioners; they the said Commissioners nevertheless first causing Twenty-one Days Notice in Writing, under the Hands of Seven or more of the said Commissioners, to be given to the respective Owners and Occupiers of such Houses or other Buildings, or left at their respective Places of Abode, of their Intention to take down, fill up, remove, alter, or reform such Obstructions or Projections respectively, and causing as little Damage to be done in the effecting of every such Removal or Alteration as aforesaid as the Nature of the Case will allow, and also defraying the whole Costs and Charges of executing the same.

For Removal
of existing
Projections.

LXXX. And be it further enacted, That the several Occupiers of the Houses and other Buildings situate in the several Streets, Lanes, Highways, Passages, and other public Places within the said Township, and every of them, are hereby authorized and required, at their own respective Costs and Charges, within Twenty-one Days next after their respectively receiving Notice in Writing from the said Commissioners in that Behalf, signed by any Seven or more of the said Commissioners, or the same being left at his, her, or their usual Place of Abode, to cause all and every the Penthouses, Porches, Sheds, projecting Windows, Palisades, Rails, Posts, Steps, Cellar Windows, Cellar Doors, Hatchways, and other Obstructions and Projections whatsoever, not herein-before particularly specified, 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 present or future Streets, Lanes, Highways, or other public Places within the said Township, to be taken down, filled up, removed, and carried away, or otherwise altered or reformed, in such Manner as shall be directed by the said Commissioners; and in case the Occupier of any such House or other Building as aforesaid shall refuse or neglect to cause any such Penthouse, Porch, Shed, projecting Window, Palisade, Rail, Post, Step, Cellar Window, Cellar Door, Hatchway, or other Obstruction or Projection whatsoever not herein-before particularly specified, which shall in future be so erected, set up, affixed, or laid down against or in front of his or her House or other Building, and which

For Removal
of future
Projections.

[Local.]

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shall

shall be so considered an Annoyance or Nuisance as aforesaid, to be taken down, filled up, removed, and carried away, or otherwise altered or 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 by their Surveyor, or any other Person or Persons acting under their Authority; and the Costs and Charges attending the same, having been ascertained by some Justice or Justices of the Peace, (who is hereby authorized and required to ascertain the same accordingly,) shall and may be recovered from the Occupier of such House or Building, in like Manner as any Penalties or Forfeitures are by this Act authorized to be recovered; and when so recovered the same shall be paid to the Treasurer of the said Commissioners, to be applied to the general Purposes of this Act; and it shall be lawful for the Occupier of every 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, or whose Goods and Chattels shall have been distrained and sold for Payment thereof, to deduct and retain the Amount thereof out of his or her Rent, and the Proprietor or Landlord 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 originally occasioned by such Occupier, in which Case he or she shall bear the Expence of altering or removing the same.

Penalty on
Cellar Win-
dows and
Grates being
improperly
secured.

LXXXI. 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 Township, shall at any Time be left open in the Evening or in the Night, or shall not be effectually and substantially secured, so as to prevent Accidents; or if any Grate or other Covering placed over any Opening in the Pavement, and used for putting Coals or other Articles into any Cellar or other Place under Ground, or for any other Purpose, shall at any Hour of the Day or Night be left open, or shall not be well and effectually fastened down and secured, so as to prevent Accidents; then and in each and every of the said Cases the Occupier or Occupiers of such Cellar, Vault, Office, or other Place under Ground as aforesaid, shall for every such Offence forfeit and pay the Sum of Forty Shillings.

Doors and
Gates to open
inwards.

LXXXII. And be it further enacted, That the several Occupiers of Houses, Buildings, Yards, Gardens, and Lands within the said Township, and every of them, are hereby respectively authorized and required, at their own Costs and Charges, from Time to Time, within Twenty-one Days next after their respectively receiving Notice in Writing from the said Commissioners in that Behalf, signed by any Clerk or Surveyor of the said Commissioners, to cause all the Doors and Gates leading into the several Houses, Buildings, Yards, Gardens, and Lands in their respective Occupation, (and not being Cellar Doors or Trap Doors,) which now do or shall hereafter open outwards, and when open shall project over any of the Streets, Lanes, Highways, Passages, or other public Places within the said Township, or the Footways therein, to be altered so as that the same Doors or Gates shall thenceforward open inwards and into the said respective Premises; and if any such Occupier of any of the aforesaid Premises shall

shall neglect or refuse to make the Alteration required by the said Commissioners in any such Door or Grate, within the Period specified by such Notice, such Occupier making Default therein shall forfeit and pay the Sum of Ten Shillings a Day for every Day during which any such Door or Gate shall be suffered to remain opening outwards after the Expiration of the Term specified in such Notice: Provided always, that where the Occupier of any such House, Building, Yard, Garden, or Land shall cause any such Door or Gate to be duly altered, in pursuance of such Notice as aforesaid, it shall be lawful for him or her, if a Tenant at Rack Rent, to deduct and retain out of his or her Rent the reasonable Charges of altering the same; and the Proprietor or Landlord of such House, Building, Yard, Garden, or Land is in every such Case hereby required to allow the same accordingly: Provided also, that it shall be lawful for the said Commissioners to allow to such Occupiers, or such Proprietors, all or any Part of the Expence of making any such Alteration, if the said Commissioners shall consider it reasonable so to do.

LXXXIII. And for the greater Safety of the Inhabitants of the said Township from Danger by Fire, be it further enacted, That no Person or Persons whosoever shall at any Time hereafter cover any House, Penthouse, Shed, or other Building within the said Township, other than the Houses or Buildings now covered, either wholly or in part, with any Straw or Thatch, nor shall renew or repair the Covering of any such House, Penthouse, Shed, or other Building, other than as aforesaid, either wholly or in part, with any Straw or Thatch, nor shall cause or procure any such House, Shed, or Building, other than as aforesaid, to be so covered, or the Covering of any such House, Shed, or Building, other than as aforesaid, to be renewed or repaired with such Materials, under pain of forfeiting and paying for every such Offence the Sum of Five Pounds; and it shall also be lawful for the said Commissioners to order and cause any Straw or Thatch which shall be placed on any House, Shed, or Building within the said Township, contrary to the Provision aforesaid, to be taken down and removed at such Time and in such Manner as to them shall seem meet; and the same shall and may accordingly be taken down and removed by any Person or Persons authorized or employed by the said Commissioners or their Surveyor for such Purpose, without any previous Notice given to the Owner or Occupier of such House or other Building; and without such Person or Persons so authorized or employed being deemed a Trespasser or Trespassers, or being liable to any Action, Indictment, or other Proceeding at Law, for or by reason of taking down or removing the same.

Penalty on covering Houses with Thatch.

Commissioners to remove Thatch.

LXXXIV. And be it further enacted, That it shall be lawful for the said Commissioners, or some Person or Persons to be by them appointed as an Inspector for that Purpose, from Time to Time, and they and he are and is hereby authorized and empowered at all Times in the Day or Night, with or without any Servants or Assistants, to enter into and inspect any House or Place kept or used for the slaughtering or killing of Cattle, Swine, or Beast of any Kind within the said Township, by any Person or Persons whatever, and also any Building, Shed, Yard, or Place belonging thereto, (such House or Place not being the actual Dwelling House of any Person;) and then and there to examine, search for, and see if any Cattle, Swine, or other Beast, or the Carcase or Part of the Carcase of any such,

For Inspection of Slaughter Houses.

such, is or are deposited or has or have been brought there; and in case such Inspector as aforesaid shall find any Cattle, Swine, or other Beast, or the Carcases or Part of the Carcase of any such, which shall appear to be unsound or unwholesome, or not fit for the Food of Man, it shall and may be lawful to and for such Inspector as aforesaid to seize, take, and carry away, or direct the same to be seized, taken, and carried away, by any Servant, Assistant or Assistants, for the Purpose of being further inspected and examined by competent Persons; and in case, upon such Inspection and Examination, such Cattle, Swine, Beast, or Carcase, or Part of a Carcase, shall be found and declared to be unsound or unwholesome, or not fit for the Food of Man, the same shall and may be immediately burnt or destroyed; and in case the Owner or Owners of, or Occupier or Occupiers of any such House or Place kept or used for the slaughtering or killing of Cattle, Swine, or other Beast, or of any Building, Shed, Yard, or Place belonging thereto, or any other Person or Persons, shall refuse, obstruct, or hinder such Inspector as aforesaid from entering into and inspecting the same, and examining, seizing, taking, carrying away, or destroying any such Carcase, or Part of a Carcase, which shall appear and be found and declared to be unsound and unwholesome, or unfit for the Food of Man, every such Owner or Occupier or Person or Persons so offending shall forfeit and pay any Sum not exceeding Five Pounds for each Offence.

For Removal
of Slaughter
Houses,
Sewers, &c.

LXXXV. And be it further enacted, That if any Slaughter House, Swine Sty, Necessary House, Dunghill, or Sewer, or any Dung, Carrion, Offal, Blood, Soil, Filth, or Rubbish, or any other noisome Matter or Thing whatsoever, in or near any of the Streets, Lanes, Highways, Passages or other Places within the said Township, shall be considered by any of the Inhabitants of the said Township as a public or private Nuisance or Annoyance, it shall be lawful for the said Commissioners from Time to Time, upon Complaint thereof being made by any such Inhabitant or Inhabitants, to enquire into the Matter complained of, and if they shall deem the same to be a Nuisance or Annoyance, then they are hereby empowered and required, by an Order under the Hands of any Seven or more of them, to order such Nuisance or Annoyance to be removed by the Person or Persons causing or occasioning the same, within such Time as shall be specified in such Order; and in case the same shall not be removed according to such Order, Notice thereof having been given or left at the last Place of Abode of the Person or Persons named therein, the Person or Persons who shall be so ordered to remove the same, and shall neglect so to do, shall forfeit and pay the Sum of Twenty Shillings a Day for every Day the same shall continue unremoved after the Expiration of the Time specified in such Order: Provided always, that when any Person or Persons affected by such Order shall give Notice to the said Commissioners or their Clerk of an Intention to appeal against the said Order, and shall enter into a Recognizance within the Time and in the Manner herein-after provided, such Person or Persons shall not be subject or liable to pay any Penalty until the Expiration of Fourteen Days after the Hearing of such Appeal and the Confirmation of the said Order.

Appeal.

Preventing
Injury to
Churches and
Chapels.

LXXXVI. And be it further enacted, That if any Person or Persons whosoever shall injure, damage, or deface any Wall, Pillar, Door, Window, or other external Part of any Church, Chapel, Place of Worship, public School,

School, or other public Building, or any Tomb, Monumental or Inscription in any Churchyard or Burial Ground within the said Township, or the Rails or Fence of any such Burial Ground, 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 thereupon, or shall play at Ball or Fives or Knock-up on 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, then and in any of the said Cases every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Forty Shillings.

LXXXVII. 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 Township, the Owner or Owners thereof shall for every such Beast or Head of Cattle forfeit and pay the Sum of Five Shillings; and it shall be lawful for any Officer or Officers appointed by the said Commissioners to impound any such Beast or Cattle found straying as aforesaid, in any Pound the said Commissioners may provide, and which they are hereby authorized and empowered to provide and maintain within the said Township for common Use by the Inhabitants thereof, and to detain the same in such Pound until the said Penalty, and the Expence of impounding and keeping the same in Pound, shall be fully paid and satisfied; and if in any such Case the said Penalty and Expences shall not be paid within Five Days after such Beast or Cattle shall be so impounded, it shall be lawful for any Person or Persons who shall be appointed by the said Commissioners for that Purpose, to sell or cause the same to be sold, and the Costs and Charges of impounding, and 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 or Owners of the said Beast or Cattle on Demand: Provided always, that whether such Beast or Cattle so found straying shall be impounded as aforesaid, or otherwise, the Owner or Owners thereof shall nevertheless forfeit and pay for every such Beast or Head of Cattle so found straying as aforesaid the said Sum of Five Shillings; and in case of any Swine being found at large, or straying in any of the said Streets, Lanes, Highways, or other public Places within the said Township, it shall and may be lawful for any of the said Commissioners; or any Person acting under their Direction, to seize such Swine, and take the same to the Poor House of the said Township, and unless the Penalty, together with reasonable Expences of keeping and maintaining such Swine, be paid within Five Days after Seizure, such Swine shall be forfeited to the Use of the Poor.

For impounding Cattle suffered to stray.

LXXXVIII. And be it further enacted, That in case any Person or Persons shall release or attempt to release any Cow, Horse, Ass, Swine, or other Live Stock or Cattle, which shall be seized for the Purpose of being impounded under the Authority of this Act, from the Pound or Place where the same shall be so impounded, or shall pull down, damage, or destroy the same or any Part thereof, or any Lock or Bolt belonging thereto, or

Punishing Persons guilty of Pound Breach.

[Local.]

with which the same shall be fastened, or shall rescue or release, or shall attempt to rescue or release, any Distress or Levy which shall be made under the Authority of this Act, until or before such Cow, Horse, Ass, Swine, or other Live Stock or Cattle seized or so impounded, or such Distress or Levy so made, shall be discharged by due Course of Law, every Person so offending shall, upon Conviction thereof before any One of His Majesty's Justices of the Peace for the said County, either upon the Confession of the Party or Parties offending, or upon the Oath of One credible Witness, and which Oath the said Justice is hereby authorized and empowered to administer, be committed by such Justice, by Warrant under his Hand and Seal, to the Common Gaol or House of Correction of the County of *Lancaster*, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months.

For punish-
ing Misbe-
haviour in
Drivers of
Carriages.

LXXXIX. And be it further enacted, That if the Driver of any Waggon, Cart, Dray, Sledge, or other Carriage of the like Description, shall ride upon the Shafts or upon any other Part of such Carriage, or upon any of the Horses or Cattle drawing the same, without holding the Reins, or shall drive the same faster than a Walk, in any of the said Streets, Lanes, Highways, Passages, or other public Places within the said Township; (such Carriage not being conducted by a Person holding the Reins); or if the Driver of any such Carriage shall be at such a Distance from the same during its Passage through any Part of the said Township as not to possess the complete Direction over the Horses or Cattle drawing the same; or if any Person riding or driving any Horse or Horses, or other Cattle, laden with Milk Pans, shall ride or drive the same furiously in any such Street, Lane, Highway, Passage, or public Place, or shall by Negligence or wilful Misbehaviour hinder or interrupt the free Passage of any Carriage or any Passenger along the same; or if the Driver of any empty or unloaded Waggon, Cart, or other like Carriage, shall refuse or neglect to turn aside and make way for any Coach, Chaise, Gig, or loaded Carriage of any Description, or when driving any Waggon, Dray, Cart, Sledge, or other Carriage, or Wheels, shall not turn the same out of the Road, and keep his Waggon, Dray, Cart, Sledge, or other Carriage or Wheels on the Left or Near Side 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 prevent any Person from passing him, so as to endanger the Life or Limb of any Person; 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 or other heavy Materials, otherwise than in or upon a Wheel Carriage, or shall suffer any Part of any Tree or other Piece of Timber, or any Stone, to drag upon any Part of the said Streets, Lanes, Highways, Passages, or other public Places, then and in every such Case such 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 Authority of this Act, with or without Warrant, be apprehended by any Person or Persons who shall see such Offence committed; and it shall be lawful for the Person or Persons so apprehending such Driver, Rider, or other Person, to cause him to be conveyed or delivered to a Peace Officer, in
order

order to be brought before some Justice of the Peace for the said County of *Lancaster*, to be dealt with according to Law; and if any such Driver or Rider or other Person offending in any of the Cases aforesaid shall refuse to disclose his Name, the necessary Proceedings may be had against him before such Justice for the said Penalty, by a Description of his Person and of the Offence committed, without there being any Necessity for stating his Name.

XC. And be it further enacted, That if any Waggon, Cart, Dray, or other Carriage of the like Description shall be left or suffered to stand or continue with or without Horses in any of the Streets, Lanes, Highways, Passages, or other public Places within the said Township, except whilst the same shall be actually loading or unloading, or in case the same shall not during such Time be placed so as to interrupt the public Passage as little as possible; or if any Coach, Chaise, or other Carriage of the like Description shall be left or suffered to stand or continue, with or without Horses, for any longer Space of Time than One Hour in any of the said Streets, Lanes, Highways, Passages, or other public Places; or if any Goods, Wares, Merchandize, Materials, or other Articles, Matters, or Things of any Kind whatsoever, shall be laid, placed, or left to remain in any such Street, Lane, Highway, Passage, or other public Place, longer than shall be necessary for removing and housing the same; then and in every such Case the Owner or Owners of every such Waggon, Cart, Dray, Coach, Chaise, or other Carriage, or of any such Goods, Wares, Merchandize, Materials, Articles, Matters, or Things, which shall be so left or suffered to remain in any of the said Streets, Lanes, Highways, Passages, or public Places as aforesaid, as well for himself as themselves, or his or their Servants or Workmen, shall for every Offence in any of the aforesaid Particulars forfeit and pay the Sum of Twenty Shillings; and it shall be lawful for the Surveyor, or any other Officer of the said Commissioners, or for any other Person or Persons acting under their Authority, without the Presence of any Peace Officer or other Warrant, to seize or cause to be seized any such Waggon, Cart, Dray, Coach, Chaise, or other Carriage so placed or suffered to stand or continue contrary to the Intent of this Act, together with any Horse or Horses which may be thereunto affixed, or the Goods, Wares, Merchandize, Materials, or other Articles, Matters, or Things so left and suffered to remain as aforesaid, and to remove the same, or cause the same to be removed, to any common Pound used by the Inhabitants of the said Township, or to any other Place within the said Township which shall be appointed for that Purpose by the said Commissioners, there to be kept and detained until the said Penalty shall be paid; and in case such Penalty and Charges shall not be paid within the Space of Four Days next after such Seizure, it shall and may be lawful for the said Commissioners to cause such Article or Articles to be sold for defraying the said Penalty, and the Charges of such Detaining and Sale; and the Overplus, if any, of the Money arising from such Sale, after deducting the said Penalty and Charges, shall be returned upon Demand to the Owner or Owners of such Article or Articles.

Penalties for
Obstructions
in the Streets.

XCI. Provided always, and be it further enacted, That nothing herein contained shall extend to subject any Person or Persons whomsoever to any Penalty by virtue of this Act for or on account of any Timber, Iron, Bricks,

Not to prevent
the laying of
Materials for
building.

Bricks, Stones, Slates, Tiles, Lime, Sand, Mortar, or other Materials for building, being laid or placed in any such Street, Lane, Highway, Passage, or other public Place as aforesaid, in the Course of erecting, pulling down, altering, or repairing any Building or Buildings; so as there be full and sufficient Space left in or at the Side of the Street, Lane, Highway, Passage or public Place, where such Timber, Iron, Bricks, Stones, Slates, Tiles, Lime, Sand, Mortar, or other Materials for building shall lie or be placed, for Carriages to pass and repass, and a sufficient Way kept clean for Foot Passengers; by the Person or Persons laying or causing such Materials for building to be laid or placed as aforesaid; and so as a sufficient Light be, at his or their own Expence, set and maintained at the Place where such Materials for building shall be so laid or placed, from Sun-set to Sun-rise, to prevent any Accident to Passengers or Cattle; and so as such Materials for building be inclosed and fenced about in such Manner and within such Time as the Surveyor of the said Commissioners shall, by any Notice to be by him given to such Person or Persons, direct and appoint; and so as such Materials for building be removed at the Expence of the Person or Persons so laying or causing the same to be laid, within such Time as shall be expressed in any Notice to be in like Manner given by the Surveyor of the said Commissioners.

Protection of
Footways.

XCII. And be it further enacted, That if any Person or Persons whosoever shall run, draw, or drive any Truck, Wheel, Sledge, Wheelbarrow, Handbarrow, or Carriage whatsoever, on any of the Foot Pavements or other Footways in any of the Streets, Lanes, Highways, Passages, or other public Places within the said Township, except only for the Purpose of crossing the same; or shall roll any Cask thereon, except for the Purpose of crossing the same as aforesaid; or shall drag any Timber or Log of Wood along or upon the same; or shall set or place any Stall, Shew Board, Basket, or Goods of any Kind on any of the same; or shall set up or place any Blind, Shade, or Awning in the Front of or before any House or Shop or other Building, or any Door or Window thereof, so as in any way to cause any Obstruction or Impediment in any such Footway; or shall wilfully ride, lead, or drive any Horse, Mule, Ass, Swine, or other Beast or Cattle upon any Part of the said Footways; or shall leave any Horse or other Beast, either tied or untied, at any House or Door, so as to obstruct any of the said Footways; or do or commit any other Matter or Thing, so as to obstruct or incommode the public Passage over or along any of the said Footways; then and in every such Case every Person so offending shall for such Offence forfeit and pay the Sum of Twenty Shillings.

Penalties
on sundry
Nuisances.

XCIII. And be it further enacted, That if any Person or Persons whosoever shall slaughter, singe, scald, or dress, or permit or suffer to be slaughtered, singed, scalded, or dressed, any Ox, Cow, Calf, Sheep, Lamb, Swine, or other Cattle, in any of the present or future Streets, Lanes, Highways, Passages, or other public Places within the said Township; or shall cause or permit any Offal, Filth, Blood, or noisome Matter to run or drain from any Slaughter House, Shambles, Butcher's Shop, Swine Stye, Necessary, Privy, or Dunghill, into any of the said Streets, Lanes, Highways, Passages, or other public Places; or hang out, place, or expose to Sale or otherwise therein the Carcase of any Calf, Sheep, Swine, Cattle,

Cattle, or other Beast, or any Part or Parts thereof, or any Linen Clothes, Wearing Apparel, Drapery, Hosiery, Furniture, Goods, Wares, or Merchandize whatsoever, or any Fruit, Vegetables, or Garden Stuff, or other Matter or Thing, in or upon the same, or so as to project over or upon any Footway or Carriageway, or beyond the Line of or on the Outside the Door or Doors, Window or Windows of any House or Shop at which the same shall be so hung out or placed or exposed as aforesaid, so as to obstruct or incommode the Passage of any Person or Carriage; or shall throw or cast any Animal or Carcase, or any noxious or offensive Materials, Ingredient, Offal, or Filth into any public or private Well, Pump, Canal, Pool, or Watercourse, or Reservoir for Water, within the said Township; or sell or assist in selling by Auction or public Sale any Goods, Wares, or Merchandize, Thing or Things whatsoever, in any of the said Streets, Lanes, Highways, or public Places, without the Leave of the Commissioners for that Purpose first had and obtained; or if any Person, being a Publican or Licensed Victualler within the said Township, shall not erect or construct with Flags or other proper Materials, in some convenient and proper Situation about such Public House or Victualling House, a Recess or Convenience, with proper Drains from the same, for making Water against, so as effectually to prevent any unnecessary and indecent Exposure of the Person; or shall not well and effectually guard and secure, by a proper and sufficient Arching or other Covering over, or by a Wall, Rail, or Fence around any his or their disused Coal Pit or Shaft within the said Township, or any his or their Reservoir, Pond, or Dam within or near any of the Streets, Ways, Lanes, or public Places within the said Township, so as effectually to prevent Accidents to Persons and Cattle by reason of any such Coal Pit, Shaft, Reservoir, or Dam being left uncovered or unguardedly open; or shall hoop, fire, scald, or cleanse any Cask or Tub therein; or shall burn, dress, sweep, or cleanse any Piece or Pieces of Cork therein; or beat, shake, or dust any Carpet therein; or sift, throw, cast, or place any Ashes (except in Time of Frost, so as to prevent Accidents as aforesaid), or any Dust, Dirt, Soil, refuse Water or other liquid Filth, Refuse of Garden Stuff, or any Sort of Rubbish therein; or shall empty any of the Contents of any Cask or Tub therein; or shall hew, saw, cut, or bore, or cause to be hewn, sawn, cut, or bored therein, any Stone or Timber; or shall make or repair any Coach, Chaise, Waggon, Cart, Dray, Sledge, Wheelbarrow, or other Carriage, or any Wheel or other Part of any such Carriage, in any of the said Streets, Lanes, Highways, or public Places, (save and except such Carriages as may want repairing from any sudden Accident therein); or shall shoe, dress, bleed, or farry any Horse or other Beast or Cattle therein, (except in case of any such sudden Accident as aforesaid); or being a Blacksmith, Whitesmith, or Nail Maker, or other Person occupying a Blacksmith, Whitesmith, or Nail Maker's Shop, situate in or near any of the said Streets, Lanes, Highways, Passages or other public Places, and having a Window or Windows fronting the same, shall not by good and close Shutters every Evening after it becomes Twilight bar and prevent the Light from such Shop shining into or upon the said Streets, Lanes, Highways, or public Places; or shall permit or suffer any Horse, Mare, Ass, Ox, Cow, Calf, Sheep, Lamb, Swine, or other Cattle or Animal of any such Description, to stray or go at large in any of the Streets, Lanes, Highways, Passages, or other public Places within the said Township; or shall wantonly discharge any Gun, Pistol, or other Fire Arms therein; or shall

[Local.]

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make

make or assist in making any Bonfire therein ; or shall set fire to, let off, or throw any Squib, Serpent, Rocket, Cracker, or other Fireworks whatsoever, or fly Kites, run Races, or play at any Game to the Annoyance of any Inhabitant or Passenger, in any Street, Lane, Highway, Passage, or other public Place within the said Township ; or shall slide upon any Pavement or Footway, or indecently expose his Person, or shall write or describe any obscene Language or Figure, or affix any indecent Placard or Handbill, upon any Building within the said Township, or on any of the Walls, Doors, Steps, or other Part thereof, or occasion any Kind of Obstruction or Annoyance in or upon any such present or future Streets, Lanes, Highways, Passages, or other public Places ; or shall obstruct or incommode, hinder or prevent the free Passage of any Footway or Causeway, or prejudice or annoy in any Manner whatsoever any Person or Persons travelling, passing, or going thereon, within the said Township ; or shall fix up any Flower Pot or Bow Pot or Pots, at any Window or Windows, without sufficiently guarding the same, so as to prevent their being blown down or thrown down ; or shall wilfully break, aid, abet, or assist in wilfully breaking, any Glass or Window Panes or Windows in or belonging to any Dwelling Houses or Buildings ; or shall cause any Bull, Bear, or other Animal to be baited with Dogs within the said Township ; or shall permit or suffer any Bull Dog or Mastiff, or any ferocious Dog of any other Species, to go at large, not being muzzled, within the said Township ; or shall permit or suffer any Dog whatsoever to go at large within the said Township, after any public Notice given by the public Bellman, or in such other Manner as the said Commissioners shall direct, during such Time as such Notice shall direct Dogs to be confined on account of any Suspicion of the Existence of canine Madness, (and which said Dogs the said Commissioners are hereby authorized to destroy) ; or shall shew or expose for Sale or sell any Horse, Ass, Pig, Sheep, Bull, Cow, or other Beast or Cattle, or the Carcase of any Beast or Cattle, or expose or shew any Stallion, in or near any of the present or future Streets, Lanes, Highways, Passages, or other public Places within the said Township, (except during any public Market or Fair,) and then in such Place or Places only as shall be appointed for that Purpose by the said Commissioners, and not upon any Footway or Causeway, or shall commit any other public Nuisance or Annoyance whatsoever within the said Township ; then and in every such Case each and every such Person so offending, or the Owner or Proprietor of any such Beast, Cattle, Carriage, Goods, Matters, and Things as 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, and Things to be committed or done, shall for each and every such Offence respectively forfeit and pay any Sum not exceeding Forty Shillings ; and it shall and may be lawful for any Officer appointed by virtue of this Act, or for any Constable, to take away and remove any of the before-mentioned Obstructions, in case the Party occasioning the same shall not remove the same within a reasonable Time after being required so to do by any Person or Persons whomsoever ; and it shall be lawful for the said Constable, or any One of the said Commissioners, or any Officer or other Person acting by or under their Authority, by virtue of this Act, and without any Warrant whatsoever, to seize and apprehend any such Offender or Offenders as aforesaid, and forthwith to convey him, her, or them

Obstructions
to be removed
and Offenders
to be apprehended with-
out Warrant.

them before some Justice or Justices of the Peace for the said County, in order to his, her, or their being dealt with according to the Directions of this Act.

XCIV. And be it further enacted, That if any Person or Persons shall set fire to, or cause, permit, or suffer the Chimney of any House, Workshop, Outhouse, or other Building in the said Township to be on fire, the Person setting fire to the same, or the Owner or Occupier of every such House, Workshop, Outhouse, or other Building, or of any Part or Parts thereof, from whence such Fire shall commence or happen, shall forfeit and pay for every such Offence any such Sum not exceeding Twenty Shillings.

Penalties
on firing
Chimnies.

XCV. And be it further enacted, That every Pawnbroker, or Dealer in old Clothes, Rags, Bones, old Metal, or Second-hand Furniture, in the said Township of *Oldham*, shall, within One Month from the First Day of *January* One thousand eight hundred and twenty-seven, and every Person or Persons who shall thereafter begin to carry on any of the said Occupations within the said Township shall, within Seven Days after he, she, or they shall so respectively begin to carry on any such Business or Occupation, give Notice in Writing of their Names and Places of Business, and of their particular Business, to the Clerk of the said Commissioners, who shall cause the same to be registered, and who shall be at liberty to charge the Sum of Two Shillings and Sixpence for every such Register; and the like Notice is hereby required to be given in case of the Change of Abode or Place of Business of every such Person; and in case any such Person or Persons shall omit or neglect to give such Notice as aforesaid, and cause such Entry or Register to be made, he, she, or they shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Certain
Trades to be
registered
with Clerk
to Commis-
sioners.

XCVI. And be it further enacted, That the said Commissioners shall and they are hereby directed, from Time to Time, to give Instructions to their Surveyor or Surveyors, Inspectors, and other Officers for the Time being, and such Surveyors, Inspectors, and other Officers are hereby expressly enjoined, upon any Complaint to be made or given to him thereof by any Inhabitant of the said Township, forthwith personally to view and inspect all Nuisances and Annoyances, Obstructions, and other Offences done, committed, or suffered within the said Township, contrary to any of the Provisions of this Act, and thereupon to lay an Information or Informations against the Offender or Offenders, before any One or more of the Justices of the Peace for the said County of *Lancaster*, in order that such Offender or Offenders may be dealt with for the same according to the Powers and Provisions of this Act; and if any such Surveyor shall, after any Direction given to him as aforesaid, at any Time wilfully neglect or refuse to examine into any such Nuisances or Annoyances, Obstructions, or other Offence as aforesaid, or after any such Complaint made to him as aforesaid, personally to view or inspect the Matters of such Complaint, or shall neglect or refuse to lay any such Information or Informations against any such Offender or Offenders as aforesaid, then and in every such Case the said Surveyor so refusing or neglecting shall forfeit and pay for every such Refusal or Neglect the Sum of Five Pounds.

Surveyors to
lay Informa-
tions.

XCVII. And

Commissioners may order Prosecutions for public Nuisances, and pay the Expence out of the Rates.

XCVII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners to direct any Prosecution or Prosecutions at the Assizes or Quarter Sessions for the said County, or at the Court Leet for the Hundred of *Salford*, for any public Nuisance whatsoever which shall be committed or suffered within the said Township, or for or concerning any Resistance to the Execution of the Authorities of this Act, or to the Authority of any Person acting under the same, and to direct and order the Expences of such Prosecution to be paid and borne by and out of the Monies to be raised by virtue of this Act.

Penalty on Persons obstructing any Person employed in the Execution of this Act.

XCVIII. And be it further enacted, That if any Person shall assault or obstruct any Officer or other Person employed in the Execution of this Act, or shall wilfully prevent or hinder the Execution of any of the Powers or Authorities herein mentioned and contained in any Case not herein-before specially provided for, every Person so offending, being thereof convicted by any One of His Majesty's Justices of the Peace for the said County, shall forfeit and pay a Sum not exceeding Ten Pounds.

Power to provide a public Office, Watch-houses, &c.

XCIX. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time, and at all Times hereafter, to erect and build or otherwise to provide and maintain a Town Hall or public Building, together with fit and convenient public Offices therein, or thereunto attached, within the said Township, for holding the Meetings and transacting the Business of the said Commissioners, and for the holding of such other public Meetings, and transacting such other public Business relating to the Affairs of the said Township, and for such other Purposes as the said Commissioners shall from Time to Time direct or allow to be held or transacted or done therein; and to provide Watch-houses, Lock-up Houses, or other Places of Security within the said Township, wherein may be lodged any Night Walkers, Felons, Malefactors, Vagrants, Beggars, and Disturbers of the Peace within the said Township, until they can be conveniently 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, Arms, Tools, Implements, and other Articles, Matters, and Things to be used and employed by or by the Direction of the said Commissioners under the Authority of this Act; and for any of such Purposes to purchase or hire any Land, Messuages, or Buildings, or any Part of any Messuages or Buildings which shall by the said Commissioners be considered necessary for all or any of the Purposes aforesaid, of and from any Person or Persons who shall be willing to sell or let the same, or otherwise to purchase or hire Ground from any Person or Persons who shall be willing to sell or let the same, to the Extent of Three Acres Statute Measure, and to cause any new Erection or Building to be made upon any Land or Ground which shall be so purchased or hired, and from Time to Time to surrender, give up, sell, or exchange the same, and to purchase or hire any other Lands, Messuages, or Buildings, or Parts of Messuages, or Buildings, or Land or Ground whereon to erect any Building for the Purposes aforesaid; and the said Commissioners, or any Seven or more of them, are hereby authorized and empowered to take and accept any Lease or Leases, Conveyance or Conveyances of such Lands, Messuages,

suages, or Buildings, or Parts of Messuages or Buildings, Land or Ground; to them the said Commissioners, in trust for the Purposes aforesaid; and in like Manner to make any Assignment or Assignments, Conveyance or Conveyances of any such Place or Places, Messuages or Buildings, or Parts of Messuages or Buildings, Land or Ground, that they may think proper to sell or exchange as aforesaid; 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 Town Hall, public Office or Offices, Watch-houses, Fire Engine Houses, 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 Keeper or Keepers of the same public Office or Offices, for his or their necessary Attendance and Trouble about the same, as shall from Time to Time appear expedient to the said Commissioners.

C. And be it further enacted, That it shall be lawful for the said Commissioners, or any Seven or more of them, at any Meeting to be held in pursuance of this Act, to make, constitute, ordain, and provide from Time to Time such Bye Laws, Rules, and Orders as they shall think fit, for the good Government and Regulations of the Proceedings of the said Commissioners, and of all Officers, Servants, and other Persons to be employed by them under the Authority of this Act; and for licensing and authorizing a sufficient Number of Hackney Coaches or other Carriages and Sedan Chairs, and Flys, and also Porters and Porters Carts, and in what Manner Owners, Drivers, and Carriers thereof, and Porters, shall respectively conduct and behave themselves; and also in what Manner such Hackney Coaches, or Carriages, Sedan Chairs, and Flys shall be furnished and provided, and what Number of Persons may be conveyed in each of such Coaches, Carriages, Chairs, and Flys; and for compelling such Owners, Drivers, Carriers, and Porters respectively to register the Names and Places of Abode of all Owners, Drivers, Carriers, and Porters respectively with the Surveyors to the said Commissioners, and touching and concerning the Messages, Goods, Parcels, and Things to be carried and conveyed by such Porters, or any of them; and for ascertaining and fixing, altering, and removing the Stands of such Hackney Coaches, Carriages, Chairs, Chairmen, Flys, Porters, and Porters Carts, from Time to Time; and for ascertaining what Rates, Fares, and Prices, as well for Time as Distance, shall be allowed to be taken by such Hackney Coachmen or Drivers, Chairmen, Flymen, and Porters, plying for Hire within the said Township, and to what Distance such Hackney Coachmen or Drivers, Chairmen, Flymen, and Porters shall be obliged to drive, go, and come, in, through, and round the said Township, not exceeding for such Coachman or Driver Four Miles, not exceeding for such Chairman or Flyman Two Miles, and not exceeding for such Porter Three Miles, and their Rates and Fares to be taken for the same; and for punishing Misconduct and Misbehaviour of all Hackney Coachmen or Drivers, Flymen, Chairmen, Carters, or Porters plying for Hire within the said Township; and the said Commissioners, or any Seven or more of them, at any Meeting to be held as aforesaid, may from Time to Time, as they shall think fit, repeal, alter, or amend such Bye Laws, Rules, and Orders, or any of them; and shall ascertain and set down what pecuniary Penalties or Forfeitures shall be incurred by Persons breaking the same, or any of

Committee
may make
Bye Laws;

and license
and regulate
Hackney
Coaches,
Porters, &c.

[Local.]

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them,

them, provided that no such Penalty or Forfeiture shall exceed the Sum of Five Pounds for any Offence: Provided also, that no such Bye Law, Rule, or Order shall be repugnant to the Laws of that Part of the United Kingdom called *England*, or to any thing in this Act contained.

Bye Laws to be signed by the Clerk to the Commissioners, fixed up, and Notice thereof given.

CI. And be it further enacted, That Copies of the said several Bye Laws, Rules, and Orders, and of every Repeal, Alteration, or Amendment thereof, signed by the Clerk to the said Commissioners, (so far as the same relate to such Hackney Coaches or other Carriages, Sedan Chairs, Flys, and Porters Carts, or the respective Owners, Drivers, or Carriers thereof, or to such Porters as aforesaid,) shall be painted on Boards with White Letters on a Black Ground, and set up or fixed in such conspicuous Places in the said Township, and renewed from Time to Time, as often as the same shall be defaced, obliterated, or destroyed, and Notice thereof given and published in manner herein-after provided for the giving of Notices required to be given by this Act, or in such other Manner as the said Commissioners or any Seven or more of them, at any Meeting to be held as aforesaid, shall direct, Fourteen Days at least before any such Bye Law, Rule, or Order, Repeal, Alteration, or Amendment, shall be executed or take effect, and the same shall be subject to Appeal in manner herein-after mentioned.

Manner of granting Licences, and Sums to be paid thereon.

CII. And be it further enacted, That every Licence so to be granted as herein-before mentioned shall be signed by Seven of the Commissioners at the least, and every Licence not so signed shall be void; and every such Licence shall express the Number to which such Person is licensed, and shall be in force for One Year from the Day of the Date of such Licence, or until the next General Annual Licensing of such Persons for the Purposes aforesaid, and no longer; and no One Licence shall include more than One Coach or other Carriage or Fly, or One Chair; and every such Licence shall be made out by the Clerk of the said Commissioners, and be duly entered into a Book to be provided and kept for that Purpose in his Office, with the Name of the Person licensed, and his and her Number, and also his or her Place of Residence; and in such Book shall be contained Columns or Places for Entries to be made of every Offence committed by any Driver, Coachman, Flyman, or Chairman; and that for each and every such Licence there shall be paid to the Clerk of the said Commissioners for the Time being for the same, the following Sums; (that is to say),

For each Licence for a Hackney Coach, Fly, or Carriage, the Sum of Ten Shillings; and for each Licence for a Sedan Chair, the Sum of Five Shillings; and for each Licence for a Porter or Porter's Cart, the Sum of Two Shillings and Sixpence.

Penalty on Persons plying without Licence in improper Places.

CIII. And be it further enacted, That if the Driver of any Coach or Carriage, or the Carrier or Carriers of any Sedan Chair, or any Flymen, Porter or Porters, shall be found standing or plying for Hire, or using such Coach, Carriage, Sedan Chair, Fly, or Porter's Cart, in the said Township, without such Licence as aforesaid, or having such Licence shall be found plying or standing for Hire contrary to the Rules, Orders, or Regulations which shall be made by the said Commissioners in respect, the Owner or Owners, Driver or Drivers of, or the Person or Persons driving or offering to drive such Coach or Carriage, and the Owner or Owners,

Owners, Carrier or Carriers of such Sedan Chair, and every such Flyman, and such Porter or Porters, shall for every such Offence forfeit and pay the Sum of Forty Shillings.

CIV. And be it further enacted, That within Seven Days next after the Owner or Owners of any such Hackney Coach or Carriage, or Sedan Chair or Fly, and also after any such Porter and Porters shall be licensed according to the Bye-Laws, Rules, and Orders of the said Commissioners, or any Seven or more of them, so to be made at any Meeting by virtue of this Act, every such Owner or Owners of such Hackney Coach or Carriage, Sedan Chair, Fly, or Porter's Cart, shall affix and keep such Figure or Number as shall be respectively appointed by the said Commissioners, or any Seven or more of them, at any Meeting as aforesaid, on some conspicuous Part of such Coach, Carriage, Sedan Chair, Fly, and Porter's Cart respectively; and every such Porter shall affix the Number of his Licence on some conspicuous Part of his Person, and shall leave at the Office of the Clerk or Clerks to the said Commissioners for the Time being, with such Clerk or Clerks, or with his or their principal Clerk or Assistant Clerk there, a true Account in Writing of his, her, or their Place or Places of Abode, with the Figure or Number of each Coach, Carriage, Sedan Chair, Fly, or Porter's Cart, and of his Person, and so from Time to Time every such licensed Owner or Owners of such Hackney Coach, Sedan Chair, Fly, or Porter's Cart or Porter, shall remove from his, her, or their Place of Residence; and every Person or Persons shall for every Refusal or Neglect so to do forfeit and pay the Sum of Twenty Shillings.

Owners of Hackney Coaches to affix their Numbers, and leave Notice of their Place of Abode.

CV. And be it further enacted, That if any Person shall have hired and employed any such Coach, Carriage, Sedan Chair, Fly, Porter's Cart or Porter, and shall refuse or neglect to pay any Rates, Fares, or Prices authorized by the said Bye Laws, the same shall and may be levied and recovered in such and the like Manner as any Penalty or Forfeiture is hereby authorized to be levied and recovered.

Recovery of Fares.

CVI. And be it further enacted, That it shall and may be lawful to and for the said Commissioners to provide, erect, and fix such and so many Machines for the weighing of Carriages, in such convenient Place or Places within the said Township, as they shall think fit, and also to provide or purchase proper Machine Houses, and to appoint such Person or Persons for the weighing of Carriages which shall be brought to any such Machine, and from Time to Time to remove such Persons as they shall think proper, and to appoint and regulate the Tolls and Fees to be paid upon the weighing of all such Carriages, which Tolls and Fees shall be paid either wholly or in part to the Person or Persons having the Charge of any such Weighing Machines, or it shall be lawful to and for the said Commissioners to pay and allow any Salary to the Person or Persons having the Charge of any such Weighing Machine, as they shall think proper.

Commissioners may erect Weighing Machines.

CVII. And be it further enacted, That the Driver of every Waggon, Cart, or other Carriage loaded with any Goods, brought into the said Township to be sold therein, shall, at the Request of the Buyer or Seller of any such Goods, or the Person or Persons on whose Behalf the same shall be so consigned, or their respective Agents, take and carry such Carriage, with or without the Loading thereof, to be weighed at one of the

Drivers of Carts, &c. to go to Weighing Machines at Request of Buyers.

Machines

Machines so to be erected and affixed as aforesaid, if any such there shall be, for which no additional Charge shall be made, unless such Waggon, Cart, or Carriage shall, for the Purposes aforesaid, be required to go a greater Distance from the regular Course of the said Road, by which it would be otherwise necessary to pass in the conveying of the Goods laden in such Waggon, Cart, or Carriage, than Half a Mile, including the going to and returning from any such Machine, in which Case the Owners of such Waggons, Carts, or Carriages shall be allowed to make an additional Charge of Two-pence for every Horse which shall be used in drawing the same, and a further Charge of the like Amount for every additional Half Mile that any such Waggon, Cart, or Carriage shall be taken out of the direct and regular Road for the Purpose aforesaid; and all such additional Charges for Carriage, together with the Tolls or Fees to be paid for weighing any such Waggon, Cart, or Carriage, shall be paid and borne by the Person or Persons requiring the same to be weighed as aforesaid.

Penalty on Drivers refusing to go to Weighing Machines.

CVIII. And be it further enacted, That in case the Driver or other Person having the Charge of any such Waggon, Cart, or Carriage shall not, upon being so requested as aforesaid, take the same to such public Weighing Machine as herein-before is directed, or shall refuse to assist in the weighing of the same, every Person so offending, and being thereof convicted before any One Justice of the Peace for the said County, shall forfeit and pay, to the Person or Persons requiring such Waggon, Cart, or Carriage to be weighed as aforesaid, any Sum of Money which such Justice shall direct, not exceeding Twenty Shillings; and the Party aggrieved and entitled to such Penalty shall not be deemed an incompetent Witness for the Proof of such Offence, by reason of being so aggrieved or entitled as aforesaid.

Penalty on Carters or Engine Keepers committing Frauds as to the weighing of Carts, &c.

CIX. And be it further enacted, That if any Owner or Driver, Owners or Drivers of any Waggon, Cart or Carts, or other Carriage or Carriages, conveying any Goods, Wares, or Merchandize to the said Township of *Oldham*, whose Waggon, Cart or Carts, or other Carriage or Carriages, shall be weighed at any Weighing Machine to be erected or provided as aforesaid, or at any other Machine or Engine within the said Township, shall, at or before the Time of weighing the same, place or knowingly have any Article, Matter, or Thing in or about any such Cart or Carriage, other than and besides the proper Loading thereof, or shall alter any Ticket denoting the Weight of any such Waggon, Cart, or Carriage, or of the Loading of the same, which shall be delivered at any such Engines, or shall make or use or be privy to the making or using any false or fraudulent Ticket respecting the Weight of any such Waggon, Cart, or Carriage, or the Loading thereof, or after the weighing of any such Waggon, Cart, or Carriage, with the Loading of the same, shall dispose of or remove any Part of such Loading, and shall afterwards deliver or dispose of or attempt to deliver or dispose of the Residue of such Loading, as being the full Loading denoted by such Ticket, or shall be guilty of any other fraudulent Contrivance touching the Weight of any such Waggon, Cart, or Carriage, or of the Loading thereof, or shall, after the same and the Loading thereof have been so weighed, change the Wheels thereof, or put or place on lighter Wheels, or make any Alteration, or do any other Matter or Thing to the said Waggon or Waggons, Cart

or Carts, Carriage or Carriages, before the same shall be brought back to the same Machine to be again weighed without the Loading thereof; or if such Owner or Driver, Owners or Drivers of any such Waggon or Waggons, Cart or Carts, Carriage or Carriages, which shall have been weighed with the Loading thereof at any Machine as aforesaid, shall neglect or refuse to bring back the same, without Alteration, to be again weighed at the same Machine, being paid such Allowance for the same as herein-before is mentioned in case of it being necessary to deviate from the proper Road of such Waggon, Cart, or Carriage for the weighing of the same; or if the Purchaser or Purchasers of any Goods, Wares, or Merchandize conveyed in any Waggon, Cart, or other Carriage or Carriages to or within the said Township, and which shall have been weighed at any Machine within the said Township, erected or maintained in pursuance of this Act, shall, after the same Waggon, Cart, or other Carriage or Carriages, with the Loading thereof, have been so weighed as aforesaid, change the Wheels thereof, or cause the same to be changed, and put or place on or cause to be put and placed on heavier Wheels, or make any Alteration, or do any other Matter or Thing to the said Waggon, Cart, Carriage or Carriages, before the same shall be brought back to the same Machine to be again weighed without the Loading thereof; or if the Master or Keeper of any Weighing Machine in the said Township, whether erected or provided by virtue hereof or otherwise, shall weigh any Waggon, Cart or Carts, or other Carriage or Carriages, knowing that any thing had been added to the proper Loading thereof, so as to increase the Weight of the same; or that the Wheels thereof have been changed or altered between the Time of the same and the Loading thereof being last weighed and the Time of the same coming back to be again weighed, without giving immediate Notice thereof to the Person or Persons interested therein; or if the Master, or Keeper of any such Machine shall wilfully neglect to weigh any Waggon or Waggons, Cart or Carts, or other Carriage or Carriages that shall come to his or their Machine to be weighed, according to the Turns in which Application shall be made for that Purpose, or shall not fairly and truly weigh the same with or without the Loading thereof, as the Case may be, and deliver to the Purchaser or Purchasers of such Coals, Hay, or other Goods, Wares, or Merchandize, or any other Person interested therein, or the Agents of any such Person, on Application for that Purpose, a Ticket or Account containing the true Weight of the said Waggon, Cart, or Carriage, and also the Weight of the Contents thereof, or shall give to the Driver of such Waggon, Cart, or other Carriage a false Ticket or Account of the said Waggon, Cart, or other Carriage, or shall knowingly assist in or connive at any Fraud to be committed or attempted in or concerning the weighing of any such Waggon, Cart, or Carriage, or the Loading thereof, or any false Report or Representation of the Weight of the same; or if any other Person or Persons who-soever shall knowingly act or assist in the committing of any Fraud respecting the Weight of any such Waggon, Cart, or Carriage to be weighed or stated and represented to be weighed at any such Machine or Engine, or the Loading thereof, or in committing any of the Offences herein-before mentioned respecting any such Waggon, Cart, or Carriage which shall be weighed or brought to be weighed at any such Machine, or which shall be alledged to have been weighed at any such Machine;

[Local.]

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then

then and in every such Case the Person or Persons offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Commis-
sioners may
provide Fire
Engines, &c.

CX. And be it further enacted, That it shall be lawful for the said Commissioners to contract with any fit Person or Persons from Time to Time to keep the different Fire Engines belonging to the said Township, with the Pipes, Buckets, or other Things belonging thereto, in good working Repair and Order; and it shall also be lawful for the said Commissioners from Time to Time to purchase or provide and maintain any new or other Fire Engine or Engines, Pipes, Buckets, or other Appurtenances and Things belonging thereto, for the Purpose of extinguishing Fires in the said Township, and which they shall consider necessary for the Use of the said Township, and to hire, employ, and engage any Person or Persons as Firemen, with such Salaries, and subject to such Rules and Regulations, and to such Penalties and Forfeitures, as the said Commissioners shall from Time to Time appoint, and to pay and defray all Costs and Expences attending the same respectively out of the Rates to be levied and raised by virtue of this Act.

Commis-
sioners may
enter into
Contracts.

CXI. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time to enter into any Contract or Contracts, as well for cleansing and lighting the several present and future Streets, Lanes, Highways, Passages, and other public Places within the said Township, or any of them, as for doing any other of the Works by this Act authorized to be done, or for furnishing any Materials 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 or Contracts shall be made for a longer Term than Three Years from the making thereof; and that before any such Contract or Contracts shall be entered into, Fourteen Days Notice shall be given in Two at least of the *Manchester* Newspapers, expressing the Purpose or Purposes of the Contract or Contracts intended to be made, in order that the 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 case of Non-performance thereof; and the same shall be signed by the said Commissioners or any Seven or more of them, and also by the Person or Persons contracting to perform such Works or furnish such Articles respectively; and Copies of all such Contracts shall be entered in a Book to be kept for that Purpose by the Clerk of the said Commissioners.

Composition
for Breach of
Contracts.

CXII. 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, Body or Bodies Politic or Corporate, who shall have entered into any Contract or Contracts with the said Commissioners, in pursuance or under the Authority of this Act, for any Penalty or Penalties contained in any such Contract or Contracts, or in any Bond or Bonds, or other Security or Securities for the Performance thereof, or for or on account

account of any Breach or Non-performance of any such Contract or Contracts, Bond or Bonds, or other Security or Securities, for such Sum or Sums of Money or other Recompence as the said Commissioners shall think proper.

CXIII. 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 such Commissioners, or any of them, or their or any of their own proper Lands, Tenements, or Hereditaments, 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 them 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 to, or which shall be occasioned to them, for or by reason or means of any such Deed, Contract, Agreement, Lease, or other Instrument therein contained, or any Action or Actions, Suit or Suits, to be brought or prosecuted by or against them or any of them thereupon, shall respectively be paid and discharged by and out of the Monies to be raised or to arise or be received by virtue of this Act.

Commissioners exempt from personal Responsibility in Contracts, &c.

CXIV. And be it further enacted, That the Charges and Expences attending the Application for, preparing, obtaining, and passing this Act, and the Expences of paving, lighting, cleansing, scavenging, watching, and otherwise improving the said Streets, Lanes, Highways, Passages, and other public Places within the said Township of *Oldham*, and for the Erection of such Town Hall or other Public Offices to be erected and maintained within the said Township by virtue of this Act, and of otherwise putting this Act into Execution, shall at all Times be borne and defrayed by the Tenants or Occupiers of Houses, Shops, Cellars, Vaults, Warehouses, Factories, Manufactories, Printworks, Dyeworks, Breweries, Coach-houses, Stables, Timber and Coal Yards, Wharfs, Foundries, and other Buildings, Yards, Gardens, Lands, Tenements, and Hereditaments within the said Township; and for that Purpose the said Commissioners shall and they are hereby required, authorized, and empowered from Time to Time, when and so often as they shall think it necessary, to make a just and equal Pound Rate or Assessment, to be signed by the said Commissioners or any Seven or more of them, upon the Tenants or Occupiers of all such Houses, Shops, Cellars, Vaults, Warehouses, Factories, Manufactories, Printworks, Dyeworks, Breweries, Coach-houses, Stables, Timber and Coal Yards, Wharfs, Foundries, and other Buildings, Yards, Gardens, Lands, Tenements, and Hereditaments within the said Township of *Oldham*, according to the annual Rent or Value of the same respectively, not exceeding in any one Year the Sum of Two Shillings and Sixpence in the Pound upon

Rates.

the said Commissioners shall and they are hereby required, authorized, and empowered from Time to Time, when and so often as they shall think it necessary, to make a just and equal Pound Rate or Assessment, to be signed by the said Commissioners or any Seven or more of them, upon the Tenants or Occupiers of all such Houses, Shops, Cellars, Vaults, Warehouses, Factories, Manufactories, Printworks, Dyeworks, Breweries, Coach-houses, Stables, Timber and Coal Yards, Wharfs, Foundries, and other Buildings, Yards, Gardens, Lands, Tenements, and Hereditaments within the said Township of *Oldham*, according to the annual Rent or Value of the same respectively, not exceeding in any one Year the Sum of Two Shillings and Sixpence in the Pound upon

upon such annual Rent or Value, such annual Rent or Value to be from Time to Time settled, ascertained, and fixed in such Manner as the said Commissioners shall direct and appoint; and the Money or Monies to be so rated or assessed on the Tenants or Occupiers of such respective Premises, shall be paid by them respectively, Half-yearly or otherwise, as the said Commissioners shall think fit, to the Collector or Collectors, or other Person or Persons to be appointed by the said Commissioners to collect the same; and the Money so collected shall be paid over by such Collector or Collectors, into the Hands of such Person or Persons, and at such Times as the said Commissioners shall appoint, and the said Rates and Sums of Money so to be raised and levied by virtue of this Act shall be and the same are hereby vested in the said Commissioners.

Power for
recovering
Rates, &c.

CXV. And be it further enacted, That if any Person or Persons shall neglect or refuse to pay any Sum or Sums of Money on him, her, or them respectively chargeable or rated or assessed by virtue of this Act, to the Collector or Collectors for the Time being of the said Rates or Assessments, for the Space of Seven Days next after a personal Demand made thereof by such Collector or Collectors, or a Demand in Writing, under the Hand or Hands of any such Collector or Collectors, left at the last or usual Place or Places of Abode or Occupation of such Person or Persons, or on the Premises for which such Person or Persons shall be so chargeable, rated, or assessed, or any Part thereof, then and in every such Case it shall be lawful for such Collector or Collectors, by Warrant under the Hand and Seal or Hands and Seals of any Justice or Justices of the Peace for the said County (which Warrant or Warrants the said Justice or Justices is and are hereby authorized and required to grant, upon due Proof on Oath or Confession made before him or them of the Demand and Nonpayment of such Rate or Assessment), with the Assistance of some Constable or other Peace Officer, to enter into any Dwelling Houses, Buildings, Tenements, or Hereditaments in the Occupation of the Person or Persons so neglecting or refusing to pay such Rate or Assessment, and there or elsewhere to distrain the Goods and Chattels of such Person or Persons, and the Goods and Chattels so taken to impound, keep, and detain; and if the full Amount of the Monies so distrained for shall not be paid within Five Days next after such Distress being made, together with the Costs and Charges incurred about the same, then such Collector or Collectors is and are hereby authorized to sell the Goods and Chattels so distrained, or such Part or Parts thereof as will be sufficient to pay the said Rents or Rates or Assessments, together with the Costs and Charges of the said Warrant, and of making, keeping, and selling such Distress, returning the Overplus (if any) of the Money arising by such Sale, together with what shall remain unsold, to the Owner or Owners of such Goods and Chattels, on Demand or otherwise; or it shall be lawful to and for the said Commissioners to recover any such Rates or Assessments so due and payable by virtue of this Act, by Action of Debt or on the Case, in any of His Majesty's Courts of Record at *Westminster*, or Court of Common Pleas at *Lancaster*, wherein no Essoign, Protection, Wager of Law, or more than One Imparlance, shall be allowed.

Power for
the Commis-
sioners to rate
some Part of

CXVI. And whereas it may not be convenient or expedient, for some Time after the passing of this Act, to extend the Accommodation of paving, watching, lighting, and the other Works hereby intended and authorized

to be made and executed, to certain Parts of the said Township; and it is reasonable that such Parts of the said Township should in the meantime be exempt from the Rates and Assessments hereby authorized to be made, or from some Part thereof; be it therefore enacted, That it shall and may be lawful to and for the said Commissioners from Time to Time and at any Time or Times, by any Order or Orders to be by them made for that Purpose, to declare what Part or Parts of the said Township shall be rated, and to what Part or the Whole of the said Rates or Assessments, or to declare any Part or Parts of the said Township of *Oldham* to be exempt and discharged from all or any Part of the Rates or Assessments to be made by virtue of this Act for and during such Time or Times as shall be expressed in such Order or Orders; and such Part or Parts of the said Township as shall be specified or described in such Order or Orders shall, for and during such Time or Times as therein mentioned, be accordingly rated and liable to or exempt and discharged from such of the said Rates and Assessments, or Proportions of Rates or Assessments, as shall be expressed in such Order or Orders, and according to the Terms of the same; provided that every such Order as aforesaid be made at a Meeting of the said Commissioners, of which Ten Days previous Notice shall have been given as herein-after directed, and at which Seven Commissioners at least shall be present; and that a Copy of each such Order, subscribed with the Name of the Clerk to the said Commissioners, be affixed on the outer Door of the principal Entrance of the ancient parochial Chapel of *Oldham* aforesaid, and on such other Places within the said Township as the said Commissioners shall direct, for the Space of Ten Days at least after the making of such Order respectively.

the Township and not others.

CXVII. And be it further enacted, That no Rates or Assessments 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 under the annual Rent or Value of Four Pounds, such annual Rent or Value to be from Time to Time settled and ascertained by the said Commissioners in such Manner as the said Commissioners may determine; or for or in respect of any Church or Chapel within the said Township, or any Meeting House duly licensed for religious Worship, or any Alms House, Hospital, or other Building appropriated exclusively to the gratuitous Education of the Poor, or any other public Charity; or upon any Person or Persons who by reason of his, her, or their Poverty only is or shall be excused from paying any Rate made for the Relief of the Poor.

Exemptions.

CXVIII. Provided always, and be it further enacted, That no House, Warehouse, Building, Tenement, or Hereditament, hereby made liable to be rated or assessed, shall be charged or chargeable with any Rate or Assessment as aforesaid during the Time the same shall be empty or unoccupied, in case the same shall be empty or unoccupied for the Space of Six Months preceding the making of such Rate or Assessment.

Empty Houses.

CXIX. And be it further enacted, That in all Cases where any Person shall remove from or quit any Land, House, Shop, Warehouse, Factory, Printworks, Coach-house, Stable, Yard, Garden, Cellar, Vault, or Hereditament, which shall be rated or assessed by virtue of this Act, such

Rates to be apportioned on Persons removing from their Houses;

[*Local.*]

39 E

Person

as also on
those coming
into them.

Person shall be liable to pay such Rates or Assessments in proportion to the Time 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 when any Person shall come into or occupy any such Land, House, Shop, Warehouse, Factory, Printworks, Coach-house, Stable, Yard, Garden, Cellar, Vault, or other Building or Hereditament as aforesaid, out of or from which any other Person who shall have been rated or assessed for the same shall be removed, or which at the Time of making such Rate or Assessment was or were empty and unoccupied, the same shall, for and in respect of his, her, or their Occupation thereof, be liable only to any such Rate or Assessment in proportion to the Time he, she, or they shall occupy the same, in the same Manner as if he or she had been originally rated or assessed for such Land, House, Shop, Warehouse, Factory, Printworks, Coach-house, Stable, Yard, Garden, Cellar, Vault, or other Building or Hereditament, which said respective Proportions, in case of any Dispute concerning the same, shall be settled and ascertained by the said Commissioners, in such Manner as they shall judge reasonable; and in case any Persons who have been so rated and assessed as aforesaid shall quit his or her Land, House, Shop, Warehouse, Factory, Printworks, Coach-house, Stable, Yard, Garden, Cellar, Vault, or other Building or Hereditament, before he or she shall have paid such Rate or Rates, or a proportionable Part or Parts thereof by him or her due and payable, and shall afterwards refuse or neglect to pay the same when demanded, it shall and may be lawful for the said Collector or Collectors, by Warrant under the Hand and Seal of any Justice of the Peace acting for the said County of *Lancaster*, which Warrant such Justice is hereby required to grant upon Proof made of the Sum so due before him upon Oath of a Witness or Witnesses, or Affirmation, being a Quaker, of the Amount of the Sum due, and of such Removal, Demand, and Non-payment, to levy such Rate or Rates, or a proportionable Part or Parts thereof, by Distress and Sale of the Goods and Chattels of such Person, rendering the Overplus arising from such Goods and Chattels (if any) upon Demand, after the Payment of the Money due in respect of such unpaid Rate or Rates, or a proportionable Part or Parts thereof, and all Expences relating to the Recovery, Distress, and Sale thereof, unto the Person or Persons whose Goods and Chattels shall have been so distrained and sold.

Houses let in
Apartments
or ready fur-
nished.

CXX. And be it further enacted, That the several Lessors, Landlords, Owners, and Proprietors of all Houses, Buildings, or Tenements within the said Township, let or which shall hereafter be let out in Parts or separate Apartments, or ready furnished, shall respectively be liable and subject to the Payment of all the Rates or Assessments by this Act directed to be raised, levied, and received: Provided always, that each and every Person renting or occupying any such Part or separate Apartment, or any ready-furnished House, or any other Building or Tenement as aforesaid, shall, in the first place, be liable to the Payment of the said Rates or Assessments, and all Arrears thereof, to be recovered in manner herein-after directed; and the respective Persons so renting and occupying any such Part or separate Apartment, or ready-furnished House, or other Building or Tenement, who shall pay such Rates or Assessments, or any Arrears thereof, or from whom the same shall be recovered in pursuance of this Act, shall and may deduct the same from and out of the Rent due and payable by him, her, or them to such
6
respective

respective Lessors or Landlords, Owners or Proprietors of such Houses, Buildings, or Tenements, and the Receipt of the Collector or Receiver of the Rates for such Payments shall be a sufficient Discharge for and to all and every such Tenant or Tenants, Occupier or Occupiers, to his, her, or their Landlord or Landlords, for so much Money as he, she, or they shall pay, or shall be recovered on his, her, or their Goods and Chattels respectively, by virtue of this Act; but no such Person so renting or occupying any such Part or separate Apartment, or ready-furnished House or other Building or Tenement, shall be subject or liable or required to pay, for or in respect of any such Rate or Assessment, any Sum or Sums of Money beyond the Amount of the Rent which shall be then actually due in respect of the said Premises from him, her, or them respectively: Provided always, that nothing in this Act contained shall extend, or be construed to extend, to affect or make void any Contract, Covenant, or Agreement made between any Landlord and Tenant touching or concerning the Payment of the Rates or Assessments to be made, raised, levied, and received by virtue of this Act, or in any other Respect whatsoever.

CXXI. And be it further enacted, That it shall be lawful for the said Commissioners 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 rated, or by striking out the Name or Names of any Person or Persons who ought not to have been rated therein, or by reducing the Amount of Rate charged therein, or by making such other Amendments 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 that no such Amendment so to be made by the said Commissioners in any such Rate or Assessment shall be held to vitiate the same.

Amendment
of Rates by
Commis-
sioners.

CXXII. And be it further enacted, That if any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, shall think himself, herself, or themselves aggrieved by any Rate or Assessment which shall be made in pursuance of this Act, such Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, shall and may first apply for Relief to the said Commissioners at the First or Second Meeting to be holden next after Demand shall be made of such Rate or Assessment; and the said Commissioners are hereby authorized and empowered, if they shall think such Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, aggrieved, to give such Relief in the Premises as to them shall seem reasonable; and if any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, so applying to such Commissioners, shall not be satisfied with their Order or Determination, or such Application shall not be attended to, by the said Commissioners at such First or Second Meeting as aforesaid, then such Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, shall nevertheless be obliged to pay such Rate or Assessment, and then, and not before, may appeal for Relief in the Premises to the General or Quarter Sessions of the Peace to be held in and for the said County of *Lancaster*, or some Adjournment thereof, in that Behalf, within Three Calendar Months after such Meeting in herein-after directed in that Behalf.

Persons ag-
grieved by
Rates may
apply to the
Commis-
sioners;

and appeal
to the
Sessions.

CXXIII. And

Rates may
be inspected,
and Copies
thereof de-
manded.

CXXIII. And be it further enacted, That Duplicates of all Rates or Assessments laid or assessed by virtue of this Act shall be deposited with the Clerk or Clerks of the said Commissioners, who shall permit any Person rated by virtue of this Act, or any Creditor on any of the said Rates or Assessments, to inspect the same, or to take Copies thereof, at all seasonable Times, upon Payment of One Shilling; and such Clerk or Clerks shall, within Five Days after Demand, deliver a true Copy of such Rates or Assessments, or any of them, or any Portion thereof, to any Person rated as aforesaid, or any such Creditor on the said Rates, having been first paid for the making of such Copy after the Rate of Four-pence for every Seventy-two Words.

Power to
mortgage the
Rates.

CXXIV. And for the more speedily and effectually enabling the said Commissioners to execute the general Purposes of this Act, 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 they shall think it expedient, to borrow and take up at Interest any Sum or Sums of Money, not exceeding in the whole the Sum of Twenty thousand Pounds, upon the Credit of the said Rates and Assessments hereby authorized to be laid and collected; and by any Writing or Writings under the Hands and Seals of the said Commissioners, or any Seven or more of them, to mortgage, demise, grant, or assign the same Rates or Assessments, or any Part or Parts thereof, to the Person or Persons who shall advance or lend such Money, as a Security or Securities for the Money so to be borrowed, together with Interest for the same; and the Charges and Expences of such Security or Securities respectively shall be from Time to Time defrayed by the said Commissioners out of the Monies so borrowed; and every such Mortgage shall be in the Words or to the Effect following; (that is to say),

No.

Form of
Mortgage.

BY virtue of an Act passed in the Seventh Year of the Reign of King George the Fourth, intituled [*here set forth the Title of this Act*], we, whose Hands and Seals are hereunto subscribed, being 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 general Purposes of the said Act, and paid by him [*or her or them, as the Case may be,*] to the Treasurer of the said Commissioners, do grant, bargain, sell, and assign unto the said _____ Executors, Administrators, and Assigns, such Proportion of the Rates and Assessments authorized by the said Act to be assessed and collected, as the said Sum of _____ doth or shall bear to the whole Sum borrowed and to be borrowed by virtue of the said Act, upon the Credit of the same Rates and Assessments, to be had and holden from the Day of the Date of these Presents until the said Sum of _____ with Interest for the same, by Half-yearly Portions, after the Rate of _____ *per Centum per Annum*, shall be fully repaid and satisfied. In witness whereof we have hereunto set our Hands and Seals, the _____ Day of _____ in the Year of our Lord _____

And every such Mortgage shall be valid and effectual in the Law; and all such Mortgages shall be numbered, commencing with Number One, and so proceeding upwards in arithmetical Progression.

CXXV. Pro-

CXXV. Provided always, and be it further enacted, That in case the said Commissioners shall think it advisable to raise all or any Part of the said Sum of Twenty thousand Pounds herein-before authorized to be raised for the general Purposes of this Act, by the granting of Annuities for Lives, it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, by Writing under the Hands and Seals of the said Commissioners, or any Seven or more of them, to grant One or more Annuity or Annuities to any Person or Persons, being a Subject or Subjects of this Realm, who shall advance and pay into the Hands of the Treasurer of the said Commissioners any Sum or Sums of Money for the absolute Purchase of any such Annuity or Annuities, each of the said Annuities to be paid and payable during the natural Life of the Purchaser thereof, or of such other Person as shall be nominated by or on the Behalf of such Purchaser at the Time of the Payment of his, her, or their Purchase Money; and the Grant of every such Annuity shall be in the Words or to the Effect following; (that is to say),

Power to raise Money by granting Annuities on the Rates.

No.

BY virtue of an Act passed in the Seventh Year of the Reign of King George the Fourth, intituled [*here set forth the Title of this Act*], we, whose Hands and Seals are hereunto subscribed, being of the Commissioners acting in the Execution of the said Act, in consideration of the Sum of in hand paid by of to the Treasurer of the said Commissioners, for the general Purposes of the said Act, do hereby grant unto the said Executors, Administrators, and Assigns, One Annuity or Yearly Sum of out of the Rates and Assessments authorized by the said Act to be assessed and collected, which Annuity or Yearly Sum of shall be paid to the said or Assigns, during the Term of natural Life, [*or, as the Case may be, to the said Executors, Administrators, and Assigns, during the natural Life of*] by Quarterly Payments, upon the Day of Day of Day of and Day of in every Year; and the First Quarterly Payment thereof shall be made upon the Day of next ensuing the Date of these Presents. In witness whereof we have hereunto set our Hands and Seals the Day of in the Year of our Lord

Form of Grant of an Annuity.

And every such Grant shall be good, valid, and effectual in the Law, without any Enrolment or Registry of any Memorial thereof in the High Court of Chancery or elsewhere, except as herein-after mentioned, any Law or Statute to the contrary thereof notwithstanding; and all Annuities to be granted as aforesaid shall be and they are hereby charged upon, and shall be paid and payable, free from all Charges and Deductions, out of the said Rates and Assessments hereby authorized to be assessed and collected.

CXXVI. And for preventing any improvident Grants of Annuities under this Act, be it further enacted, That the Amount of every Annuity to be granted by virtue of this Act shall be regulated according to the Price of Three Pounds *per Centum* Consolidated Bank Annuities at the Time of

Restrictions as to Grants of Annuities.

[Local.]

39 F

granting

granting the same, in the Manner and according to the Rate prescribed by Two several Acts, one passed in the Forty-eighth Year of the Reign of His late Majesty King George the Third, intituled *An Act to enable the Commissioners for the Reduction of the National Debt to grant Life Annuities*, and the other passed in the Fifty-second Year of the Reign of His said late Majesty, intituled *An Act for amending Two Acts, passed in the Forty-eighth and Forty-ninth Years of His present Majesty, for enabling the Commissioners for the Reduction of the National Debt to grant Life Annuities*.

No Preference in Payment of Mortgages and Annuities.

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

Register Book to be kept of Mortgages and Annuities.

CXXVIII. And be it further enacted, That a Book shall be provided by the said Commissioners, and kept by their Clerk, in which shall be entered and registered Copies of all Mortgages and Grants of Annuities made in pursuance of this Act, which Book shall be open to the Inspection of the several Holders of Mortgages and Grants of Annuities made by virtue of this Act, and their respective Executors, Administrators, and Assigns, at all seasonable Times, without Fee or Reward.

Mortgages and Annuities may be transferred.

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

Form of Transfer.

I *A. B.* of _____ being entitled to the Sum
of _____ [or an Annuity of _____] by virtue
of a Mortgage, [or Grant of an Annuity], 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 Seventh Year of the Reign of His
Majesty King George the Fourth, intituled [*here set forth the Title of this
Act*], upon the Credit of certain Rates and Assessments payable by
virtue of the said Act, do hereby, in consideration of the Sum
of _____ to me paid by _____ assign and
transfer unto the said _____ Executors, Administrators,
and Assigns, all my Right and Interest in and to the said Principal Sum
of _____ thereby secured, and all Interest now due and
hereafter to grow due thereon, [or the said Annuity or yearly Sum
of _____ thereby secured, and all Arrears thereof]. In
witness whereof I have hereunto set my Hand and Seal, the
Day of _____ in the Year of our Lord _____

Which Transfer shall within Twenty-one Days after the Date thereof be produced to the Clerk or Clerks of the said Commissioners, who shall cause an Entry or Memorial to be made thereof, containing the Date, Names of the Parties, and the Sum of Money or Annuity thereby transferred, in the said Register Book to be kept for entering Copies of the original Mortgages and Grants of Annuities, for which Entry the said Clerk or Clerks shall be paid the Sum of Two Shillings and Sixpence, and no more; and after such Entry made, but not before, every such Assignment shall entitle the Assignee or Assignees, and his, her, and their Executors, Administrators, and Assigns, to the Benefit of the Monies thereby assigned or transferred, without any further Registry or Memorial thereof, except as aforesaid.

Transfer to
be registered.

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

Money may
be borrowed
at lower In-
terest to pay
off existing
Mortgages.

CXXXI. And for making effectual Provision for the paying off all the said Mortgages, be it further enacted, That when and so often as there shall be in the Hands of the said Commissioners, or of their Treasurer, the Sum of Two hundred Pounds over and above what is sufficient for executing the Purposes of this Act, the said Commissioners shall cause the several Numbers of all the Mortgages granted and then in force to be written upon distinct Pieces of Paper of an equal Size, and all such Papers shall be rolled in the same Form, and put into a Box, and the Clerk of the said Commissioners shall, in the Presence of Seven or more of the Commissioners, draw separately out of the said Box One of the said Numbers for each Mortgage then intended to be paid off by the Commissioners, and thereupon the Mortgage or Mortgages corresponding with the Number or Numbers which shall be so drawn shall be accordingly paid off by the said Commissioners; and after every such Ballot the said Commissioners shall cause Notice, signed by the Clerk, to be given to the Person or Persons who shall be entitled to the Money to be paid off pursuant to such Ballot; which Notice shall express the Principal Sums to be paid off, and that the same will be paid, together with Interest due thereon, at a Place specified in such Notice, at the Expiration of Three Calendar Months from the Date of giving such Notice; and the Interest of the Principal Money to be paid off shall, from and after the End of the said Three Calendar Months, cease and be no longer paid or payable, unless the Money shall be demanded pursuant to such Notice and not paid, but the Principal Money in respect whereof such Notice shall be given, and also the Interest thereof to the End of the said Three Calendar Months, shall nevertheless be payable on Demand.

Provision for
Payment of
Mortgages
by Ballot.

CXXXII. And

Application
of Money
raised by
Authority of
this Act ;

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

and the Treasurer to pay the same as Commissioners direct.

In case of Nonpayment of Compensation Monies, &c. directed by Justices to be paid by the said Commissioners, the same may be levied by Distress.

CXXXIII. Provided always, and be it further enacted, That when and so often as any Sum or Sums of Money shall be directed or ordered to be paid by any Justice or Justices of the Peace in pursuance of the Directions of this Act, as or by way of Compensation or Satisfaction for any Materials, Costs, Damages, Spoil, or any Injury of any Nature or Kind whatsoever, done or committed by the said Commissioners, or any Person or Persons acting by or under their Authority, and such Sum or Sums of Money shall not be paid by the said Commissioners to the Party or Parties entitled to receive the same, within Ten Days after Demand in Writing shall have been made, stating the Order of such Justice or Justices, to the said Commissioners, or the Treasurer, in pursuance of the Direction or Order made by such Justice or Justices, then and in such Case the Amount of such Compensation or Satisfaction shall and may be levied and recovered by Distress and Sale of the Goods and Chattels vested in the said Commissioners by virtue of this Act, or of the Goods and Chattels of their Treasurer for the Time being, under a Warrant to be issued for that Purpose by such Justice or Justices of the Peace, which Warrant any such Justice or Justices is and are hereby authorized and required to grant under his Hand and Seal, or their Hands and Seals, on Application made to him or them for that Purpose by the Party or Parties entitled to receive such Sum or Sums of Money as or by way of Compensation or Satisfaction for any such Materials, Costs, Damages, Spoil, or Injury as aforesaid ; and in case any Overplus shall remain after Payment of such Sum or Sums of Money, and the Costs and Expences of hearing and determining the Matter in dispute,
and

and also the Costs and Expences of such Distress and Sale, then and in such Case, such Overplus shall be returned on Demand to the said Commissioners, or to their Treasurer for the Time being, as the Case may be.

CXXXIV. 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 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 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.

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

CXXXV. And be it further enacted, That in all Cases in which, by this Act, any Penalty or Forfeiture is made recoverable by Information before a Justice of the Peace, it shall and may be lawful for any Justice of the Peace to whom Complaint shall be made of any Offence against this Act, to summon the Party complained against before him, and on such Summons to hear and determine the Matter of such Complaint, and on Proof of the Offence, to convict the Offender, and to adjudge him 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.

CXXXVI. And be it further enacted, That all Offences whatsoever, which by virtue or under the Authority of this Act, or by or under any Bye Law, Rule, Order, or Regulation to be made in pursuance or by the Authority of this Act, are or shall be subject to or punishable with any pecuniary Penalties, Fines, or Forfeitures, for the Recovery and Application of which no express Provision is otherwise herein made, shall and may in every Case be heard, adjudged, and determined by and before any One or more Justice or Justices of the Peace for the said County of *Lancaster*, in a summary Way, upon Information and Complaint made (and which shall in every Case be made and exhibited within Three Calendar Months at the 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 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, or being a Quaker, upon his or her Affirmation, the said Party or Parties accused shall be convicted of having committed such Offence or Offences, then and in every such Case the Penalty or Penalties hereby made payable in respect of such Offence or Offences, together with the Costs of Conviction, to be ascertained by such Justice or Justices, shall be forthwith paid by the Party or Parties so convicted as aforesaid; and in case such Party or Parties so convicted shall refuse or neglect to pay the same forthwith, then the said Penalty or

Recovery and Application of Penalties, Fines, and Forfeitures.

[*Local.*]

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Penalties

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

Mitigation of Penalties.

CXXXVII. Provided always, and be it further enacted, That it shall be lawful for the Justice or Justices of the Peace by or before whom any Party or Parties shall be convicted in any of the Penalties imposed or to be imposed by virtue of this Act, or of any Bye Law, Rule, Order, or Regulation to be made in pursuance or under the Authority of this Act, from Time to Time to mitigate, compound, or lessen any of the said Penalties,

in any Case where it shall appear to such Justice or Justices right and proper so to do, so that no such Penalty shall be thereby reduced in any case to less than One-third Part of the Amount specified or to be specified in this Act, or in the Bye Law, Rule, Order, or Regulation imposing the same as aforesaid.

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

Form of
Conviction.

Lancashire } BE it remembered, That on the _____ Day of
to wit. } in the Year of our Lord _____
is [or are, as the
Case may be] convicted before me, [or us, as the Case may be,] One [or
as the Case may be] of His Majesty's Justices of the Peace for the
County of Lancaster, of having [here state the Offence, and the Time
and Place when and where the same was committed], contrary to an
Act of Parliament [or contrary to a Bye Law duly made in pursuance
of an Act of Parliament, as the Case may be,] passed in the Seventh Year
of the Reign of His Majesty King George the Fourth, intituled [here
insert the Title of this Act], for which Offence I [or we, as the Case may
be] do adjudge the said _____ to have forfeited the Sum of [here
state the Amount of the Penalty, Fine, or Forfeiture for the Offence], accord-
ing to the said Act of Parliament [and in case where the Justice or
Justices may see Cause to mitigate the Penalty, here insert, and I, or we, the
said Justice, or Justices, seeing cause to mitigate and lessen the said
Penalty, do, according to the Provisions of the said Act of Parliament,
mitigate and lessen the same to the Sum of _____]; which said
Sum of [here name the Amount of the Penalty, or mitigated Penalty, as the
Case may be,] is to be distributed and applied in manner following; that
is to say, one Moiety thereof to the Use of the Commissioners for
putting the said Act into Execution, and the other Moiety thereof to the
Use of A. B. [here name the Informer, or other Person or Persons to whom
such Penalty or Moiety is to be paid] according to the Provisions of
the said Act of Parliament. Given under my Hand and Seal [or our
Hands and Seals, as the Case may be], the Day and Year first above
written.

CXXXIX. And be it further enacted, That it shall and may be lawful for any of the said Commissioners, or their Collectors, Surveyors, or other Officers respectively, and such Person or Persons as they or any of them shall call to their Assistance, without any Warrant or other Authority than this Act, to seize and detain any Person or Persons (being unknown to such Commissioners, Collectors, Surveyors, or other Officers) who shall commit any Offence or Offences against this Act, and take him, her, or them before any Justice or Justices of the Peace for the County where the Offence or Offences shall be committed, or such Offender or Offenders shall be seized and apprehended; and such Justice and Justices shall and is and are hereby required to proceed and act with respect to such Offender or Offenders according to the Provisions of this Act.

For securing
transient
Offenders.

CXL. And

Penalty on Witnesses not attending when summoned.

CXL. And be it further enacted, That if any Person shall be summoned as a Witness to give Evidence before any Justice or Justices of the Peace touching any Matter contained in any Information or Complaint for any Offence against this Act, or against any such Bye Law, Rule, Order, or Regulation as aforesaid, 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 and tendered a reasonable Sum of Money for his or her Costs and Expences, without a satisfactory Excuse being given for such Non-appearance, or appearing shall refuse to be examined upon Oath (or, in case of a Quaker or Quakers, on solemn Affirmation), which Oath or Affirmation any Justice or Justices of the Peace is and are hereby expressly authorized and required to administer in all Cases whatsoever where the Provisions of this Act require the Oath or Affirmation of any Witness or Witnesses to be had in any Proceeding before such Justice or Justices, and to give Evidence touching the Matter in question before such Justice or Justices, then and in every such Case every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Forty Shillings.

Persons paying Rates, &c. may be Witnesses.

CXLI. And be it further enacted, That no Person whosoever shall be disqualified from being a competent Witness, and being admitted to give Evidence in any Informations, Prosecutions, Appeals, Causes, or Proceedings whatsoever relating to the Execution of this Act, or any Bye Law, Order, or Determination made in pursuance thereof, by reason of his paying or being charged with or liable to pay any of the Rates or Assessments hereby authorized to be made, or any other Rate or Assessment within the said Township, or by reason of his being an Inhabitant of the said Township, or being one of the Commissioners for putting this Act into Execution, or holding any Office under the said Commissioners.

Distress not to be avoided for Want of Form.

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

Proceedings not to be quashed nor removed by Certiorari.

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

Tender of Amends.

CXLIV. And be it further enacted, That no Action or Suit shall be commenced or prosecuted against the said Commissioners, or any of them,

or

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

CXLV. Provided always, and be it further enacted, That if any Person or Persons, Body or Bodies Politic or Corporate, shall think himself, herself, or themselves aggrieved by any Rate or Rates, Assessment or Assessments, Rule, Bye Law, or Order, or any other Matter or Thing done or to be done in pursuance of this Act, such Person or Persons, Body or Bodies Politic or Corporate, shall apply for Relief to the said Commissioners, at any public Meeting to be held within Three Calendar Months next after Demand made of such Rate or Rates, Assessment or Assessments, or next after any such Matter or Thing done and committed by or by Order of the said Commissioners or any of them; and such Commissioners are hereby authorized and empowered (if they shall think such Person or Persons aggrieved) to give such Relief in the Premises as to them shall seem necessary; and if such Person or Persons, Bodies Politic or Corporate, shall not be satisfied with the Determination of such Commissioners, he, she, or they shall be obliged to pay such Rate or Rates, Assessment or Assessments, and to comply with such Rule, Bye Law, or Order of the said Commissioners, and then shall or may appeal to the Justices of the Peace at any General Quarter Sessions of the Peace to be holden for the said County of *Lancaster*, or any Adjournment thereof, within Three Calendar Months next after the Determination of the said Commissioners, such Appellant giving or causing to be given Fourteen Days Notice at least in Writing of his, her, or their Intention to bring such Appeal, and of the Matter thereof, to the Clerk to the said Commissioners, and within Three Days next after such Notice entering, or causing a Recognizance to be entered into, before some Justice of the Peace acting in and for the County where the Cause of Action shall have arisen, with Two sufficient Persons or Sureties, conditioned to try such Appeal and abide the Order thereon, and to pay such Costs as shall be awarded by such Justices at such General Sessions or Adjournment thereof; and such Justices, upon due Proof of Notice being given as aforesaid, and of entering into such Recognizance, shall hear and determine the Causes and Matters of such Appeal in a summary Way, and shall or may mitigate any Fine, Penalty, or Forfeiture, and may order any Money to be returned which shall have been levied in pursuance of any such Bye Law, Rule, Order, Regulation, or Determination, and may also order such further Satisfaction to be made to the Party injured as the said

[*Local.*]

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Justices

Justices shall think proper; and the Determination of such Justices shall be binding and conclusive.

On Appeal from Rate, Quarter Sessions may amend it without quashing it.

CXLVI. 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 shall be wholly quashed, then the said Court may quash the same, and order a new one to be made.

Limitation of Actions.

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

For Re-payment of Subscriptions entered into for the obtaining this Act.

CXLVIII. And be it further enacted, That the Sum and Sums of Money which shall be advanced or lent for the Purposes of obtaining and passing this Act shall be repaid, with lawful Interest for the same, to the Person or Persons who shall advance or lend the same, his Executors, Administrators, and Assigns, out of the first Monies which shall be raised for defraying the Expences of passing and executing this Act.

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

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1826.

1910

THE UNIVERSITY OF CHICAGO

Department of the History of Art and Architecture
The University of Chicago
Chicago, Illinois

Printed by University of Chicago Press
Chicago, Illinois